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The Criminal Code of Finland

(39/1889, amendments up to 927/2012 included)

Chapter 1 - Scope of application of the criminal law of Finland (626/1996)

Section 1 - Offence committed in Finland

- (1) Finnish law applies to an offence committed in Finland.
- (2) Application of Finnish law to an offence committed in Finland's economic zone is subject to the Act on the Economic Zone of Finland (1058/2004) and the Act on the Environmental Protection in Navigation (300/1979). (1680/2009)

Section 2 - Offence connected with a Finnish vessel

- (1) Finnish law applies to an offence committed on board a Finnish vessel or aircraft if the offence was committed
 - (1) while the vessel was on the high seas or in territory not belonging to any State or while the aircraft was in or over such territory, or
 - (2) while the vessel was in the territory of a foreign State or the aircraft was in or over such territory and the offence was committed by the master of the vessel or aircraft, a member of its crew, a passenger or a person who otherwise was on board.
- (2) Finnish law also applies to an offence committed outside of Finland by the master of a Finnish vessel or aircraft or a member of its crew if, by the offence, the perpetrator has violated his or her special statutory duty as the master of the vessel or aircraft or a member of its crew.

Section 3 - Offence directed at Finland

- (1) Finnish law applies to an offence committed outside of Finland that has been directed at Finland.
- (2) An offence is deemed to have been directed at Finland
 - (1) if it is an offence of treason or high treason,
 - (2) if the act has otherwise seriously violated or endangered the national, military or economic rights or interests of Finland, or

- (3) if it has been directed at a Finnish authority.

Section 4 – Offence in public office and military offence

(1) Finnish law applies to an offence referred to in chapter 40 of this Code that has been committed outside of Finland by a person referred to in chapter 40, section 11, paragraphs (1), (2), (3) and (5) (604/2002).

(2) Finnish law also applies to an offence referred to in chapter 45 that has been committed outside of Finland by a person subject to the provisions of that chapter.

Section 5 - Offence directed at a Finn

Finnish law applies to an offence committed outside of Finland that has been directed at a Finnish citizen, a Finnish corporation, foundation or other legal entity, or a foreigner permanently resident in Finland if, under Finnish law, the act may be punishable by imprisonment for more than six months.

Section 6 - Offence committed by a Finn

(1) Finnish law applies to an offence committed outside of Finland by a Finnish citizen. If the offence was committed in territory not belonging to any State, a precondition for the imposition of punishment is that, under Finnish law, the act is punishable by imprisonment for more than six months.

(2) A person who was a Finnish citizen at the time of the offence or is a Finnish citizen at the beginning of the court proceedings is deemed to be a Finnish citizen.

(3) The following are deemed equivalent to a Finnish citizen:

- (1) a person who was permanently resident in Finland at the time of the offence or is permanently resident in Finland at the beginning of the court proceedings, and
- (2) a person who was apprehended in Finland and who at the beginning of the court proceedings is a citizen of Denmark, Iceland, Norway or Sweden or at that time is permanently resident in one of those countries.

Section 7 - International offence

(1) Finnish law applies to an offence committed outside of Finland where the punishability of the act, regardless of the law of the place of commission, is based on an international agreement binding on Finland or on another statute or regulation internationally binding on Finland (*international offence*). Further provisions on the application of this section shall be issued by Decree.

(2) Regardless of the law of the place of commission, Finnish law applies also to a nuclear explosive offence or the preparation of an endangerment offence that is to be deemed an offence referred to in the Comprehensive Nuclear Test Ban Treaty (Treaties of Finland 15/2001) (841/2003)

(3) Regardless of the law of the place of commission, Finnish law applies also to trafficking in persons, aggravated trafficking in persons and an offence referred to in chapter 34a committed outside of Finland. (650/2004)

Decree on the application of chapter 1, section 7 of the Criminal Code (627/1996)

Section 1

[1] In the application of chapter 1, section 7 of the Criminal Code, the following offences are deemed international offences:

- (1) counterfeiting currency, the preparation of the counterfeiting of currency, or the use of counterfeited currency, referred to in the International Convention for the Suppression of Counterfeiting Currency (Treaties of Finland 47/1936) and counterfeiting of the euro referred to in article 7, paragraph 2 of the Council framework decision of 29 May 2000, on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (Official Journal L 140, 14 June 2000), (370/2001)
- (2) a crime against humanity, aggravated crime against humanity, war crime and aggravated war crime defined in the Charter of Rome of the International Criminal Court (Treaties of Finland 56/2002) or other corresponding punishable criminal act which should be deemed a grave breach of the Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Relative to the Treatment of Prisoners of War, and Relative to the Protection of Civilian Persons in Time of War (Treaties of Finland 8/1955), as well as the Protocol Additional to the Geneva Conventions, and relating to the protection of victims of international armed conflicts (Treaties of Finland 82/1980), (286/2008)
- (3) genocide and the preparation of genocide referred to in the Convention on the Prevention and Punishment of the Crime of Genocide (Treaties of Finland 5/1960),
- (4) a narcotics offence, aggravated narcotics offence, preparation of a narcotics offence, promotion of a narcotics offences, promotion of an aggravated narcotics offence, and concealment offence as referred to in the Single Convention on Narcotic Drugs of 1961 (Treaties of Finland 43/1965), the Protocol amending the Single Convention on Narcotic Drugs of 1961 (Treaties of Finland 42/1975), the Convention on

- psychotropic substances (Treaties of Finland 60/1976), and the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances (Treaties of Finland 44/1994), (1014/2006)
- (5) such seizure of aircraft or other punishable act by which the perpetrator unlawfully, by force or threat thereof, seizes or exercises control of an aircraft, that is to be deemed an offence referred to in the Convention for the suppression of unlawful seizure of aircraft (Treaties of Finland 62/1971),
 - (6) such criminal traffic mischief or aggravated criminal mischief, preparation of an endangerment offence or other punishable act that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Treaties of Finland 56/1973),
 - (7) murder, assault or deprivation of liberty directed against the person of an internationally protected person, or violent attack upon the official premises, the private accommodation or the means of transport of such a person, or a threat thereof, referred to in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Treaties of Finland 63/1978),
 - (8) taking of a hostage or other deprivation of liberty referred to in the International Convention against the Taking of Hostages (Treaties of Finland 38/1983),
 - (9) such torture for the purpose of obtaining a confession, assault, aggravated assault or other punishable act that is to be deemed torture referred to in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaties of Finland 60/1989),
 - (10) such nuclear device offence, endangerment of health, nuclear energy use offence or other punishable act directed at or committed by using nuclear material that is to be deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Treaties of Finland 72/1989),
 - (11) such deprivation of liberty, aggravated deprivation of liberty, abduction, sabotage, endangerment or other punishable act that is to be deemed an offence referred to in the European Convention on the Suppression of Terrorism (Treaties of Finland 16/1990), (353/1997) homicide, assault, deprivation of liberty or robbery directed at a person on board a vessel or aircraft, or seizure, theft or damage of a vessel, aircraft or property on board a vessel or aircraft that is to be deemed piracy as referred to in the United Nations Convention on the Law of the Seas (Treaties of Finland 50/1996), (118/1999)

- (12) such violation of the prohibition of chemical weapons referred to in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Treaties of Finland 19/1997), (118/1999)
 - (13) such unlawful act directed against the safety of maritime navigation that is referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Treaties of Finland 11/1999), (537/2000)
 - (13a) such violation of the prohibition of biological weapons referred to in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare (Treaties of Finland 23/1929) and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Treaties of Finland 15/1975), (286/2008)
 - (14) such unlawful act that is directed against the safety of fixed platforms located on the continental shelf as is referred to in the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Treaties of Finland 44/2000), (739/2001)
 - (15) such crime against United Nations and associated personnel as is referred to in the Convention on the Safety of United Nations and Associated Personnel (Treaties of Finland 2-3/2001), (510/2002)
 - (16) such offence against a place of public use, state or government facility, a public transportation system or an infrastructure facility as is referred to in the International Convention for the Suppression of Terrorist Bombings (Treaties of Finland 60/2002),
 - (17) such financing of terrorism as is referred to in the International Convention for the Suppression of the Financing of Terrorism (Treaties of Finland 74/2002), (859/2003)
 - (18) such wilful killing or causing of serious injury to civilians as is referred to in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and other Devices as amended on 3 May 1996 (Treaties of Finland 91/1998). (859/2003)
- (2) Also a punishable attempt of and punishable participation in an offence referred to in subsection 1 is deemed an international offence.

Section 8 - *Other offence committed outside of Finland*

Finnish law applies to an offence committed outside of Finland which, under Finnish law, may be punishable by imprisonment for more than six months, if the State in whose territory the offence was committed has requested that

charges be brought in a Finnish court or that the offender be extradited because of the offence, but the extradition request has not been granted.

Section 9 - Corporate criminal liability

If, under this chapter, Finnish law applies to the offence, Finnish law applies also to the determination of corporate criminal liability.

Section 10 - Place of commission

(1) An offence is deemed to have been committed both where the criminal act was committed and where the consequence contained in the statutory definition of the offence became apparent. An offence of omission is deemed to have been committed both where the perpetrator should have acted and where the consequence contained in the statutory definition of the offence became apparent.

(2) If the offence remains an attempt, it is deemed to have been committed also where, had the offence been completed, the consequence contained in the statutory definition of the offence either would probably have become apparent or would in the opinion of the perpetrator have become apparent.

(3) An offence by an inciter and abettor is deemed to have been committed both where the act of complicity was committed and where the offence by the offender is deemed to have been committed.

(4) If there is no certainty as to the place of commission, but there is justified reason to believe that the offence was committed in the territory of Finland, said offence is deemed to have been committed in Finland.

Section 11 - Requirement of dual criminality

(1) If the offence has been committed in the territory of a foreign State, the application of Finnish law may be based on sections 5, 6 and 8 only if the offence is punishable also under the law of the place of commission and a sentence could have been passed for it also by a court of that foreign State. In this event, no sanction that is more severe than what is provided by the law of the place of commission shall be imposed in Finland.

(2) Even if the offence is not punishable under the law of the place of commission, Finnish law applies to it if it has been committed by a Finnish citizen or a person referred to in section 6, subsection 3(1), and the penalty for it has been laid down in

- (1) sections 5 or 6 of chapter 11, if the act is a war crime or aggravated war crime referred to in article 15 of the second protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict or an act of participation into said acts,
- (2) sections 1 – 9 of chapter 15 pursuant to section 12a of said chapter,

- (3) sections 1 - 3 of chapter 16 and even if the object of the offence is a person referred to in chapter 40, section 11, paragraph (2), (3) or (5) or a foreign public official who is in the service of the International Criminal Court,
- (4) sections 13, 14, 14a and 14b of chapter 16 and even if the provisions are applied pursuant to section 20 of the same chapter,
- (5) sections 18, 18a or 19 of chapter 17,
- (6) sections 6, 7 or 8a-8c of chapter 20,
- (7) sections 1-5, 9 or 9a of chapter 20, if the act is directed at a person below the age of eighteen years,
- (8) sections 7, 7a, 8 or 8a of chapter 30 and even if these provisions are applied on the basis of section 14 of said chapter, or
- (9) sections 1 - 4 of chapter 40 or 4a, if the offender is a member of Parliament, a foreign public official or a member of a foreign parliament.
(637/2011)

Section 12 - Prosecution order by the Prosecutor-General (205/1997)

(1) A criminal case may not be investigated in Finland without a prosecution order by the Prosecutor-General, where

- (1) the offence was committed abroad, or
- (2) a foreigner has committed an offence on board a foreign vessel when the vessel was in Finnish territorial waters or on board a foreign aircraft when the aircraft was in Finnish air space and the offence was not directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland or a Finnish corporation, foundation or other legal entity.

(2) However, the order by the Prosecutor-General is not be required, if

- (1) the offence was committed by a Finnish citizen or a person who, under section 6, is equivalent to a Finnish citizen and it was directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland, or a Finnish corporation, foundation or other legal entity,
- (2) the offence was committed in Denmark, Iceland, Norway or Sweden and the competent public prosecutor of the place of commission has requested that the offence be tried in a Finnish court (441/2011),
- (3) the offence was committed aboard a Finnish vessel while on the high seas or in territory not belonging to any State or aboard a Finnish aircraft while it was in or over such territory,
- (4) the offence was committed aboard a vessel or aircraft while it was in scheduled traffic between points in Finland or between a point in Finland and a point in Denmark, Iceland, Norway or Sweden,

- (5) the offence is to be tried as a criminal case in accordance with the Military Court Procedure Act (326/1983), or
- (6) there is a statutory provision to the effect that the President of the Republic or Parliament is to order any charges to be brought.

Section 13 - Foreign judgment

(1) Charges may not be brought in Finland if a judgment has already been passed and has become final in the State where the act was committed or in another member state of the European Union and

- (1) the charge was dismissed,
- (2) the defendant was found guilty but punishment was waived,
- (3) the sentence was enforced or its enforcement is still in progress or
- (4) under the law of the State where the judgment was passed, the sentence has lapsed. (814/1998)

(2) The provisions of subsection 1 notwithstanding, the Prosecutor-General may order that the charge be brought in Finland if the judgment passed abroad was not based on a request of a Finnish authority for a judgment or on a request for extradition granted by the Finnish authorities and

- (1) under section 3, the offence is deemed to be directed at Finland,
- (2) the offence is an offence in public office or a military offence referred to in section 4,
- (3) the offence is an international offence referred to in section 7, or
- (4) pursuant to section 10, the offence is deemed to have been committed also in Finland. However, the Prosecutor-General shall not order charges to be brought for an offence that has been partially committed in the territory of that member state of the European Union where the judgment was passed. (814/1998)

[subsection 3 has been repealed; 515/2003]

Section 14 - Reference provision

Separate provisions apply to extradition on the basis of an offence and to other international legal assistance and to the immunity in certain cases of persons participating in court proceedings or a criminal investigation.

Section 15 - Treaties and customary international law binding on Finland

If an international treaty binding on Finland or another statute or regulation that is internationally binding on Finland in some event restricts the scope of application of the criminal law of Finland when compared with the provisions of this chapter, such a restriction applies as agreed. The provisions in this chapter

notwithstanding, the restrictions on the scope of application of Finnish law based on generally recognised rules of international law also apply.

Chapter 2 - Penalties

[section 1 has been repealed; 515/2003]

[section 2 has been repealed; 780/2005]

Section 3 (613/1974)

(1) Where an offence is punishable by law with imprisonment in the penitentiary, a sentence of imprisonment shall be passed instead of imprisonment in the penitentiary.

(2) A sentence of life imprisonment shall be passed instead of imprisonment in the penitentiary for life. A sentence of imprisonment for a fixed period shall be passed instead of imprisonment in the penitentiary for a fixed period, the sentence scale provided for imprisonment in the penitentiary shall be used. If no specific minimum and maximum periods have been provided, a sentence of imprisonment for at least six months and at most twelve years shall be passed instead of imprisonment in the penitentiary.

(3) Unless otherwise provided, the maximum period of imprisonment on the basis of a penal provision enacted before 1 July 1975 is four years.

(4) The provisions on imprisonment in the penitentiary for life also apply to life imprisonment.

[sections 4—5 have been repealed; 550/1999]

Section 6

If a penalty is to be set on the basis of the value of given property, the value of the property at the time of the commission of the offence is decisive.

Section 7 (792/1989)

(1) Dismissal referred to in the penal provisions in chapters 11 and 40 of this Code comprises the forfeiture of the public office or function in which the offence was committed. If the public official has transferred from the office in which the offence was committed to another corresponding office, the dismissal comprises the forfeiture of that office. (990/2009)

(2) In cases referred to in section 10 of this chapter the dismissal comprises the forfeiture of the public office, function or the public offices and functions that the convicted person has at the time when the sentence is passed.

[sections 8 and 9 have been repealed; 792/1989]

Section 10 (604/2002)

(1) A public official, a person elected to a public office or a person who exercises public authority who is sentenced to life imprisonment shall also be dismissed from office. He or she shall be dismissed also if he or she is sentenced to imprisonment for a fixed period that is at least two years, unless the court deems that the offence does not demonstrate that the sentenced person is unsuitable to serve as a public official or to attend to a public function.

(2) If a person referred to in subsection 1 is sentenced for an intentional offence to imprisonment for a period that is less than two years, he or she may at the same time be dismissed from office if the offence demonstrates that he or she is apparently unsuitable to serve as a public official or to attend to the public function. However, a member of the representative body of a public corporation who has been elected in a general election shall not be dismissed from said office by virtue of this section.

[section 11 has been repealed; 1/1969]

[section 12 has been repealed; 604/2002]

Section 13 (780/2005)

(1) If a prisoner or a remand prisoner commits an offence in prison or otherwise while under the supervision of a Criminal Sanctions Agency official, which is not expected to lead to punishment more severe than a fine, the offence may be dealt with by disciplinary punishment as provided by chapter 15 of the Imprisonment Act (767/2005) and chapter 10 of the Remand Imprisonment Act (768/2005). If the offence can be expected to lead to punishment more severe than a fine, the offence shall be reported to the police or other pre-trial authority (731/2011).

(2) If a prisoner or a remand prisoner commits an offence outside of prison, the matter shall be reported to the police or other pre-trial investigation authority.

[section 14 has been repealed; 1/1969]

Section 14(a) (578/1995)

(1) A person sentenced for treason or high treason, or sentenced for another offence to imprisonment for at least two years, shall be stripped of his or her military rank, unless this, with regard to the nature of the offence, the circumstances that led to and are manifested in the offence, and the other consequences of the loss of military rank to the perpetrator, is to be deemed unreasonable.

(2) However, no one shall be stripped of the lowest military rank. (559/2000)

Section 15

Times which on the basis of this Code are to be determined by the year or month shall be counted by the calendar. A day equals 24 hours.

[section 16 has been repealed; 875/2001]

[section 17 has been repealed; 463/2003]

Section 18

In certain cases also sanctions other than those referred to here shall be used, as separately provided thereon in this Code.

Chapter 2(a) - Fine, conversion sentence and summary penal fee (550/1999)

Fine

Section 1 - *Number of day fines* (550/1990)

(1) A fine shall be passed as day fines, the minimum number of which is one and the maximum number is 120.

(2) Chapter 7 contains provisions on the maximum and minimum numbers for a joint punishment to a fine.

(3) For a special reason, the specific minimum or maximum number may be provided by an Act, within the limits laid down in subsection 1.

(4) A specific minimum or maximum number provided by an Act enacted before 1 June 1969 does not apply.

Section 2 - *Amount of a day fine* (808/2007)

(1) The amount of a day fine shall be set so that it is reasonable in view of the solvency of the person fined.

(2) One sixtieth of the average monthly income of the person fined, less the taxes and fees defined by a Decree and a fixed deduction for basic consumption, is deemed to be a reasonable amount of a day fine. The maintenance liability of the person fined may decrease the day fine.

(3) The primary basis for the calculation of the monthly income is the income of the person fined as indicated in the most recent taxation. If the income of the person fined cannot be reliably ascertained from the tax records or it has essentially changed since the most recent taxation, it may be assessed also on the basis of other information.

(4) In court, the day fine is set on the basis of the information available at the time of the court proceedings, and in proceedings on the basis of the Summary

Penal Fee Act (754/2010), the day fine is set on the basis of the information available at the time when the fine is set or when the request for a summary penal fee is made. However, the prosecutor shall set the day fine on the basis of the information available at the time the summary penal fee is issued, if it has become evident that the solvency of the person for whom the summary penal fee has been requested has in the meantime essentially changed. (755/2010)

[subsection 4 has been amended by the Act of 755/2010 and shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

(4) In court, the day fine is set on the basis of the information available at the court proceedings, and in penal order proceedings, the day fine is set on the basis of the information available when the request for a penal order is being made. However, the prosecutor shall set the day fine on the basis of the information available at the time the penal order is issued, if it has become evident that the solvency of the person for whom the penal order has been requested has in the meantime essentially changed.

(5) More detailed provisions on the calculation of the average monthly income, the rounding-off of the amount of the day fine, the amount of the fixed deduction for basic consumption, the manner in which the maintenance liability is to be taken into account, and the minimum amount of a day fine shall be issued by a Decree.

Section 3 - Total amount of the fine (550/1999)

(1) The total amount of the fine is equal to the number of day fines times the amount of a day fine.

(2) It may be provided by Decree that the total amount of the fine imposed for given offences is to be increased in order to equal the maximum summary penal fee payable for the same type of offence.

(3) Chapter 7, section 3(a) contains provisions on the increase in the total amount when setting a joint punishment for offences punishable by a fine and a summary penal fee. (755/2010)

Conversion sentence

Section 4 - Passing a conversion sentence (578/2008)

A person who has been sentenced to a fine and from whom the collection of the fine has failed, shall be ordered to imprisonment in lieu of the unpaid fine. A conversion sentence shall be passed for an unpaid threat of a fine, the collection of which has failed, if the court has imposed it in order to ensure the conduct of court proceedings or pursuant to the Enforcement Code (705/2007). Any other threat of fine may not be converted into imprisonment.

Section 5 - Duration of the conversion sentence (983/2005)

- (1) A conversion sentence for a fine is imposed so that three unpaid day fines correspond to imprisonment for one day. If the number of day fines to be converted is not divisible by three, the remainder shall be left unconverted. If only a part of a day fine has been paid, the day fine shall be deemed unpaid.
- (2) When passing a conversion sentence for a threat of a fine, imposed as a lump sum in euros, every full 30 euros correspond to imprisonment for one day. (971/2001)
- (3) However, a conversion sentence shall be passed for at least four days and at most 60 days. A conversion sentence shall not be passed without a special reason if the unpaid number of day fines is less than 12 or the unpaid amount of the day fines is less than 120 euros.
- (4) If two or more fines are to be converted at the same time, only one conversion sentence shall be passed, in accordance with subsection 3. In this event, a threat of a fine corresponds to a fine.
- (5) For reasons referred to in section 6, subsection 1 or section 7, a court may pass a conversion sentence that is shorter than what has been provided in this section, but nevertheless for at least four days.

Section 6 - Waiver of conversion of a fine or a part of a fine (550/1999)

- (1) A court may waive a conversion sentence, if
 - (1) the offence giving rise to the fine, taking into consideration its detrimental nature, is to be deemed petty when assessed as a whole,
 - (2) the offence giving rise to the fine has been committed by a person under 18 years of age, or
 - (3) the conversion sentence is to be deemed unreasonable or pointless in view of the personal circumstances of the person fined, the other consequences of the offence to that person, the measures undertaken by the social welfare or health authorities, or other circumstances.
- (2) When passing a conversion sentence for a joint punishment of a fine, the court shall assess the proportion of the fines that are not susceptible to conversion in the joint punishment and waive conversion for that part.
- (3) The part of the total amount of the fine that has been increased under section 3(2) or chapter 7 section 3(a) shall not be converted into imprisonment. (755/2010)

[subsection 3 has been amended by the Act of 755/2010 and shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

- (3) The part of the total amount of the fine that has been increased under section 3(2) shall not be converted into imprisonment.
- (4) A fine imposed in penal order proceedings shall not be converted into imprisonment. Such a fine shall also not be converted into imprisonment when it

has been imposed by the court in court proceedings following upon an objection to the issuing of the penal order. (578/2008)

Section 7 - Waiver of conversion of a threat of a fine (550/1999)

A court may waive the conversion of a threat of a fine into imprisonment, if

- (1) the main obligation has been complied with in full or in part, or
- (2) the conversion sentence is to be deemed unreasonable or pointless in view of the personal circumstances of the person fined, the other consequences of the failure to comply with the main obligation to that person, or other circumstances.

Summary penal fee

Section 8 - Summary penal fee (755/2010)

(1) A summary penal fee is a pecuniary penalty of a fixed amount in euros which is less severe than a fine and which is established by Act as the only punishment for certain violations.

(2) An unpaid summary penal fee shall not be converted into imprisonment.

[section 8 has been amended by the Act of 755/2010 and shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

Section 8 - Summary penal fee (550/1999)

(1) A summary penal fee is a pecuniary penalty of a fixed amount in euros which is less severe than a fine. (971/2001)

(2) A summary penal fee shall not exceed 200 euros. The summary penal fees payable for various infractions shall be provided by a Governmental Decree. (971/2001)

(3) An unpaid summary penal fee shall not be converted into imprisonment.

[section 9 has been repealed by the Act of 755/2010, which shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

Section 9 - Infractions giving rise to summary penal fees (475/2008)

(1) A summary penal fee may be provided as a sanction, in accordance with subsections 2 - 8, for infractions which are subject to public prosecution and for which the most severe penalty provided is a fine or imprisonment for at most six months. (641/2009)

(2) A summary penal fee may be provided as a sanction for minor infractions of the Road Traffic Act (267/1981), the Vehicle Act (1090/2002), the Driver's Licence Act (386/2011), the Act on the Professional Qualifications of Taxi Drivers (695/2009). The Act on the Professional Qualifications of Lorry and Bus Drivers

(273/2007) or the Waterways Traffic Act (463/1996) or the regulations or orders issued on their basis, and pertaining to

- (1) pedestrians,
- (2) the operators of non-motor powered vehicles,
- (3) the structure, equipment or condition of motor vehicles or trailers, the documents required for the driving of motor vehicles, the disturbing or needless driving of motor vehicles, passenger transport, the use of personal protective equipment of the driver or passenger, other traffic regulations pertaining to drivers, or the commands, prohibitions and restrictions issued by way of traffic signals,
- (4) exceeding the speed limit with a motor vehicle,
- (5) the inspection and registration of vehicles, or
- (6) the general duties of a person in waterways traffic, the structure, equipment and condition of a water traffic vehicle, the duty to present documents connected with waterways traffic, or regional prohibitions and restrictions on waterways traffic.

(392/2011)

(3) A summary penal fee may be provided as a sanction also for minor infractions of the littering prohibition laid down in the Waste Act (1072/1993) and neglect of the payment of the fisheries management fee or the fee for fishing with a lure, laid down in the Fishing Act (286/1982), or failure to present within a specified period a receipt showing payment of said fee.

(4) A summary penal fine may be provided as a sanction also for the public order violations provided in the Public Order Act (512/2003).

(5) A summary penal fine may be provided as a sanction also for petty possession of an object or substance suitable for injuring another person, as referred to in chapter 41, section 6, and for petty giving a minor an object suitable for injuring another person, as referred to in chapter 41, section 7.

(6) A summary penal fine may be provided as a sanction also for a water traffic vehicle violation referred to in section 26 of the Water Traffic Vehicle Register Act (976/2006).

(7) A summary penal fee may be provided as the punishment also for violation of a prohibition of alcoholic beverages provided in the Alcohol Act (1143/1994) or issued by the police on the basis of the Alcohol Act in order to maintain public order, or for violation of age limits provided in the Alcohol Act for the possession of alcoholic beverages. 641/2009)

(8) More detailed provisions on the infractions referred to in subsections 2 - 7 above are issued by Decree. (641/2009)

[section 10 has been repealed by the Act of 755/2010, which shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

Section 10 - Imposing a summary penal fee (550/1999)

- (1) A summary penal fee is imposed by a police officer or another official carrying out a statutory monitoring function.
- (2) A summary penal fee may not be imposed if
 - (1) the infraction has been conducive to causing danger or disturbance that is not minor,
 - (2) the person committing the infraction has by the act shown indifference to the commands and prohibitions of the law, or
 - (3) it is evident that the injured party shall make a request to the police or a prosecutor that charges be brought for the infraction or shall make a claim for damages.
- (3) The procedure for imposing a summary penal fee is provided in the Act on the Procedure on Summary Penal Fees (66/1983).

[section 11 has been repealed by the Act of 755/2010, which shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

Section 11 - Summary penal fee for numerous offences (550/1999)

- (1) If a summary penal fee is to be imposed for two or more infractions at the same time, the summary penal fee shall be imposed for the offence for which the summary penal fee provided is the highest.
- (2) A joint punishment shall not be passed for a summary penal fee and a fine or a sentence of imprisonment for a fixed period.

Chapter 2(b) - Conditional imprisonment (520/2001)

[sections 1 and 2 have been repealed; 515/2003]

Section 3 - Contents of conditional imprisonment (520/2001)

- (1) When a sentence of imprisonment is imposed conditionally, the enforcement of the sentence is postponed for a probation period. The length of the probation period is at least one and at most three years. The probation period begins at the pronouncement or the issue of the judgment.
- (2) The sentence shall lapse if not ordered to be enforced under section 5.
- (3) Separate provisions apply to the selection between conditional and unconditional imprisonment and to sanctions that are ancillary to imprisonment. (515/2003)

Section 4 - *Notice of the effects of the sentence* (520/2001)

When conditional imprisonment is imposed, the convicted person shall be notified, in connection with the pronouncement or the issue of the judgment, of the date when the probation period ends and of the grounds on which the sentence may be ordered to be enforced.

Section 5 - *Ordering the enforcement of conditional imprisonment* (520/2001)

(1) The court may order the enforcement of conditional imprisonment if the convicted person commits an offence during the probation period, where the court deems that a sentence of unconditional imprisonment is the appropriate sanction and the charge has been brought within one year of the end of the probation period.

In this event, the conditional sentence to be enforced, the sentence for the offence committed during the probation period and the sentences of imprisonment for the other offences considered in the same trial shall be joined as one unconditional sentence of imprisonment in accordance with the provisions of chapter 7.

(2) The court may also order that conditional imprisonment be enforced only in part, in which case the remainder of the sentence shall continue to be conditional, subject to the same probation period.

Chapter 2(c) – *Imprisonment* (780/2005)

General provisions

Section 1 – *The contents of imprisonment*

The content of a sentence of imprisonment is the loss or restriction of liberty. The Imprisonment Act contains provisions on the enforcement of a sentence of imprisonment.

Section 2 – *The length of imprisonment*

(1) Imprisonment is sentenced for a fixed period or for life.

(2) A sentence of fixed-term imprisonment is imposed for at least fourteen days and at most twelve years or, when imposing a joint sentence pursuant to chapter 7, fifteen years.

Section 3 – *The units of time in a sentence of imprisonment*

When imposing a sentence of imprisonment, years, months and days are used as the units of time. Sentences of less than three months are imposed in days.

Section 4 – Combined sentences of imprisonment (1099/2010)

(1) If the sentenced person is to serve at the same time several fixed-term sentences of imprisonment which are not to be joined, these shall be combined in the prison.

(2) A life sentence of imprisonment incorporates all sentences of imprisonment, conversion sentences for unpaid fines, and detention that are to be enforced at the same time as the life sentence of imprisonment.

Conditional release

Section 5 – Definition and determination of conditional release

(1) Conditional release refers to the release of a prisoner serving an unconditional sentence of imprisonment, to serve the rest of his or her sentence in freedom.

(2) Subject to the provisions of section 9, a person serving a fixed-term sentence of imprisonment shall be conditionally released when he or she has served two-thirds of the sentence, or in the case of a sentence imposed for an offence committed under the age of twenty-one years, when he or she has served one-half of the sentence. A prisoner who during the three preceding years has not served a sentence of imprisonment in prison shall be conditionally released when he or she has served one-half of the sentence or, in the case of a sentence imposed for an offence committed under the age of twenty-one, when he or she has served one-third of the sentence. The application of this last-mentioned proportion is not barred by the fact that the person has during the three preceding years served a conversion sentence in prison for unpaid fines or a sentence in prison for refusing civil military service referred to in section 74 of the Civil Military Service Act (1446/2007), a civil military service offence referred to in section 75 of said Act, refusing civil military service during extraordinary military service or general mobilization referred to in section 76 of said Act, a civil military service offence during extraordinary military service or general mobilization referred to in section 77 of said act, or refusing military service referred to in section 118 of the Military Service Act (1438/2007), absence from induction during general mobilization referred to in section 120 of said act, or avoidance of service during general mobilization referred to in section 123 of said act. In calculating the portion of the sentence, parts of a day shall not be considered. The period of loss of liberty referred to in chapter 6, section 13 of this Code shall be deducted from said proportion and from the proportion referred to in section 12, subsection 1. (1099/2010)

(3) Conditional release is possible after 14 days have been served of the sentence of imprisonment.

Section 6 – Conditional release from a joint sentence of imprisonment

If the separate offences of a person serving a joint sentence of imprisonment would result in the application of different proportions referred to in section 5, subsection 2, he or she shall be conditionally released on the basis of the larger proportion.

Section 7 – Conditional release from combined sentences of imprisonment
(1099/2010)

(1) A person serving combined sentences of imprisonment shall be conditionally released when he or she has served the part of the sentence that results by adding up the time to be served of each sentence, calculated on the basis of the proportions referred to in section 5, subsection 2, section 11, subsection 1 or section 12, subsection 1. In calculating the portion of the sentence, parts of a day shall not be considered.

(2) A person serving combined sentences of imprisonment shall be conditionally released at the latest when at most fifteen years of the sentences have been served. However, if even one of the sentences to be served has, pursuant to section 11, ordered to be served in full, the prisoner shall be conditionally released at the latest when at most twenty years of the sentences have been served. In calculating the maximum period, deductions from the sentences on the basis of chapter 6, section 13 shall be taken into consideration.

(3) If a prisoner serving a fixed-term sentence of imprisonment or a remand prisoner is guilty of an offence referred to in section 11, subsection 1, paragraph 1, the court may on the request of the prosecutor order that the provisions of subsection 2 of this section on the maximum sentence to be served shall not be applied to the sentence to be imposed.

Section 8 – Probationary liberty under supervision

(1) A prisoner may, for the promotion of his or her social adjustment, be placed in probationary liberty under special supervision effected by technical means or otherwise through special means for at most six months before conditional release.

(2) The conditions for probationary liberty under supervision are that:

- (1) probationary liberty promotes the implementation of the plan for the term of sentence referred to in chapter 4, section 6 of the Imprisonment Act,
- (2) on the basis of the information received on the conduct of the prisoner during his or her sentence, his or her personality and his or her criminality, it can be deemed probable that he or she shall follow the conditions of the probationary liberty,
- (3) the prisoner undertakes to refrain from using intoxicating substances and doping substances referred to in chapter 44, section 16 of the

Criminal Code and commits to the intoxicant abstinence control referred to in chapter 16, section 7, subsection 3 of the Imprisonment Act,

- (4) the prisoner undertakes to comply with the duty to maintain contact and the other necessary written conditions connected with moving outside the institution and participating in activities,
- (5) compliance with the conditions of probationary liberty can be supervised in a suitable manner, and
- (6) the prisoner consents to the Prison Service authorities being to the necessary extent in contact with authorities, private associations and persons in matters related to the investigation of the conditions for probationary liberty or compliance with the conditions.

(3) If, subsequent to the taking of the decision, the conditions no longer exist for probationary liberty under supervision, the probationary liberty shall be withdrawn. If the prisoner violates the conditions in subsection 2(3)-(4), the prisoner shall be issued a warning or the probationary liberty shall be withdrawn for a fixed period of at least one month or in full. This shall also be done in the cases referred to in subsection 5.

(4) The period from the beginning of the day on which the prisoner violates the contact obligation referred to in subsection 2(4) to the end of the day on which the contact is resumed or on which he or she is apprehended for the purpose of return to prison, is not deemed time serving a sentence.

(5) If the prisoner commits an offence outside the prison, the provisions of chapter 2, section 13, subsection 2 shall be followed.

(6) Chapter 20 of the Imprisonment Act applies to appeal of the decision referred to in subsection 3 and chapter 21 of said Act applies to the authority to take a decision on probationary liberty under supervision.

Section 9 – Postponement of conditional release

(1) With the consent of the prisoner, his or her conditional release may be postponed if new sentences of imprisonment or conversion sentences for unpaid fines are to be enforced or the prisoner wants postponement of conditional release for another justified reason.

(2) Conditional release may be postponed without the consent of the prisoner if on the basis of the conduct of or threats made by the prisoner there is the evident danger that on release he or she would commit an aggravated offence against life, health or liberty and postponement of the release is necessary in order to prevent the offence.

(3) A decision pursuant to subsection 2 to postpone release shall be taken up for reconsideration at intervals of at most six months.

(4) Chapter 20 of the Imprisonment Act applies to appeal of the decision to postpone conditional release and chapter 21 of said Act applies to the authority to take the decision on the postponement of release.

Section 10 – Conditional release from life imprisonment (1099/2010)

(1) A person sentenced to life imprisonment may be conditionally released at the earliest when he or she has served twelve years in prison. A person sentenced to life imprisonment for an offence committed before the age of twenty-one years may be conditionally released at the earliest when he or she has spent ten years in prison.

(2) In considering conditional release attention shall be paid to the nature of the offence or offences that had led to the sentence of life imprisonment, other punishments incorporated in the sentence of life imprisonment or that have been served during the period of imprisonment referred to in section 10a, the other possible subsequent criminality of the convicted person, and the factors referred to in section 9, subsection 2. In the consideration of release, attention shall be paid to the implementation of the plan for the term of sentence referred to in chapter 4, section 6 of the Imprisonment Act and also otherwise to the conduct while in prison.

(3) Before a person sentenced to life imprisonment is conditionally released, he or she may be placed in probationary liberty under supervision. If the Criminal Sanctions Agency deems that, due to an offence that has become evident before the probationary liberty under supervision, the release referred to in subsection 2 should be reconsidered, it shall submit the matter for reconsideration by the Helsinki Court of Appeals. The same procedure shall apply in respect of matters related to the term of sentence referred to in section 8, subsection 4, and in chapter 3, section 7 of the Imprisonment Act.

(4) The Act on the Procedure for Release of Long-Term Prisoners applies to consideration of the matter in the Helsinki Court of Appeals. (781/2005)

Section 10(a) – Calculation of the prison time of a person sentenced to life imprisonment (1099/2010)

(1) The prison time of a person sentenced to life imprisonment is the sentence and the time that the prisoner has been under arrest, in remand or otherwise deprived of his or her liberty as a result of the offence, before beginning to serve the sentence.

(2) The period of loss of liberty referred to above in subsection 1 shall be deemed prison time even if the prisoner is at the same time serving a fixed-term sentence, imprisonment for unpaid fines, or military confinement.

(3) If a sentence of life imprisonment includes other sentences of imprisonment, the calculation of the prison time shall not include any deductions made from

these sentences on the basis of chapter 6, section 13 which apply to the period before the beginning of the period of loss of liberty referred to in subsection 1.

Section 11 – Service of the entire sentence in prison

(1) In imposing a sentence the court may on the request of the prosecutor order that the convicted person shall not be released until he or she has served the entire sentence if:

- (1) the offender is sentenced to a fixed-term sentence of imprisonment for at least three years for murder, homicide, killing, aggravated assault, aggravated rape, aggravated sexual abuse of a child, aggravated robbery, aggravated criminal mischief, genocide, crime against humanity, aggravated crime against humanity, war crime, aggravated war crime, torture, aggravated trafficking in persons, taking of a hostage, aggravated endangerment of health, nuclear device offence, hijacking, an offence committed with terrorist intent or an attempt of or complicity in such offence, (990/2009)
- (2) during the ten years preceding the offence the offender had been guilty of an offence mentioned in subsection 1 or an offence mentioned in subsection 1 had been committed within three years of his or her release after having served the full sentence in prison or after having served life imprisonment or after he or she had been conditionally released in the manner referred to in section 12, subsection 1, and
- (3) on the basis of the factors apparent in the offences and the investigation referred to in chapter 17, section 45, subsection 3 of the Code of Judicial Procedure the offender is to be deemed particularly dangerous to the life, health or freedom of another.

(2) When a joint fixed-term sentence of imprisonment is imposed for two or more offences, a prerequisite for the decision referred to in subsection 1 is that at least one of the offences is mentioned in said subsection and that the sentence imposed for it separately would be a fixed-term sentence of imprisonment of at least three years.

Section 12 – Reconsideration in court

(1) A person ordered to serve the entire sentence shall be conditionally released after he or she has served five-sixths of the sentence if he or she is no longer deemed particularly dangerous to the life, health or liberty of another. Conditional release on the basis of this subsection may occur at the earliest when the prisoner has been in prison for three years.

(2) Before conditional release the prisoner may be placed in probationary liberty under supervision. If the Criminal Sanctions Agency deems that, due to an offence that has become evident before the probationary liberty under

supervision, the release referred to in subsection 1 should be reconsidered, it shall submit the matter for reconsideration by the Helsinki Court of Appeals. (1099/2010)

(3) If the person ordered to serve the entire sentence is not conditionally released, he or she shall be placed in probationary liberty under supervision three months before release.

(4) The Act on the Procedure for Release of Long-Term Prisoners applies to consideration of the matter in the Helsinki Court of Appeals.

Section 13 – Probationary period of conditional release

(1) A probationary period, which is equivalent to the length of the sentence remaining at the time of release, begins when a sentenced person is conditionally released. However, the maximum length of the probationary period is three years.

(2) The probationary period of conditional release and the remaining sentence for a person sentenced to life imprisonment is three years. If a person who has served his or her entire sentence in prison commits an offence referred to in section 14, subsection 1 within three years of when he or she was released from serving the entire sentence in prison, this is an aggravated factor in sentencing.

(3) The Act on Supervision on Conditional Release (782/2005) applies to the enforcement of the supervision of conditional release.

Section 14 – Ordering enforcement of the remaining sentence

(1) On the request of the prosecutor, the court may order that the remaining sentence be enforced if the convicted person commits a new offence during the probationary period for which in the consideration of the court he or she should be sentenced to unconditional imprisonment and for which charges have been brought within one year of the termination of the probationary period. In so doing one joint sentence of unconditional imprisonment shall be imposed for the remaining sentence to be enforced and the sentence imposed for the offence committed during the conditional release period, combined with the sentences of imprisonment to be imposed for other offences, in accordance with the provisions of chapter 7. However, the remaining sentence shall not be deemed the more severe penalty referred to in section 5, subsection 2 of said chapter. In determining the length of the remaining sentence to be enforced the court shall take into consideration the provisions of subsection 2.

(2) Enforcement of the remaining sentence may be waived in particular if:

(1) most of the probationary period had been served before the offence referred to in subsection 1 had been committed,

(2) the remaining sentence is brief,

- (3) the sentence to be imposed for the offence committed during the probationary period is brief, or
 - (4) due to the sanction to be imposed on the perpetrator for the offence committed during the probationary period or the other consequences of the sentence the joint sentence would lead to an unreasonable result.
- (3) The court may also order that a part of the remaining sentence shall be enforced, in which case the conditional release continues with the former probationary period.
- (4) When the court orders that the remaining sentence shall be enforced, it shall state the length of the remaining sentence or part thereof to be enforced.

Chapter 3 - The general prerequisite of criminal liability (515/2003)

Section 1 - *The principle of legality*

- (1) A person may be found guilty of an offence only on the basis of an act that has been specifically criminalized in law at the time of its commission.
- (2) The punishment and other sanction under criminal law shall be based on law.

Section 2 - *Temporal application*

- (1) The law in force at the time an offence was committed applies to the offence.
- (2) However, if the law in force at the time of conviction is different from the law in force at the time of the commission of the offence, the new law applies if its application leads to a more lenient result.
- (3) If the law is intended to be in force only for a fixed period of time, and there are no provisions to the contrary, the law in force at the time of the commission of the act applies to an act committed during this period.
- (4) If the specific contents of a penal provision in law are determined by other provisions in law or by provisions or rules issued on its basis, the punishability of an act is assessed on the basis of the provisions or rules in force at the time of the act, unless there are provisions in law to the contrary or unless the new provisions demonstrate that the attitude towards the punishability of the act has changed.

Section 3 - *The punishability of omission*

- (1) An omission is punishable if this is specifically provided in the statutory definition of an offence.
- (2) An omission is punishable also if the perpetrator has neglected to prevent the causing of a consequence that accords with the statutory definition, even though

he or she had had a special legal duty to prevent the causing of the consequence. Such a duty may be based on:

- (1) an office, function or position,
- (2) the relationship between the perpetrator and the victim,
- (3) the assumption of an assignment or a contract,
- (4) the action of the perpetrator in creating danger, or
- (5) another reason comparable to these.

Section 4 – *The age of criminal liability and criminal responsibility*

- (1) Prerequisites for criminal liability are that the perpetrator had reached the age of fifteen years at the time of the act and is criminally responsible.
- (2) The perpetrator is not criminally responsible if at the time of the act, due to mental illness, severe mental deficiency or a serious mental disturbance or a serious disturbance of consciousness, he or she is not able to understand the factual nature or unlawfulness of his or her act or his or her ability to control his or her behaviour is decisively weakened due to such a reason (*criminal irresponsibility*).
- (3) If the perpetrator is not criminally irresponsible pursuant to subsection 2 but, due to mental illness, mental deficiency, mental disturbance or disturbance of consciousness, his or her ability to understand the factual nature or unlawfulness of his or her act or his or her ability to control his or her behaviour is significantly weakened (*diminished responsibility*), the provisions in chapter 6, section 8(3) and 8(4) are to be taken into account in the determination of the sentence.
- (4) Intoxication or other temporary mental disturbance induced by the perpetrator himself or herself is not taken into account in the assessment of criminal responsibility unless there are particularly weighty reasons for this.
- (5) If, due to the mental condition of the person accused of an offence, the court waives punishment, the court shall, unless this is obviously unnecessary, submit for clarification the question of his or her need for treatment, as provided in section 21 of the Mental Health Act (1116/1990).

Section 5 – *Imputability*

- (1) Intent or negligence are prerequisites for criminal liability.
- (2) Unless otherwise provided, an act referred to in this Code is punishable only as an intentional act.
- (3) What is provided in subsection 2 applies also to an act referred to elsewhere in law for which the statutory maximum sentence is imprisonment for more than six months or on which the penal provision has been issued after this law entered into force.

Section 6 – Intent

A perpetrator has intentionally caused the consequence described in the statutory definition if the causing of the consequence was the perpetrator's purpose or he or she had considered the consequence as a certain or quite probable result of his or her actions. A consequence has also been intentionally caused if the perpetrator has considered it as certainly connected with the consequence that he or she has aimed for.

Section 7 – Negligence

(1) The conduct of a person is negligent if he or she violates the duty to take care called for in the circumstances and required of him or her, even though he or she could have complied with it (*negligence*).

(2) Whether or not negligence is to be deemed gross (*gross negligence*) is decided on the basis of an overall assessment. In the assessment, the significance of the duty to take care, the importance of the interests endangered and the probability of the violation, the deliberateness of the taking of the risk and other circumstances connected with the act and the perpetrator are taken into account.

(3) An act which is deemed to have occurred more through accident than through negligence is not punishable.

Chapter 4 – Grounds for exemption from liability (515/2003)

Section 1 – Mistake as to the definitional elements of an offence

If at the time of the act that perpetrator was not aware of the existence of all those factors required for the completion of the statutory definition of the offence, or if he or she errs regarding such a factor, the act is not intentional. Nonetheless, liability for a negligent offence may enter the question pursuant to the provisions on criminal liability for negligence.

Section 2 – Mistake as to the unlawfulness of the act

If the perpetrator errs in regarding his or her act as lawful, he or she is exempt from criminal liability if the mistake is to be deemed manifestly excusable due to the following factors:

- (1) the defective or erroneous publication of the law,
- (2) the particular obtuseness of the contents of the law,
- (3) erroneous advice by an authority, or
- (4) another reason comparable to these.

Section 3 – *Mistake as to a ground for exemption from liability*

If the act does not involve grounds referred to below in sections 4 through 6 which would exempt the perpetrator from liability, but such grounds would have been connected with the situation in which the act was committed as reasonably understood by the perpetrator, he or she may not be punished for an intentional offence. Nonetheless, liability for a negligent offence may enter the question pursuant to the provisions on criminal liability for negligence.

Section 4 – *Self-defence*

(1) An act that is necessary to defend against an ongoing or imminent unlawful attack is lawful as self-defence, unless the act manifestly exceeds what in an overall assessment is to be deemed justifiable, taking into account the nature and strength of the attack, the identity of the defender and the attacker and the other circumstances.

(2) However, if the defence exceeds the limits of self-defence (*excessive self-defence*), the perpetrator is exempt from criminal liability if the circumstances were such that the perpetrator could not reasonably have been expected to have acted otherwise, taking into account the dangerousness and sudden nature of the attack and the situation also otherwise.

Section 5 - *Necessity*

(1) An act other than that referred to above in section 4, necessary to ward off an immediate and compelling threat to a legally protected interest, is permissible as an act of necessity if the act when assessed as a whole is justifiable, taking into account the nature and extent of the interest to be rescued and the damage and detriment caused by the act, the origin of the danger and the other circumstances.

(2) If the act committed in order to rescue a legally protected interest is not to be deemed permissible pursuant to subsection 1, the perpetrator is nonetheless free from criminal liability if the perpetrator could not reasonably have been expected to have acted otherwise, taking into account the importance of the interest to be rescued, the unexpected and compelling nature of the situation and the other circumstances.

Section 6 – *Use of forcible measures*

(1) Separate provisions in an Act apply to the right to use forcible measures in the performance of official functions or for another comparable reason and to the right to assist persons appointed to maintain order.

(2) In the use of forcible measures, recourse may be had only to such measures necessary to perform the function and that can be deemed justifiable when

assessed as a whole, taking into account the importance and urgent nature of the task, the dangerousness of the resistance and the situation also otherwise.

(3) If the limits provided in subsection 2 have been exceeded in the use of forcible measures, the perpetrator is nonetheless free of criminal liability if there are very weighty grounds to deem that the perpetrator could not reasonably have been expected to have acted otherwise, taking into account his or her position and training, the importance of the function and the unexpected nature of the situation.

Section 7 – Mitigation of penal liability

Even if the perpetrator is not fully exempted from penal liability pursuant to the grounds provided in this chapter, the circumstances may nonetheless be taken into account as mitigation of the penal liability in accordance with what is provided in chapter 6, section 8, subsection 1(4), subsection 2 and subsection 4.

Chapter 5 – On attempt and complicity (515/2003)

Section 1 – Attempt

(1) An attempt of an offence is punishable only if the attempt has been denoted as punishable in a provision on an intentional offence.

(2) An act has reached the stage of an attempt at an offence when the perpetrator has begun the commission of an offence and brought about the danger that the offence will be completed. An attempt at an offence is involved also when such a danger is not caused, but the fact that the danger is not brought about is due only to coincidental reasons.

(3) In sentencing for an attempt at an offence, the provisions of chapter 6, section 8, subsection 1(2), subsection 2 and subsection 4 apply, unless, pursuant to the criminal provision applicable to the case, the attempt is comparable to a completed act.

Section 2 – Withdrawal from an attempt and elimination of the effects of an offence by the perpetrator

(1) An attempt is not punishable if the perpetrator, on his or her own free will, has withdrawn from the completion of the offence, or otherwise prevented the consequence referred to in the statutory definition of the offence.

(2) If the offence involves several accomplices, the perpetrator, the instigator or the abettor is exempted from liability on the basis of withdrawal from an offence and elimination of the effects of an offence by the perpetrator only if he or she has succeeded in getting also the other participants to desist withdraw from completion of the offence or otherwise been able to prevent the consequence

referred to in the statutory definition of the offence or in another manner has eliminated the effects of his or her own actions on the completion of the offence.

(3) In addition to what is provided in subsections 1 and 2, an attempt is not punishable if the offence is not completed or the consequence referred to in the statutory definition of the offence is not caused for a reason that is independent of the perpetrator, instigator or abettor, but he or she has voluntarily and seriously attempted to prevent the completion of the offence or the causing of the consequence.

(4) If an attempt, pursuant to subsections 1 through 3, is not punishable but at the same time comprises another, completed, offence, such offence is punishable.

Section 3 – Complicity in an offence

If two or more persons have committed an intentional offence together, each is punishable as a perpetrator.

Section 4 – Commission of an offence through an agent

A person is sentenced as a perpetrator if he or she has committed an intentional offence by using, as an agent, another person who cannot be punished for said offence due to the lack of criminal responsibility or intention or due to another reason connected with the prerequisites for criminal liability.

Section 5 – Instigation

A person who intentionally persuades another person to commit an intentional offence or to make a punishable attempt of such an act is punishable for incitement to the offence as if he or she was the perpetrator.

Section 6 – Abetting

(1) A person who, before or during the commission of an offence, intentionally furthers the commission by another of an intentional act or of its punishable attempt, through advice, action or otherwise, shall be sentenced for abetting on the basis of the same legal provision as the perpetrator. The provisions of chapter 6, section 8, subsection 1(3), subsection 2 and subsection 4 apply nonetheless to the sentence.

(2) Incitement to punishable aiding and abetting is punishable as aiding and abetting.

Section 7 – Special circumstances related to the person

(1) Where a special circumstance vindicates, mitigates or aggravates an act, it applies only to the perpetrator, inciter or abettor to whom the circumstance pertains.

(2) An inciter or abettor is not exempted from penal liability by the fact that he or she is not affected by a special circumstance related to the person and said circumstance is a basis for the punishability of the act by the perpetrator.

Section 8 – Acting on behalf of a legal person

(1) A member of a statutory body or management of a corporation, foundation or other legal person, a person who exercises actual decision-making power in the legal person or a person who otherwise acts on its behalf in an employment relationship in the private or public sector or on the basis of a commission may be sentenced for an offence committed in the operations of a legal person, even if he or she does not fulfil the special conditions stipulated for a perpetrator in the statutory definition of the offence, but the legal person fulfils said conditions.

(2) If the offence has been committed in organised activity that is part of an entrepreneur's business or in other organised activity that is comparable to the activity of a legal person, the provisions in subsection 1 on an offence committed in the operations of a legal person correspondingly apply.

(3) The provisions of this section do not apply if different provisions elsewhere apply to the matter.

Chapter 6 – Sentencing (515/2003)

General provisions

Section 1 – The types of punishment

(1) The general punishments are summary penal fine, fine, conditional imprisonment, community service, monitoring sentence and unconditional imprisonment. (329/2011)

(2) A special punishment for offences committed by a person below the age of 18 years is the juvenile penalty. (1195/2004)

(3) Special punishments for public officials are warning and dismissal from office.

(4) Disciplinary punishments for soldiers and other persons subject to chapter 45 are warning, confinement to barracks, disciplinary fine and detention. In applying a provision calling for disciplinary punishment on a person other than those subject to chapter 45, said person shall be sentenced to a fine instead of to a disciplinary punishment.

(4) A corporate fine is imposed on a legal person as provided in chapter 9.

Section 2 – The penal latitude and deviations from the penal latitude

The sentence is determined in accordance with the penal latitude provided for the offence. Deviations from it may be made as provided in section 8. The maximum sentence provided in the scale may be exceeded as provided in chapter 7.

Section 3 – The points of departure in sentencing

- (1) In sentencing, all grounds according to law affecting the amount and type of punishment, as well as the uniformity of sentencing practice, are taken into account.
- (2) The grounds affecting sentencing are those provided in sections 4 through 8 of this chapter as well as those provided elsewhere in law.
- (3) In deciding on the type of punishment, the provisions of sections 9 through 12 apply in addition to the grounds affecting sentencing.

Determining the sentence

Section 4 – The general principle

The sentence shall be determined so that it is in just proportion to the harmfulness and dangerousness of the offence, the motives for the act and the other culpability of the perpetrator manifest in the offence.

Section 5 – Grounds increasing the punishment

- (1) The following are grounds for increasing the punishment:
 - (1) the methodical nature of the criminal activity,
 - (2) commission of the offence as a member of a group organised for serious offences,
 - (3) commission of the offence for remuneration,
 - (4) commission of the offence for a motive based on race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or another corresponding grounds, and (511/2011)
 - (5) the criminal history of the perpetrator, if the relation between it and the new offence, due to the similarity between the offences or otherwise, shows that the perpetrator is apparently heedless of the prohibitions and commands of the law.

Section 6 – Grounds reducing the punishment

The following are grounds for reducing the punishment:

- (1) significant pressure, threat or a similar influence that has affected the commission of the offence,
- (2) strong empathy or an exceptional and sudden temptation that has led to the offence, the exceptionally great contribution of the injured party or a corresponding circumstance that has been conducive to decreasing the capability of the perpetrator to conform to the law,

- (3) reconciliation between the perpetrator and the injured person, other attempts of the perpetrator to prevent or remove the effects of the offence or his or her attempt to further the clearing up of the offence, and
- (4) the grounds mentioned in section 8(1) and (3).

Section 7 – Grounds mitigating the punishment

In addition to what is provided above in section 6, grounds mitigating the punishment that are also to be taken into consideration are

- (1) another consequence to the perpetrator of the offence or of the sentence,
- (2) the advanced age, poor health or other personal circumstances of the perpetrator, and
- (3) a considerably long period that has passed since the commission of the offence,

if the punishment that accords with established practice would for these reasons lead to an unreasonable or exceptionally detrimental result.

Section 8 – Mitigation of the penal latitude

- (1) The sentence is determined in accordance with a mitigated penal latitude if
 - (1) the perpetrator has committed the offence under the age of 18 years,
 - (2) the offence has remained an attempt,
 - (3) the perpetrator is convicted as an abettor in an offence, through application of the provisions of chapter 5, section 6, or his or her complicity in the offence is otherwise clearly less than that of other accomplices,
 - (4) the offence has been committed in circumstances that closely resemble those that lead to the application of grounds for exemption from liability, or
 - (5) there are special reasons for this pursuant to section 6 or 7 or on other exceptional grounds, mentioned in the sentence.
- (2) In determining the punishment pursuant to subsection 1, at most three fourths of the maximum sentence of imprisonment or fine and at least the minimum sentence provided for the offence may be imposed on the perpetrator. If the offence is punishable by life imprisonment, the maximum punishment is instead twelve years of imprisonment and the minimum punishment is two years of imprisonment.
- (3) What is provided in subsection 2 also applies in determining the sentence for a person who committed an offence in a state of diminished responsibility. However, diminished responsibility does not affect the applicable maximum punishment.

(4) If the maximum punishment for the offence is imprisonment for a fixed period, the court may in cases referred to in this section impose a fine as the punishment instead of imprisonment, if there are especially weighty reasons for this.

The choice of the type of punishment

Section 9 – The choice between conditional and unconditional imprisonment

(1) A sentence of imprisonment for a fixed period not exceeding two years may be conditional (*conditional imprisonment*), unless the seriousness of the offence, the guilt of the perpetrator as manifested in the offence, or the criminal history of the perpetrator requires the imposition of an unconditional sentence of imprisonment.

(2) However, an unconditional sentence of imprisonment shall not be imposed for an offence committed when the perpetrator was under 18 years of age, unless this is demanded by weighty reasons.

Section 10 – Sanctions ancillary to conditional imprisonment

(1) If conditional imprisonment by itself is to be deemed insufficient punishment for the offence, an ancillary fine may be imposed or, if the conditional imprisonment exceeds one year, an ancillary community service order for at least 20 and at most 90 hours may be imposed.

(2) A person who has committed an offence when under 21 years of age may be subjected to supervision for one year and three months in order to reinforce conditional imprisonment, where this is to be deemed justified in view of the promotion of the social adaptation of the perpetrator and the prevention of further offences. Provisions on the enforcement of supervision are provided in the Act on Supervision of Conditional Imprisonment (634/2010)- (635/2010)

(3) Fines, community service and a monitoring sentence imposed in addition to conditional imprisonment are subject to the separate provisions on the sanction in question. However, ancillary community service may be commuted into imprisonment for at least four and at most 90 days.

Section 10(a) – Juvenile penalty (1195/2004)

(1) A juvenile penalty may be imposed for an offence committed before the age of 18 years, if:

- (1) a fine is, with consideration to the seriousness of the offence, the guilt of the perpetrator manifested in the offence and the criminal history of the perpetrator, an insufficient punishment and there are no weighty reasons requiring the imposing of an unconditional sentence of imprisonment, and

(2) the imposing of a juvenile penalty is to be deemed justified in order to promote the social adaptation of the perpetrator and the prevention of new offences.

(2) A juvenile penalty may be imposed on the prerequisites provided in subsection 1 also if only some of the offences considered by the court at the same time have been committed under the age of 18 years.

(3) Section 2 of the Juvenile Penalty Act (1196/2004) contains provisions on the length and contents of a juvenile penalty.

Section 11 – Community service

(1) An offender who is sentenced to a fixed term of unconditional imprisonment of at most eight months shall be sentenced instead to community service, unless unconditional sentences of imprisonment, earlier community service orders or other weighty reasons are to be considered bars to the imposition of the community service order.

(2) A prerequisite for the imposition of a community service order is that the offender has given his or her consent to the community service order and that he or she may be assumed to complete the community service order.

Section 11(a) – Monitoring sentence (329/2011)

(1) An offender who is sentenced to a fixed term of unconditional imprisonment of at most six months shall instead have a monitoring sentence imposed for a similar length of time if:

- (1) due to the bar referred to in section 11, subsection 1 or to the absence of the prerequisite referred to in subsection 2 of said section the offender may not be sentenced to community service;
- (2) no bar to imposing a monitoring sentence is deemed to arise from an earlier imposed monitoring sentence or unconditional imprisonment nor from the nature of the offence in question; and
- (3) imposition of a monitoring sentence is deemed to be justified for the maintenance of promotion of the social adaptation of the offender.

(2) A further requisite for a monitoring sentence is that the offender has given his or her consent to the imposition of the monitoring sentence as punishment and the adults living in the same household as the offender have on their own firm will consented to the enforcement of the monitoring sentence in said household. An additional requisite is that the obligation referred to in section 2 of the Monitoring Sentence Act (330/2011) to remain in one's household and participate in the activity that he or she has been ordered to carry out, may be imposed on the offender, and the offender may be assumed to complete the monitoring sentence. A monitoring sentence may not be imposed without an enforcement

plan. Section 8, subsection 3 of the Monitoring Sentence Act contains provisions on ascertaining the opinion of, and the hearing of, under-aged persons living in the household.

Section 12 – *Waiving of punishment*

A court may waive punishment if

- (1) the offence, when assessed as a whole, taking into account its harmfulness or the culpability of the perpetrator manifested in it, is to be deemed of minor significance,
- (2) the perpetrator has committed the offence under the age of 18 years and the act is deemed to be the result of lack of understanding or of imprudence,
- (3) due to special reasons related to the act or the perpetrator the act is to be deemed comparable to an excusable act,
- (4) punishment is to be deemed unreasonable or pointless in particular taking into account the factors referred to above in section 6, paragraph 3 and section 7 or the actions by the social security and health authorities, or
- (5) the offence would not have an essential effect on the total sentence due to the provisions on sentencing to a joint punishment.

Deductions to be made from the punishment imposed

Section 13 – *Deduction of period of loss of liberty*

(1) If a sentence of imprisonment for a fixed period is imposed for an act for which the offender has been deprived of his or her liberty for a continuous period of at least one day, the court shall deduct from the punishment a period corresponding to this loss of liberty, or deem this loss of liberty to be full service of the punishment.

(2) The same shall be done if the loss of liberty was due to the defendant having been taken into custody due to charges or a criminal investigation relating to the same matter or due to a court order to the effect that the defendant was to be brought before the court.

(3) If the punishment imposed is a fine, the loss of liberty shall be taken into account to a reasonable amount, but nonetheless at least to an amount corresponding to the loss of liberty, or shall be deemed to be full service of the punishment.

(4) If the punishment imposed is a juvenile penalty, the loss of liberty shall be taken into account as a deduction. In calculating the deduction referred to in this subsection, one day of loss of liberty corresponds to two days of juvenile penalty, unless there is a particular reason to depart from this. (1195/2004)

(5) If the punishment imposed is a summary penal fee, the loss of liberty shall be deemed full service of the punishment. (755/2010)

Section 14 – *Deduction of punishment imposed abroad*

If a person is sentenced in Finland for an offence for which he or she has already served a sanction imposed abroad in full or in part, a reasonable amount shall be deducted from the sentence to be imposed. If the sanction that has been served has been a custodial sentence, the court shall deduct from the sentence the time corresponding to the loss of liberty. The court may also note that the sanction that has been served is to be deemed a sufficient sanction for the offence.

Section 15 – *Deduction of disciplinary punishment for prisoners serving a sentence*

Disciplinary punishment may be imposed in prison on a prisoner or remand prisoner, as provided in chapter 15 of the Imprisonment Act and chapter 10 of the Remand Imprisonment Act. If a prisoner or remand prisoner is convicted in court for an offence for which he or she has served a disciplinary punishment in full or in part, a reasonable amount shall be deducted from the sentence, unless there are justifiable grounds not to make the deduction or for considering the served disciplinary punishment as full punishment for the act. (780/2005)

Section 16 – *Deduction of disciplinary punishments for persons subject to chapter 45 of the Criminal Code*

(1) A person subject to chapter 45 of this Code may be sentenced through disciplinary procedure to a disciplinary punishment or disciplinary reprimand for an offence referred to in section 2 of the Military Court Procedure Act, as separately provided. If such a person has served punishment or a disciplinary reprimand imposed through disciplinary proceedings either in full or in part and he or she is subsequently sentenced in court for the same offence, the punishment and reprimand that has already been served shall be taken into account to a reasonable extent as a deduction or deemed to be full service of the sentence.

(2) In calculating the deduction referred to above in subsection 1, one day of loss of liberty corresponds to one day of military confinement, two disciplinary day fines, two days of confinement to quarters or confinement to barracks and three extra duties.

Chapter 7 - Joint punishment (697/1991)

Section 1 - *Sentencing to a joint punishment of imprisonment* (755/2010)

(1) If a person is to be sentenced to imprisonment for two or more offences at the same time, he or she shall be sentenced to a joint punishment of imprisonment, unless otherwise provided elsewhere in law.

(2) In cases where one offence would be punishable by imprisonment and one or more of the other offences would be punishable by a fine or a summary penal fee, the court may pass a joint sentence of imprisonment for all the offences. The court may also impose a joint sentence of imprisonment for some of the offences and, in addition, a fine or summary penal fine for the other offences, but not both a fine and a summary penal fine.

(3) If one offence would be punishable by life imprisonment, a sentence of life imprisonment shall be passed as a joint punishment for all the offences.

[section 1 has been amended by the Act of 755/2010, which shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

Section 1 - Sentencing to a joint punishment of imprisonment (697/1991)

(1) If a person is to be sentenced to imprisonment for two or more offences at the same time, he or she shall be sentenced to a joint punishment of imprisonment, unless otherwise provided elsewhere in the law. (751/1997)

(2) In cases where one offence would be punishable by imprisonment and one or more other offences by a fine, the court may pass a joint sentence of imprisonment for all the offences or a joint sentence of imprisonment for some of the offences and, in addition, a fine for the other offences.

(3) If one offence would be punishable by life imprisonment, a sentence of life imprisonment shall be passed as a joint punishment for all the offences.

Section 2 - Maximum and minimum for a sentence of imprisonment for a fixed period (697/1991)

(1) When sentencing to a joint punishment, the most severe maximum penalty for among the respective offences may be exceeded, but the sentence shall not be longer than the sum total of the maximum penalties of the respective offences. In addition, the most severe maximum penalty shall also not be exceeded by more than

- (1) one year, if the most severe maximum penalty is imprisonment for less than one year and six months,
- (2) two years, if the most severe maximum penalty is imprisonment for at least one year and six months but less than four years, or
- (3) three years, if the most severe maximum penalty is imprisonment for a fixed period for at least four years.

(2) The sentence shall not be shorter than the most severe minimum penalty for among the respective offences.

(3) The most severe maximum and minimum penalty refers to the sentence that, according to the provisions to be applied in the case, can be passed as the maximum and minimum penalty. If one or more offences are punishable only by a fine, the fines altogether shall be considered to equal one month's imprisonment when calculating the sum total of the maximum penalties of the various offences.

Section 3 - Joint fine (697/1991)

(1) If a person is to be sentenced at the same time to fines for two or more offences, he or she shall instead be sentenced to a joint fine.

(2) The maximum for a joint fine is two hundred and forty day fines. However, a joint fine may not be greater than the sum of the maximum punishments for the separate offences. If a minimum number of day fines has been provided for an offence in an Act enacted after 1 June 1969, the joint fine may not be less than the said minimum. (515/2003)

(3) What is provided above does not apply to the threat of a fine imposed in euros. (515/2003)

Section 3(a) - Fine and summary penal fee (755/2010)

(1) If both a fine and a summary penal fee is to be ordered for two or more offences at the same time, the sentence shall be a fine or a joint fine that has been increased by 20 euros. However, a fine may not be increased if the summary penal fee is imposed on a pedestrian or the driver of a non-motorized vehicle.

(2) If the total fine or the combined fine would be less than the summary penal fee or the largest summary penal fee, the fine or the combined fine shall be increased to the amount of the summary penal fee or the largest summary penal fee before the increase referred to in subsection 1 is made.

[This section shall enter into force on a date to be set by Decree.]

Section 3(b) - Summary penal fee (755/2010)

If a summary penal fee is to be ordered for two or more offences at the same time, one summary penal fee shall be ordered. In so doing, the amount of the summary penal fee shall be 20 euros more than what is provided for the violation punishable by the largest summary penal fee. However, the summary penal fee imposed on a pedestrian or the driver of a non-motorized vehicle may not be increased.

[This section shall enter into force on a date to be set by Decree.]

Section 4 - Other sanctions (697/1991)

(1) If an offence is, in addition to a general punishment, also punishable by dismissal or by another sanction, the sanction shall be imposed in addition to the joint punishment, if so called for in the law.

(2) Only one juvenile penalty shall be imposed when sentencing for several offences at the same time. (1195/2004)

Section 5 - Sentencing to a joint punishment

(1) When sentencing to a joint punishment of imprisonment or a joint fine the provisions in chapter 6 shall be followed, where applicable.

(2) When sentencing to a joint punishment the basis is the penalty for the offence which in the consideration of the court carries the most severe penalty, and the joint punishment for the offences shall be set in just proportion also to the number of offences, their seriousness and their connection with each other. If one of the grounds for increasing or decreasing a punishment referred to in chapter 6 or some other circumstance listed in said chapter only applies to one or some of the offences for which a sentence is being passed, it shall be taken into account to a reasonable degree in setting the joint punishment.

Section 6 - Taking an earlier sentence of imprisonment into account (751/1997)

(1) If a person who has been unconditionally sentenced to imprisonment is charged with another offence committed before the sentence was passed, the earlier sentence of imprisonment may be taken into account, to a reasonable degree, as a mitigating circumstance or as a ground for reducing the punishment. In addition, the sentence of imprisonment passed for the new offence may be shorter than the minimum provided for it or the earlier sentence may be deemed to be a sufficient sanction also for the act which was later taken up for a hearing.

(2) The judgment of the court shall indicate which earlier sentence or sentences have been taken into account when sentencing under this section.

Section 7 - Taking an earlier community service order and monitoring sentence into account (329/2011)

When imposing a new punishment, an earlier community service order and monitoring sentence may be taken into account as is done with an earlier unconditional sentence of imprisonment pursuant to section 6.

Section 8 - Taking an earlier juvenile penalty into account (1195/2004)

If a person sentenced to a juvenile penalty should be sentenced to unconditional imprisonment for an offence committed before the juvenile penalty was imposed or for an offence committed after the juvenile penalty was imposed but before the

termination of its enforcement, he or she may be sentenced to a joint sentence of unconditional imprisonment for said offence and the offence which led to the imposition of the juvenile penalty. The corresponding portion of the juvenile penalty that has already been enforcement shall be taken into consideration as provided in section 19 of the Juvenile Penalty Act.

Section 9 – Consideration of a sentence imposed in a foreign state
(179/2010)

In applying sections 6 and 7, also an unconditional sentence of imprisonment or community service or a comparable punishment imposed in another Member State of the European Union or in Iceland or Norway.

Chapter 8 - Statute of limitations

Section 1 – Time-barring of the right to bring charges (297/2003)

(1) The right to bring charges for an offence for which the most severe sentence is life imprisonment does not become time-barred. (212/2008)

(2) The right to bring charges is time-barred if charges have not been brought

- (1) within twenty years, if the most severe penalty provided for the offence is fixed-term imprisonment for over eight years,
- (2) within ten years, if the most severe penalty is imprisonment for more than two years and at most eight years,
- (3) within five years, if the most severe penalty is imprisonment for over a year and at most two years, and
- (4) within two years, if the most severe penalty is imprisonment for at most a year, or a fine or a summary penal fee. (755/2010)

[paragraph 4 has been amended by the Act of 755/2010, which shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

- (4) within two years, if the most severe penalty is imprisonment for at most a year, or a fine.

(3) The most severe penalty refers to the maximum penalty provided for the offence in the applicable provision.

(4) The minimum period during which the right to bring charges for offences in office becomes time-barred, however, is five years. The minimum period during which the right to bring charges for impairment of the environment, an environmental offence and a building protection offence becomes time-barred is ten years. The right to bring charges for impairment of the environment, aggravated impairment of the environment, an environmental infraction and negligent impairment of the environment by a foreign vessel in the Finnish economic zone referred to in chapter 13, section 3 of the Maritime Environmental

Protection Act, becomes time-barred in three years. The minimum period during which the right to bring charges for a fishing offence committed from a foreign vessel in the Finnish economic zone becomes time-barred is three years. (1680/2009).

(5) The right to bring charges for sexual abuse of a child and aggravated sexual abuse of a child becomes time-barred at the earliest when the complainant reaches the age of twenty-eight years. The same applies to rape, aggravated rape, coercion into sexual intercourse, coercion into a sexual act, sexual abuse, pandering, aggravated pandering, trafficking in persons and aggravated trafficking person, directed at a person under the age of eighteen years. In the case of enticement of a child for sexual purposes referred to in chapter 20, section 8(b), the right to bring charges becomes time-barred when the person who was the object of the offence reaches the age of twenty-three years (540/2011)

Section 2 – *Beginning of the period of limitation* (297/2003)

(1) The periods mentioned above in section 1 are calculated from the day of the commission of the offence. If the essential elements of the offence provide for the criminalization of omission, the period for the bringing of charges begins to run when the omitted act should at the latest have been committed. If the essential elements of the offence require that a certain consequence be brought about, the period is calculated from the date said consequence appears.

(2) If the criminal act involves the maintenance of an unlawful condition, the period during which the right to bring charges becomes time-barred does not begin until such condition ends.

(3) The period for the bringing of charges for complicity in an offence begins to run on the same date as the period for the bringing of charges for the principal act.

Section 3 – *Interruption of the period of limitation* (297/2003)

(1) Charges are deemed to have been brought in a manner interrupting the period of limitation when the person to be prosecuted as been given lawful notice of the summons or a request for his or her punishment has been made when he or she is personally present at a trial.

(2) The bringing of charges in a case which is subsequently dismissed without prejudice or the charges are withdrawn, does not interrupt the period of limitation.

(3) When a violation is considered in accordance with the procedure provided by the Fine and Summary Penal Fee Act, the period during which the right to bring charges is interrupted when service is given to the suspect of the order for a fine, an order for a summary penal fee subject to objection, or the order for punishment. However, the period is not interrupted if the order is withdrawn, an

objection is lodged to the order, or the suspect or complainant withdraws his or her consent referred to in section 4 or 5 of said Act. (755/2010)

Section 4 – Continuation of the period of limitation (297/2003)

On application, the period of limitation on the right to bring charges may be extended once by one year, if

- (1) the preliminary investigation of the offence requires special, time-consuming investigative measures for which reason at the end of the period of limitation the investigation could clearly be incomplete,
- (2) the offence has been taken under preliminary investigation exceptionally late, or
- (3) the person to be summoned as defendant in the offence is evading apprehension and for t his reason he or she probably cannot be given notice of the summons before the end of the period of limitation

and a very important public interest demands continuation of the period of limitation.

Section 5 – Procedure when continuing the period of limitation (297/2003)

(1) The decision on the continuation of the period of limitation on the right to bring charges shall be made by the court where charges may be heard for the offence in accordance with chapter 4 of the Criminal Procedure Act (689/1997). The application for the continuation of the period of limitation may be made by the public prosecutor and by the complainant if he or she has the right referred to in chapter 1, section 14, subsections 1 or 2, or section 15, subsection 1 of said Act to bring charges. The application shall be made in writing before the period of limitation ends. (441/2011)

(2) The application for continuation of the period of limitation shall be taken up by the court for consideration without delay. It may be considered by a District Court consisting of one chairperson.

(3) If it is probable that a certain person shall be charged for the offence concerned in the application referred to in section 4(1) or (2) for continuation of the period of limitation, he or she shall be reserved an opportunity to be heard on the application. The summons may be delivered in person or by post.

(4) The decision given on the application is not subject to ordinary appeal. An extraordinary appeal on the basis of procedural fault may be submitted to the superior court within thirty days. The extraordinary appeal shall be considered as an urgent matter.

Section 6 – Time-barring of the imposition of a sentence (297/2003)

(1) The right to impose a sentence for an offence referred to in section 1, subsection 1 does not become time-barred. (1161/2005)

(2) No punishment may be imposed, or ordered on the basis of the Fine and Summary Penal Fee Act, for an offence other than one referred to in subsection 1 after the periods below have elapsed from the day mentioned in section 2:

- (1) thirty years, if the maximum penalty provided for the offence is imprisonment for a fixed period of more than eight years,
- (2) twenty years, if the maximum penalty provided for the offence is imprisonment for more than two years and at most eight years,
- (3) ten years, if the maximum penalty provided for the offence is imprisonment for at most two years or a fine. (755/2010)

[subsection 2 has been amended by the Act of 755/2010 and shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

(2) No punishment may be imposed for an offence other than one referred to in subsection 1 after the periods below have elapsed from the day mentioned in section 2:

- (1) thirty years, if the maximum penalty provided for the offence is imprisonment for a fixed period of more than eight years,
- (2) twenty years, if the maximum penalty provided for the offence is imprisonment for more than two years and at most eight years,
- (3) ten years, if the maximum penalty provided for the offence is imprisonment for at most two years or a fine.

(3) No punishment may be imposed for an offence referred to above in section 1, subsection 5 after the period of time referred to in subsection 2 of said section has elapsed and ten years has elapsed from when the complainant has reached the age of twenty-eight years or twenty-three years. (540/2011)

(4) An imposed penalty shall lapse if the judgment thereon has not become enforceable before the period of time referred to in subsection 2 or 3 has elapsed. (1161/2005)

Section 7 – Time-barring of a request for a corporate fine (297/2003)

The period of limitation for the presentation of a request for a corporate fine is the same as for the bringing of charges for the offence that is the basis for the request. However, the minimum period of limitation is five years.

Section 8 – Time-barring of the imposition of the threat of a fine (297/2003)

The right to impose a fine where the court has set such a threat in order to ensure the conduct of proceedings lapses in two years from when the threat of a fine was set.

Section 9 – *Time-barring of the imposition of forfeiture* (1161/2005)

A sanction involving forfeiture may not be imposed if no punishment may be imposed on the offence due to lapse of time. However, the minimum period of limitation for a request for forfeiture is five years. If the request for forfeiture concerns the instrument of crime referred to in chapter 10, section 4 or the other property referred to in section 5, however, the right to request forfeiture shall not lapse.

Section 10 – *Lapse of an imposed sentence of imprisonment* (297/2003)

(1) A sentence of life imprisonment and a fixed-term sentence of imprisonment imposed for genocide, a crime against humanity, an aggravated crime against humanity, a war crime or an aggravated war crime shall not lapse. (212/2008)

(2) A fixed-term sentence of imprisonment shall lapse if its enforcement has not been started within the periods below, counted from the date when the sentence became final:

- (1) within twenty years, if the sentence is for a fixed period of over eight years,
- (2) within fifteen years, if the sentence is over four years and at most eight years,
- (3) within ten years, if the sentence is over one year and at most four years, and
- (4) within five years, if the sentence is at most one year.

(3) A conversion sentence for unpaid fines shall lapse if its enforcement has not been started within three years of the date when the judgment became final.

Section 11 – *Lapse of an imposed sentence of community service and a monitoring sentence* (329/2011)

A sentence of community service and a monitoring sentence lapses in the same way as the corresponding sentence of imprisonment.

Section 12 – *Lapse of enforcement of an imposed sentence in certain cases* (297/2007)

If the enforcement of a sentence of imprisonment, a sentence of community service or conversion for unpaid fines has been interrupted or a person conditionally released has been order to lose his or her liberty, the provisions of sections 10 and 11 shall apply correspondingly in the continuation of enforcement. The period that results in the lapse of a fixed-term sentence of imprisonment and of a sentence of community service is determined by the remaining sentence, and if several sentences have been combined when they are to be enforced, from the period remaining of the sentences when combined. The

time shall be calculated from the day of interruption and, if conditional release is ordered revoked or a conditional sentence is ordered to be enforced, from the day on which final decision on the revocation or enforcement had been given.

Section 12(a) – *Lapse of an imposed juvenile penalty* (1161/2005)

A juvenile penalty shall lapse if its enforcement has not begun within three years from the day the final judgment was given.

Section 13 – *Lapse of an imposed fine* (297/2003)

(1) The enforcement of a fine shall lapse after five years from the day the final judgment was given, unless a conversion sentence for unpaid fines has been imposed on the fined person before this. If a conversion sentence has been imposed, the fine person has the right also during said period to pay the fine as has separately been provided. What is provided above regarding a fine also applies to a threat of a fine that has been imposed.

(2) The enforcement of a corporate fine that has been imposed shall lapse after five years from the day the final judgment was given.

(3) The enforcement of a summary penal fee shall lapse after five years from the date on which the summary penal fee order was issued. (755/2010)

Section 14 – *Lapse of forfeiture imposed as a sanction* (1161/2005)

Forfeiture as a sanction may not be enforced after ten years has passed from the day on which the final judgment was given. If the forfeiture concerns the instrument of crime referred to in chapter 10, section 4 or the other property referred to in section 5, however, the enforcement of forfeiture as a sanction shall not lapse.

Section 15 – *Effect of attachment* (297/2003)

If attachment has been carried out within the period of limitation in order to carry out enforcement referred to in section 13 or 14, enforcement may be continued in respect of the attached property.

Section 16 – *Effect of death on enforcement* (297/2003)

(1) A fine and the threat of a fine lapse on the death of the convicted person. However, enforcement for which attachment has been carried out while the convicted person was still alive may be completed in respect of the attached property.

(2) On the death of the offender or of another person liable for the forfeiture, the sanction shall be judged on the assets of the decedent's estate, unless the judgment of forfeiture would be unreasonable.

(3) If the person whose property has been ordered forfeit has died, enforcement may be directed at the decedent's estate. However, the parties to the decedent's estate have the right, within three months of when property of the decedent's estate has been attached for enforcement of the sentence or said property has been taken into the possession of the State, to submit the case to the decision of the court that has dealt with it as the court of first instance, for a decision on whether or not enforcement shall lapse on the ground that the forfeiture is to be deemed unreasonable.

Section 17 – End of the period of limitation (297/2003)

The period of limitation ends at the end of the day preceding the day of the month corresponding to the date on which the period began.

Section 18 – Reference provision (755/2010)

(1) Chapter 2b, section 3, subsection 2 contains provisions on the lapse of conditional imprisonment.

(2) The Military Discipline Act (331/1983) contains provisions on the limitation on disciplinary punishment for a soldier and for other persons subject to chapter 45 of the Criminal Code.

[section 18 has been amended by the Act of 755/2010 and shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

(1) Chapter 2b, section 3, subsection 2 contains provisions on the lapse of conditional imprisonment. (1161/2005)

(2) The Act on Summary Penal Proceedings (692/1993) contains provisions on the limitation on summary penal fines. The Petty Fine Act (66/1983) contains provisions on the lapse of a petty fine.

(3) The Military Discipline Act (331/1983) contains provisions on the limitation on disciplinary punishment for a soldier and for other persons subject to chapter 45 of the Criminal Code.

Chapter 9 - Corporate criminal liability (743/1995)

Section 1 - Scope of application (61/2003)

(1) A corporation, foundation or other legal entity¹ in the operations of which an offence has been committed shall on the request of the public prosecutor be sentenced to a corporate fine if such a sanction has been provided in this Code for the offence. (441/2011)

¹ In the following, "corporation".

(2) The provisions in this chapter do not apply to offences committed in the exercise of public authority.

Section 2 - Prerequisites for liability (61/2003)

(1) A corporation may be sentenced to a corporate fine if a person who is part of its statutory organ or other management or who exercises actual decision-making authority therein has been an accomplice in an offence or allowed the commission of the offence or if the care and diligence necessary for the prevention of the offence have not been observed in the operations of the corporation.

(2) A corporate fine may be imposed even if the offender cannot be identified or otherwise is not punished. However, no corporate fine shall be imposed for a complainant offence which is not reported by the injured party so as to have charges brought, unless there is a very important public interest for the bringing of charges.

Section 3 - Connection between offender and corporation (743/1995)

(1) The offence is deemed to have been committed in the operations of a corporation if the perpetrator has acted on the behalf or for the benefit of the corporation, and belongs to its management or is in a service or employment relationship with it or has acted on assignment by a representative of the corporation.

(2) The corporation does not have the right to compensation from the offender for a corporate fine that it has paid, unless such liability is based on statutes on corporations and foundations.

Section 4 - Waiving of punishment (61/2003)

(1) A court may waive imposition of a corporate fine on a corporation if:

- (1) the omission referred to in section 2(1) by the corporation is slight, or the participation in the offence by the management or by the person who exercises actual decision-making authority in the corporation is slight, or
- (2) the offence committed in the operations of the corporation is slight.

(2) The court may waive imposition of a corporate fine also when the punishment is deemed unreasonable, taking into consideration:

- (1) the consequences of the offence to the corporation,
- (2) the measures taken by the corporation to prevent new offences, to prevent or remedy the effects of the offence or to further the investigation of the omission or offence, or
- (3) where a member of the management of the corporation is sentenced to a punishment, and the corporation is small, the sentenced person owns a

large share of the corporation or his or her personal liability for the liabilities of the corporation are significant.

Section 5 - Corporate fine (971/2001)

A corporate fine is imposed as a lump sum. The corporate fine is at least 850 euros and at most 850,000 euros.

Section 6 - Basis for calculation of the corporate fine (743/1995)

(1) The amount of the corporate fine shall be determined in accordance with the nature and extent of the omission or the participation of the management, as referred to in section 2, and the financial standing of the corporation.

(2) When evaluating the significance of the omission and the participation of the management, consideration shall be taken of the nature and seriousness of the offence, the status of the perpetrator as a member of the organs of the corporation, whether the violation of the duties of the corporation manifests heedlessness of the law or the orders of the authorities, as well as the grounds for sentencing provided elsewhere in the law.

(3) When evaluating the financial standing of the corporation, consideration shall be taken of the size and solvency of the corporation, as well as the earnings and the other essential indicators of the financial standing of the corporation.

Section 7 -Waiving of the bringing of charges (61/2003)

(1) The public prosecutor may waive the bringing of charges against a corporation, if: (441/2011)

(1) the corporate omission or participation of the management or of the person exercising actual decision-making power in the corporation, as referred to in section 2, subsection 1, has been of minor significance in the offence, or

(2) only minor damage or danger has been caused by the offence committed in the operations of the corporation

and the corporation has voluntarily taken the necessary measures to prevent new offences.

(2) The bringing of charges may be waived also if the offender, in the case referred to in section 4, subsection 2(3), has already been sentenced to a punishment and it is to be anticipated that the corporation for this reason is not to be sentenced to a corporate fine.

(3) Service of a decision not to bring charges against a corporation or to withdraw charges against a corporation shall be given by post or through application as appropriate of what is provided in chapter 11 of the Code of Judicial Procedure. The provisions of chapter 1, sections 10 and 11 of the Criminal Procedure Act

(689/1997) on the waiving of charges apply correspondingly to the decision. In the case referred to in chapter 1, section 10, subsection 1 of the Act the prosecutor shall instead of the question of culpability, submit to the consideration of the court the question of the existence of grounds for corporate criminal liability.

(4) The provisions of chapter 1, section 12 of the Criminal Procedure Act on the revocation of charges apply to the revocation of charges on the basis of subsection 1. However, service of the revocation shall be given only to the corporation.

Section 8 - Joint corporate fine (743/1995)

(1) If a corporation is to be sentenced for two or more offences at one time, a joint corporate fine shall be imposed in accordance with the provisions of sections 5 and 6.

(2) No joint punishment shall be imposed for two offences, one of which was committed after a corporate fine was imposed for the other. If charges are brought against a corporation which has been sentenced to a corporate fine by a final decision, for an offence committed before the said sentence was passed, a joint corporate fine shall also not be imposed, but the prior corporate fine shall be duly taken into account when sentencing to the new punishment.

[section 9 has been repealed; 297/2003]

Section 10 – Enforcement of a corporate fine (673/2002)

(1) A corporate fine is enforced in the manner provided in the Enforcement of Fines Act (672/2002).

(2) A conversion sentence may not be imposed in place of a corporate fine.

Chapter 10 – Forfeiture (875/2001)

Section 1 – General prerequisites of forfeiture (875/2001)

(1) A prerequisite for a forfeiture order is an act criminalised by law (*offence*).

(2) A forfeiture order may be based on an act criminalised by law also

(1) where the perpetrator has not attained the age of fifteen years at the material time, or is without criminal capacity,

(2) where the perpetrator is exempt from criminal liability pursuant to chapter 4, section 2, section 4, subsection 22, section 5, subsection 2, section 6, subsection 3 or chapter 45, section 26b, subsection 2, or (515/2003)

- (3) where a corporation may be sentenced to a punishment in accordance with chapter 9 even if the individual committing the offence cannot be identified or for some other reason cannot be sentenced to a punishment.

Section 2 — *Forfeiture of the proceeds of crime* (875/2001)

(1) The proceeds of crime shall be ordered forfeit to the State. The forfeiture shall be ordered on the perpetrator, a participant or a person on whose behalf or to whose benefit the offence has been committed, where these have benefited from the offence.

(2) If no evidence can be presented as to the amount of the proceeds of crime, or if such evidence can be presented only with difficulty, the proceeds shall be estimated, taking into consideration the nature of the offence, the extent of the criminal activity and the other circumstances.

(3) Forfeiture of the proceeds of crime shall not be ordered in so far as they have been returned to the injured party, or in so far as they have been or will be ordered to be reimbursed to the injured party by way of compensation or restitution. If a claim for compensation or restitution has not been filed or if the claim has still not been decided when the request for forfeiture is being decided, the forfeiture shall be ordered.

Section 3 — *Extended forfeiture of the proceeds of crime* (875/2001)

(1) Full or partial forfeiture of property to the State may be ordered

- (1) on a person who is found guilty of an offence which carries a possible penalty of imprisonment for at least four years, a punishable attempt of such an offence, or an offence referred to in chapter 32, sections 1 or 6, chapter 46, section 4, chapter 50, sections 1 or 4, of this Code, or in section 82 of the Alcohol Act (459/1968), and

- (2) on a participant in an offence referred to in paragraph (1) above and on a person on whose behalf or to whose benefit the said offence has been committed,

provided that the nature of the offence is such that it may result in considerable financial proceeds and that there is reason to believe that the property is fully or partially derived from criminal activity that is not to be considered insignificant. (641/2009)

(2) Moreover, full or partial forfeiture of property, referred to in subsection 1, to the State may be ordered

- (1) on a person whose relationship to a person referred to in subsection 1 is one covered by section 3, subsection 1 of the Act on the Recovery of Assets to Bankruptcy Estates (758/1991) (*close person*) and

- (2) on a private entrepreneur, a company, another corporation or foundation whose relationship to a person referred to in subsection 1 or a close person of his or hers is one covered by section 3, subsection 2, paragraphs (1) or (2) of the Act on the Recovery of Assets to Bankruptcy Estates, if there is reason to believe that the property has been conveyed to the same in order to avoid forfeiture or liability.
- (3) A forfeiture referred to in subsection 2 shall not be ordered if the property has been conveyed more than five years before the commission of the offence referred to in subsection 1.
- (4) If the same forfeiture is ordered on two or more persons, their liability is joint and several.

Section 4 — *Forfeiture of an instrument of crime* (875/2001)

- (1) The following instruments shall be ordered forfeit to the State, when used in the commission of an offence:
 - (1) a firearm, edged weapon or another similar lethal instrument, and
 - (2) any other object or property the possession of which is punishable.
- (2) Also the following may be ordered forfeit to the State:
 - (1) an object or property that has been used in the commission of an intentional offence, and
 - (2) an object or property that is closely connected to an intentional offence for which the proceedings have been brought, when it has been obtained or prepared solely or mainly for the intentional offence or where its characteristics make it especially suitable as an instrument of an intentional offence.
- (3) In the assessment of the need for forfeiture, special consideration shall be taken of the prevention of further offences.

Section 5 — *Forfeiture of certain other property* (875/2001)

- (1) An object or property which has been produced, manufactured or brought about by way of an offence, or at which an offence has been directed, shall be ordered forfeit to the State if its possession is punishable.
- (2) An object or property which has been produced, manufactured or brought about by way of an offence, or at which an offence has been directed, may be ordered fully or partially forfeit, if forfeiture is necessary:
 - (1) due to the object or property being hazardous to health or the environment,
 - (2) in order to prevent further offences, where the object or property is especially suitable as a target of an offence or as an instrument of crime,

- (3) in order to achieve the objective of provisions or orders pertaining to economic regulation, import or export, or
- (4) in order to achieve the objective of provisions or orders for the protection of nature and the environment.

(3) A container, packaging or other material used for the storage of an object or property that is to be ordered forfeit may likewise be ordered forfeit, if the forfeiture of the object or property cannot otherwise be enforced without undue inconvenience.

Section 6 — *Restrictions on forfeiture* (875/2001)

(1) An object or other property referred to in section 4 or 5 may not be ordered forfeit if it belongs in full or in part to someone else than the offender, a participant or a person on whose behalf or with whose consent the offence has been committed. However, the object or property may be ordered forfeit from a person to whom it has been conveyed after the commission of the offence, if, when receiving it, he or she knew or had justifiable reason to believe that the object or property was linked to an offence, or if he or she has received it as a gift or otherwise free of charge.

(2) Regardless of ownership, an object or property shall be ordered forfeit also if the owner would commit an offence by having the object or property in his or her possession.

Section 7 — *Lapse of forfeiture* (875/2001)

(1) Upon deciding a request for forfeiture, the court may on the consent of the defendant order that the forfeiture shall lapse if the object or property referred to in section 4 or 5 is altered within a given period as specified in the judgment, or other measures specified in the judgment are carried out thereon, with the result that the forfeiture thus becomes unnecessary.

(2) The bailiff monitors compliance with the specifications in the judgment and decides whether the forfeiture shall lapse. The person subject to the forfeiture may appeal against the decision in accordance with the procedure on appeals in enforcement. For a special reason, the bailiff may extend the period referred to in subsection 1. The Legal Register Centre shall be notified of a lapse of forfeiture.

(3) The person subject to the forfeiture is liable for the costs of alteration and the other enforcement of the judgment.

Section 8 — *Forfeiture of value* (875/2001)

(1) If an object or property referred to in section 4 or 5 cannot be ordered forfeit owing to a restriction referred to in section 6, subsection 1, or because the object or property has been hidden or is otherwise inaccessible, a full or partial

forfeiture of the value of the object or property may be ordered on the offender, a participant or a person on whose behalf or with whose consent the offence has been committed, instead of forfeiture of the object or property itself. In addition, forfeiture of value may be ordered on a person to whom the object or property has been conveyed, if, when receiving it, he or she knew or had justifiable reason to suspect that the object or property was linked to an offence, or if he or she has received it as a gift or otherwise free of charge.

(2) However, forfeiture of value may not be ordered if the person referred to in subsection 1 shows that the object or property has probably been destroyed or consumed.

(3) If the forfeiture of the value of the same object or property is ordered on two or more persons, their liability is joint and several. However, a person on whom forfeiture of value has not been ordered in full, is liable only to the amount mentioned in the judgment.

Section 9 — Request for forfeiture (875/2001)

(1) Forfeiture shall be ordered on the request of a prosecutor or an official referred to in section 3 of the Fine and Summary Penal Fee Act. Also an injured party may request forfeiture when prosecuting charges on his or her own in accordance with chapter 7 of the Criminal Procedure Act (755/2010).

[subsection 1 has been amended by the Act of 755/2010 and shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

(1) Forfeiture shall be ordered on the request of a prosecutor or an official referred to in section 3 of the Act on Penal Order Procedure (692/1993). Also an injured party may request forfeiture when prosecuting charges on his or her own in accordance with chapter 7 of the Criminal Procedure Act (689/1997).

(2) Chapter 1, section 8b, of the Criminal Procedure Act contains provisions on the grounds on which a prosecutor may waive a request for forfeiture. (650/2003)

Section 10 — Adjustment of forfeiture (875/2001)

(1) Forfeiture need not be ordered, if:

- (1) the proceeds of crime are, or the value of the object or property is, insignificant,
- (2) the punishment of the offender is waived in accordance with chapter 3, section 5, subsection 3 or 4, or another corresponding provision, or
- (3) the forfeiture would be unreasonable in view of the nature of the offence and the object or property, the financial standing of the defendant, and the other circumstances.

(2) On the prerequisites referred to in subsection 1, the forfeiture may be ordered on value instead of the object or property, or only a part of the object, property or

value. Likewise, a partial forfeiture of the object or property and a partial forfeiture of the value may be ordered. A partial forfeiture of the proceeds of crime may also be ordered.

Section 11 — *Miscellaneous provisions* (875/2001)

(1) When the forfeiture liability of someone else than the suspect or the defendant is being considered in a pre-trial investigation or in criminal proceedings, the procedural provisions on the suspect or the defendant apply to that person in so far as appropriate.

(2) If compensation or restitution has been paid or ordered to be paid after the issue of the decision referred to in section 2, subsection 3, the forfeiture may be enforced to a correspondingly reduced amount. If the forfeiture has already been enforced, the amount may be ordered to be paid from State funds. An action to this effect shall be brought in the District Court of the plaintiff's domicile or the District Court of Helsinki within five years from the date when the judgment containing the forfeiture order became final. The State, represented by the Legal Register Centre, is the respondent in such a case.

(3) A person who in good faith has obtained a mortgage, a lien or a right of retention to an object or property referred to in section 4 or 5 and ordered forfeit may foreclose on the same regardless of whether the underlying receivable has become due. An action to this effect shall be brought as provided in subsection 2. Failing this, the mortgage, lien or right of retention expires.

Chapter 11 – War crimes and crimes against humanity (212/2008)

Section 1 - *Genocide*

(1) A person who for the purpose of entirely or partially destroying a national, ethnic, racial or religious group or another comparable group

- (1) kills members of the group,
- (2) inflicts grievous bodily or mental illness or injuries on members of the group,
- (3) subjects the group to such living conditions that can cause the physical destruction of the group in whole or in part,
- (4) undertakes forcible measures to prevent procreation among the group,
or
- (5) forcibly moves children from one group to another,

shall be sentenced for *genocide* to imprisonment for at least four years or for life.

(2) An attempt is punishable.

Section 2 - Preparation of genocide

A person who for the purpose referred to in section 1

- (1) conspires with another to commit genocide, or
- (2) makes a plan for genocide

shall be sentenced for *preparation of genocide* to imprisonment for at least four months and at most four years.

Section 3 - Crime against humanity

A person who, as part of a broad or systematic assault on civilian population,

- (1) kills or enslaves another, subjects him or her to trade by offer, purchase, sale or rent, or tortures him or her, or in another manner causes him or her considerable suffering or a serious injury or seriously harms his or her health or destroys a population by subjecting it or a part thereof to destructive living condition or in another manner,
- (2) deports or forcibly transfers population lawfully residing in an area,
- (3) takes a person as a prisoner or otherwise deprives him or her of his or her liberty in violation of fundamental provisions of international law or causes the involuntary disappearance of a person who has been deprived of his or her liberty,
- (4) rapes another, subjects him or her to sexual slavery, forces him or her into prostitution, pregnancy or sterilization or commits other corresponding aggravated sexual violence against him or her,
- (5) engages in racial discrimination or persecutes a recognizable group or community on the basis of political opinion, race, nationality, ethnic origin, culture, religion or gender or on other comparable grounds,

shall be sentenced for a *crime against humanity* to imprisonment for at least one year or for life.

An attempt is punishable.

Section 4 – Aggravated crime against humanity

If in a crime against humanity

- (1) the offence is directed against a large group of persons,
- (2) the offence is committed in an especially brutal, cruel or degrading manner or
- (3) the offence is committed in an especially planned or systematic manner,

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated crime against humanity* to imprisonment for at least eight years or for life.

(2) An attempt is punishable.

Section 5 - War crime

(1) A person who in connection with a war or other international or domestic armed conflict or occupation in violation of the Geneva conventions on the amelioration of the condition of the wounded and sick in armed forces in the field, the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea, the treatment of prisoners of war or the protection of civilian persons in time of war (Treaties of Finland 8/1955, *Geneva conventions*) or the additional amendment protocols done in 1949 to the Geneva Conventions, on the protection of victims of international armed conflicts and the protection of victims of non-international armed conflicts (Treaties of Finland 82/1980, *I and II protocols*) or other rules and customs of international law on war, armed conflict of occupation,

- (1) kills another or wounds or tortures him or her or in violation of his or her interests maims him or her or subjects him or her to a biological, medical or scientific experiment or in another manner causes him or her considerable suffering or a serious injury or seriously harms his or her health,
- (2) rapes another, subjects him or her to sexual slavery, forces him or her into prostitution, pregnancy or sterilization or commits other corresponding aggravated sexual violence against him or her,
- (3) destroys, confiscates or steals property arbitrarily and without military need,
- (4) in connection with an assault or otherwise plunders a town or another corresponding place,
- (5) takes or recruits children below the age of 18 years into military forces or into groups in which they are used in hostilities,
- (6) forces a prisoner of war or another protected person to serve in the military forces of the enemy or participate in military action against their own country,
- (7) denies a prisoner of war or another protected person the rights to a fair and lawful trial or in another manner denies him or her legal guarantees,
- (8) initiates an attack that causes the loss of human life or injuries or extensive, long-term and serious environmental damage that are clearly excessive in comparison with the anticipated real and direct military benefit,
- (9) attacks civilian populations, civilians not taking part in hostilities or civilian targets or persons engaged in tasks referred to in the Charter of the United Nations (Treaties of Finland 1/1956) or property used by them,

- (10) attacks undefended civilian targets or bombs them, attacks places used for religious worship, science, art, medical treatment or charity or historical monuments or attacks persons who are using the symbols referred to in the Geneva conventions or the I or III protocol to the Geneva conventions,
- (11) misuses a white flag, the flag of the enemy, the flag of the United Nations, military insignia, a military uniform or the symbols referred to in the Geneva conventions or the I or III protocol to the Geneva conventions,
- (12) holds in unlawful detention or forcibly transfers or deports population or parts thereof,
- (13) takes persons as hostages, announces that no mercy shall be given, uses civilians or other protected persons in order to protect military targets, prevents civilians from receiving foodstuffs or other supplies necessary for survival or emergency assistance or uses other means of warfare prohibited in international law, or
- (14) uses poison or a poison weapon, suffocating or poisonous gases or other corresponding substances, weapons, ammunition or materiel that cause excessive injuries or unnecessary suffering, or chemical, biological or other prohibited weapons or ordnance,

shall be sentenced for a *war crime* to imprisonment for at least one year or for life.

(2) Also a person who commits another act defined under article 8 of the Rome Statute of the International Criminal Court (Treaties of Finland 56/2002) or in another manner violates the provisions of an international agreement on war, armed conflict or occupation that is binding on Finland or the generally recognized and established laws and customs of war in accordance with international law shall be sentenced for a war crime.

(3) An attempt is punishable.

Section 6 - Aggravated war crime

(1) If the war crime is committed as part of a plan or policy or as part of extensive war crimes and

- (1) the offence is directed against a large group of persons,
- (2) the offence causes very serious and extensive damage,
- (3) the offence is committed in an especially brutal, cruel or degrading manner, or
- (4) the offence is committed in an especially planned or systematic manner,

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated war crime* to imprisonment for at least eight years or for life.

(2) An attempt is punishable.

Section 7 - Petty war crime

(1) If the war crime, considering the consequence caused or the other relevant circumstances, is petty when assessed as a whole, the offender shall be sentenced for a *petty war crime* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 7(a) – Violation of the ban on anti-personnel mines (1466/2011)

A person who, in violation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Agreements of Finland /20)

- (1) uses anti-personnel mines other than in the manner referred to in sections 5 through 7, or
- (2) develops, produces, otherwise obtains, stockpiles, possesses, transfers or exports or imports anti-personnel mines

shall be sentenced for *violation of the ban on anti-personnel mines* to imprisonment for at least four months and at most six years.

Section 8 - Breach of the prohibition of chemical weapons

A person, who in breach of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Treaties of Finland 19/1979)

- (1) uses chemical weapons in a manner not referred to in sections 5 - 7 of this chapter,
- (2) develops, produces, otherwise procures, stockpiles, possesses or transports chemical weapons, or
- (3) participates in military preparations for the use of chemical weapons,

shall be sentenced for *breach of the prohibition of chemical weapons* to imprisonment for at least four months and at most six years.

Section 9 – Breach of the prohibition of biological weapons

A person who

- (1) uses a biological or a toxin weapon in a manner not referred to in sections 1 through 3 of this chapter,
- (2) unlawfully prepares, transports or delivers a biological weapon or a toxin weapon, or

- (3) in violation of an international convention on the development, production and storage of bacteriological (biological) and toxin weapons and on their destruction (Treaties of Finland 15/1975) develops, prepares, otherwise procures, stores or possesses a biological weapon or a toxin weapon or weapons, devices or equipment for the dissemination of a biological weapon or a toxin weapon,

shall be sentenced, unless the same or a more severe penalty for the act has been provided elsewhere in the law, for a *breach of the prohibition of biological weapons* to imprisonment for at least four months and at most six years.

Section 9(a) – Torture (990/2009)

- (1) If a public official causes another strong physical or mental suffering
 - (1) in order to get him or her or another person to confess or to provide information,
 - (2) in order to punish him or her for something that he or she or some other person has done or is suspected of having done,
 - (3) in order to frighten or coerce him or her or another person, or
 - (4) on the basis of race, national or ethnic origin, skin colour, language, gender, age, family relations, sexual orientation, inheritance, incapacity, state of health, religion, political opinion, political or vocational activity or other corresponding grounds,

he or she shall be sentenced for *torture* to imprisonment for at least two and at most twelve years and in addition to removal from office.

(2) Also a public official who explicitly or implicitly approves an act referred to in subsection 1 committed by a subordinate or by a person who otherwise is factually under his or her authority and supervision shall also be sentenced for torture.

(3) An attempt is punishable.

(4) The provisions in this section regarding public officials apply also to persons performing a public fiduciary function and to a person exercising public power and, with the exception of the sanction of removal from office, also to the employee of a public corporation and to a foreign public official.

Section 10 - Ethnic agitation (511/2011)

A person who makes available to the public or otherwise spreads among the public or keeps available for the public information, an expression of opinion or another message where a certain group is threatened, defamed or insulted on the basis of its race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or a comparable basis, shall be sentenced for *ethnic agitation* to a fine or to imprisonment for at most two years.

Section 10(a) – *Aggravated ethnic agitation* (511/2011)

If the ethnic agitation involves incitement or enticement

- (1) to genocide or the preparation of genocide, a crime against humanity, an aggravated crime against humanity, a war crime, an aggravated war crime, murder, or manslaughter committed for terrorist intent, or
- (2) to serious violence other than what is referred to in paragraph 1 so that the act clearly endangers public order and safety,

and the ethnic agitation also when assessed as a whole is aggravated, the offender shall be sentenced for *aggravated ethnic agitation* to imprisonment for at least four months and at most four years.

Section 11 – *Discrimination* (885/2009)

A person who in his or her trade or profession, service of the general public, exercise of official authority or other public function or in the arrangement of a public amusement or meeting, without a justified reason

- (1) refuses someone service in accordance with the generally applicable conditions;
- (2) refuses someone entry to the amusement or meeting or ejects him or her; or
- (3) places someone in a clearly unequal or otherwise essentially inferior position

owing to his or her race, national or ethnic origin, skin colour, language, sex, age, family ties, sexual preference, inheritance, disability or state of health, or religion, political orientation, political or industrial activity or another comparable circumstance shall be sentenced, unless the act is punishable as work discrimination or extortionate work discrimination, for *discrimination* to a fine or to imprisonment for at most six months.

Section 12 - *Responsibility of the superior*

A military or other superior shall be sentenced for the offence or the attempt of an offence referred to in section 1, 3 through 7 or 13 in the same way as the offender or participant if forces or subordinates that are factually under the command and supervision of the superior have been guilty of an act as a consequence of the failure of the superior to properly supervise the actions of the forces or subordinates, and if

- (1) the superior knew or on the basis of the circumstances he or she should have known that the forces or subordinates committed or intended to committed said offences, and

- (2) the superior did not undertake the necessary measures available to him or her and that could have been reasonably expected of him or her in order to prevent the completion of the offences.

Section 13 – *Failure to report the offence of a subordinate*

(1) A military or other superior who neglects to undertake the necessary measures that can be reasonably expected of him or her in order to submit to the authorities for investigation an offence referred to in section 1 or sections 3-7 or the present section suspected to have been committed by a person factually under his or her command and supervision, shall be sentenced for *failure to report the offence of subordinate* to a fine or to imprisonment for at most two years.

(2) However, a superior who is a participant in the offence committed by his or her subordinate or under the conditions referred to in section 12 is an offender or participant in the offence committed by his or her subordinate shall not be sentenced for failure to report the offence of the subordinate.

Section 14 – *Order by the Government and command of a superior*

A person who has committed or attempted a war crime, an aggravated war crime or a petty war crime on the order of an authority exercising governmental power or of an entity exercising other public power or on the command of a superior is free of penal liability only if:

- (1) he or she had had a legal obligation to obey the orders of the Government or the commands of his or her superior;
- (2) he or she did not know that the order or command is against the law; and
- (3) the order or command was not clearly against the law.

Section 15 – *Corporate criminal liability* (511/2011)

The provisions on corporate criminal liability apply to ethnic agitation and aggravated ethnic agitation.

Chapter 12 - *Treasonable offences* (578/1995)

Section 1 - *Compromising the sovereignty of Finland* (578/1997)

A person who by violence or the threat of violence or the military or economic pressure or support by a foreign state, for the purpose of

- (1) rendering Finland or a part of Finland subject to the authority of a foreign state,

- (2) separating a part of Finland from the rest of the territory, or
- (3) otherwise restricting the sovereignty of Finland in a comparably serious manner,

commits an act which causes the danger of said purpose being attained shall be sentenced for *compromising the sovereignty of Finland* to imprisonment for at least one and at most ten years.

Section 2 – Incitement to war (578/1995)

If a person in Finland or a Finnish citizen outside of Finland, during an ongoing or imminent military crisis or international political crisis, for the purpose of causing Finland to be at war or the target of a military operation

- (1) publicly exhorts a foreign state to carry out an act of aggression against Finland or Finland to carry out an act of aggression against a foreign state,
- (2) publicly disseminates statements or other propaganda intended to turn the public opinion in favour of the carrying out of acts of aggression,
- (3) systematically disseminates manifestly unfounded or misleading information on the Finnish defence or the military or security policy of Finland, or
- (4) unlawfully commits a violent act against a foreign state or the representative, territory or property of a foreign state

so that the act evidently increases the danger of Finland being at war or the target of a military operation, that person shall be sentenced for *incitement to war* to imprisonment for at least one and at most ten years.

Section 3 - Treason (578/1995)

(1) A Finnish citizen who, during an ongoing or imminent war, armed conflict or occupation involving Finland,

- (1) joins the armed forces of the enemy,
- (2) participates in military operations or other military activities against Finland,
- (3) serves the enemy in a military or civilian capacity immediately furthering the military operations against Finland, or
- (4) collaborates with the enemy or in another comparable manner favours the enemy to the detriment of Finland

shall be sentenced for *treason* to imprisonment for at least one and at most ten years.

(2) Also a foreigner who commits an act referred to in subsection 1(4) while in Finland or in the service of Finland shall be sentenced for treason.

(3) An attempt is punishable.

(4) An act which is committed during occupation and which is evidently necessary for the safeguarding of the survival of the population is not considered favouring the enemy, as referred to in subsection 1(4).

Section 4 - *Aggravated treason* (578/1995)

(1) If in the treason

(1) there is danger of rendering Finland or a part of Finland subject to the authority of a foreign state, or

(2) especially serious damage is otherwise caused to Finland

and the treason is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated treason* to imprisonment for at least four years or for life.

(2) An attempt is punishable.

Section 5 - *Espionage* (578/1995)

(1) A person who for the purpose of favouring a foreign state or damaging Finland procures information on a matter concerning the Finnish defence or other preparation for emergencies, Finland's foreign relations, State finances, foreign trade or power supplies or another comparable matter involving Finnish national security, and the disclosure of the information to a foreign state can cause damage to the Finnish defence, national security, foreign relations or economy, shall be sentenced for *espionage* to imprisonment for at least one and at most ten years.

(2) Also a person who for the purpose of favouring another state or damaging Finland relays, delivers or discloses to another or publishes information referred to in subsection 1 shall be sentenced for espionage.

(3) An attempt is punishable.

(4) A person serving in the armed forces of the enemy may be sentenced for espionage only if he or she, concealing that service, stays in Finland or in the theatre of operations of the Finnish armed forces. Said person shall not be sentenced for acts of espionage other than that in which he or she was caught.

Section 6 - *Aggravated espionage* (578/1995)

(1) If the espionage

(1) is committed during a state of emergency,

(2) relates to a matter which is especially important to the Finnish defence, national security, foreign relations or economy, or

(3) is conducive to causing especially serious damage, as referred to in section 5

and the espionage is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated espionage* to imprisonment for at least four years or for life.

(2) An attempt is punishable.

Section 7 - Disclosure of a national secret (578/1995)

(1) A person who unlawfully publishes or relays, delivers or discloses to another or, for such purpose, unlawfully obtains information on a matter that has been classified as secret by statute or by administrative order so as to safeguard the Finnish national security, or that to the knowledge of the perpetrator is conducive to causing serious damage to the Finnish defence, national security, foreign relations or economy, shall be sentenced for *disclosure of a national secret* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 8 - Negligent disclosure of a national secret (578/1995)

A person who, through gross negligence, unlawfully publishes or relays, delivers or discloses information to another on a matter that has been classified as secret by statute or by administrative order so as to safeguard Finnish national security, shall be sentenced for *negligent disclosure of a national secret* to a fine or to imprisonment for at most two years.

Section 9 - Unlawful intelligence operations (578/1995)

(1) A person who for the purpose of damaging a foreign state or favouring another foreign state procures information on the defence or national security of a foreign state or on matters immediately relevant to the same and in this manner causes damage or danger to Finland's foreign relations shall be sentenced for *unlawful intelligence operations* to imprisonment for at least four months and at most six years.

(2) An attempt is punishable.

Section 10 - Violation of the rules of neutrality (578/1995)

A person who violates the rules of neutrality, governing the attitude of Finland towards belligerent foreign states, shall be sentenced for *violation of the rules of neutrality* to a fine or to imprisonment for at most one year.

Section 11 - Treasonable conspiracy (578/1995)

A person who for the purpose of committing an offence referred to above in this chapter conspires with a foreign state or a representative thereof shall be sentenced for *treasonable conspiracy* to a fine or to imprisonment for at most two years.

Chapter 13 - High treason (578/1995)

Section 1 - High treason (578/1995)

(1) A person who by violence or the threat of violence or by another comparable manner, by unlawful coercion or in violation of the Constitution, for the purpose of

- (1) abrogating the Finnish Constitution or altering it, or
- (2) altering the political foundations of Finland

commits an act which causes the danger of said purpose being attained shall be sentenced for *high treason* to imprisonment for at least one and at most ten years.

(2) Also a person who by violence or the threat of violence overthrows or attempts to overthrow the President of the Republic, the Council of State or Parliament or completely or partially prevents or attempts to prevent them from exercising their authority shall be sentenced for high treason.

Section 2 - Aggravated high treason (578/1995)

(1) If in the high treason

- (1) the offender is the President of the Republic, a member of the Council of State or another person belonging to the highest political or military command of the state,
- (2) the offence is committed by employing armed troops,
- (3) the offence is committed by killing people, or
- (4) the offence is especially serious due to a state of emergency

and the high treason is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated high treason* to imprisonment for at least four years or for life.

Section 3 - Preparation of high treason (578/1995)

(1) A person who for the purpose of committing high treason

- (1) conspires with a foreign state or a representative thereof,
- (2) produces, procures, assembles or stockpiles firearms, ammunition or other comparable instruments of violence,
- (3) provides training in the use of firearms or other comparable instruments of violence, or

(4) recruits or gathers troops or arms troops with weapons shall be sentenced for *preparation of high treason* to imprisonment for at least four months and at most four years.

(2) Also a person who establishes or organises an association whose purpose is the violent abrogation or alteration of the Constitution or political foundations of Finland, participates in the leadership of such association or otherwise significantly participates in its activities or, knowing about the purpose of the association, provides it with significant financial, organisational or other comparable support, shall be sentenced for preparation of high treason.

Section 4 - *Unlawful military operations* (578/1995)

A person who unlawfully establishes, organises or provides supplies to an association organised in a military manner and having the purpose of exerting political influence, participates in the leadership of such association, supports it financially or otherwise in a significant manner organises or provides military training in the association, shall be sentenced for *unlawful military operations* to a fine or to imprisonment for at most two years.

Chapter 14 - Offences against democracy (578/1995)

Section 1 - *Electoral offence* (578/1995)

A person who by violence or the threat of violence influences or attempts to influence another person voting or running for office in a general election or referendum shall be sentenced for an *electoral offence* to a fine or to imprisonment for at most two years.

Section 2 - *Electoral bribery* (578/1995)

A person who

- (1) promises, offers or gives to another a fee or other benefit so as to persuade him or her to vote in a given way or refrain from voting in a general election or referendum, or
- (2) demands a fee or another benefit for voting or refraining from voting in a general election or referendum

shall be sentenced for *electoral bribery* to a fine or to imprisonment for at most one year.

Section 3 - *Fraudulent voting* (578/1995)

(1) A person who in a general election or referendum votes without the franchise, in the name of another or more often than once shall be sentenced for *fraudulent voting* to a fine or to imprisonment for at most one year.

(2) An attempt is punishable.

Section 4 - Falsification of election returns (578/1995)

(1) A person who for the purpose of falsifying or obscuring the returns of a general election or referendum

(1) miscounts ballots,

(2) destroys, defaces, hides or adds ballots or alters the markings on the ballots, or

(3) in another comparable manner interferes with the appropriate holding of the general election or referendum

shall be sentenced for *falsification of election returns* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 5 - Violation of political freedom (578/1995)

(1) A person who by violence or by a threat of serious injury to the well-being of another prevents him or her from

(1) expressing his or her opinion of public affairs in a meeting or other gathering arranged for that purpose, in the media or otherwise publicly,

(2) participating in a meeting, march or other gathering arranged for the conduct of public affairs, or

(3) founding an association intended for the conduct of public affairs or joining, belonging to or being active in such an association,

shall be sentenced for *violation of political freedom* to a fine or to imprisonment for at most two years.

(2) Also a person who in the manner referred to in subsection 1 makes another involuntarily express his or her opinion of public affairs in a meeting or other gathering, in the media or otherwise publicly, participate in a gathering arranged for the conduct of public affairs, or join, belong to or be active in an association intended for the conduct of public affairs, shall be sentenced for violation of political freedom.

(3) An attempt is punishable.

Section 6 - Prevention of a public meeting (578/1995)

(1) A person who by violence or the threat of violence unlawfully prevents the arrangement of a meeting, march or other gathering intended for the conduct of

public affairs shall be sentenced for *prevention of a public meeting* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 7 - Definitions (1010/1995)

(1) For the purposes of this chapter, *general election* refers to a state election, an election to the Åland Legislative Assembly, a municipal election, an election to the European Parliament and a general church election.

(2) For the purpose of this chapter, *referendum* refers to a State and a local referendum.

Chapter 15 - Offences against the administration of justice (563/1998)

Section 1 - False statement in court (563/1998)

(1) If,

- (1) a witness or an expert witness in court,
- (2) a party to a matter in court, when heard under affirmation, or
- (3) another person in court, under oath or affirmation,

makes a false statement in the matter or without lawful cause conceals a pertinent circumstance, that person shall be sentenced for a *false statement in court* to imprisonment for at most three years.

(2) What is provided above in subsection 1 applies also when a person is heard in the main hearing by video conference, telephone or another technical means of communication referred to in chapter 17, section 34a of the Code of Judicial Procedure, without he or she being present in person. (361/2003)

Section 2 - False statement in official proceedings (563/1998)

(1) If

- (1) a person under oath or affirmation in official proceedings comparable to a trial,
- (2) a person other than the suspect, when being questioned in person in criminal investigations, or
- (3) a person other than one referred to in chapter 6, section 2, subsection 2 of the Police Act (872/2011) , when being questioned in a police inquiry or in comparable official proceedings, (815/2011)

makes a false statement in the matter or without lawful cause conceals a pertinent circumstance, said person shall be sentenced for a *false statement in official proceedings* to a fine or to imprisonment for at most two years.

Subsection 1(3), as amended by the Act of 815/2011, enters into force on 1 January 2014. The earlier provision reads as follows:

- (3) a person other than one referred to in section 38, subsection 2 of the Police Act (493/1995), when being questioned in a police inquiry or in comparable official proceedings,

(2) The legal representative of a corporation, when heard in a criminal investigation for the determination of corporate criminal liability, has the status of a suspect in the matter.

Section 3 - *Aggravated false statement in court* (563/1998)

If, in a false statement referred to in section 1,

- (1) serious danger arises of the court sentencing an innocent person to imprisonment or to another severe penalty, or a person to a significantly more severe penalty than what would otherwise be the case, or that the court is very likely otherwise to make a wrong decision causing very considerable damage to a party,
- (2) the falsehood or the concealment pertains to an especially important circumstance, or
- (3) the offence is committed in an especially methodical manner,

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated false statement in court* to imprisonment for at least four months and at most six years.

Section 4 - *Negligent false statement* (563/1998)

A person who

- (1) as a witness or expert witness in court, or
- (2) under a party's affirmation, oath or affirmation in court or in official proceedings comparable to a trial,

negligently makes a false statement or conceals a pertinent circumstance, shall be sentenced for a *negligent false statement* to a fine or to imprisonment for at most six months.

Section 5 - *Attempted incitement to a false statement* (563/1998)

A person who attempts to incite another person to commit an offence referred to in sections 1 - 3 shall be sentenced for *attempted incitement to a false statement* to a fine or to imprisonment for at most one year.

Section 6 - *False denunciation* (563/1998)

A person who makes a false statement to an authority carrying out a criminal investigation, another authority or a court, thereby causing danger that the denounced person is wrongly arrested, remanded or subjected to other coercive measures, or that charge are wrongly brought against him or her, or that he or she is wrongly sentenced to a punishment or other penal sanction, shall be sentenced for a *false denunciation* to a fine or to imprisonment for at most three years.

Section 7 - Falsification of evidence (563/1998)

(1) A person, who for the purpose of having an innocent person sentenced or otherwise to cause damage to another person, conceals, destroys, defaces, alters or otherwise falsifies an object, document or other item necessary as evidence before a court or in criminal investigations and that he knows to be of significance in the matter, shall be sentenced for *falsification of evidence* to a fine or to imprisonment for at most two years.

(2) A sentence for falsification of evidence shall be imposed also on a person who, for a purpose referred to in subsection 1, submits a piece of evidence that he or she knows to be false or falsified to be used as evidence in court or in criminal investigations, or himself or herself uses it in a misleading manner.

Section 8 - Aggravated falsification of evidence (563/1998)

If, in the falsification of evidence,

- (1) serious danger arises of an innocent person being sentenced to imprisonment or to another severe penal sanction,
- (2) the offence pertains to particularly important evidence, or
- (3) the offence is committed in a particularly methodical manner,

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated falsification of evidence* to imprisonment for at least four months and at most six years.

Section 9 - Threatening a person to be heard in the administration of justice (563/1998)

A person who unlawfully

- (1) by violence or threats prevents or attempts to prevent another person from making a statement as a witness, expert witness, other person to be heard or a party in a trial, criminal investigation, police inquiry or other comparable official proceedings, or influences or attempts to influence the contents of the statement, or
- (2) employs violence or threats violence against another person or a person related to him or her in the manner referred to in section 10, subsection

2 because of a statement made by him or her in the hearing referred to above,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for *threatening a person to be heard in the administration of justice* to a fine or to imprisonment for at most three years.

Section 10 - *Failure to report a serious offence* (563/1998)

(1) A person who knows of imminent genocide, preparation of genocide, crime against humanity, aggravated crime against humanity, war crime, aggravated war crime, torture, breach of the prohibition of chemical weapons, breach of the prohibition of biological weapons, compromising of the sovereignty of Finland, treason, aggravated treason, espionage, aggravated espionage, high treason, aggravated high treason, rape, aggravated rape, aggravated sexual abuse of a child, murder, manslaughter, killing, aggravated assault, robbery, aggravated robbery, trafficking in persons, aggravated trafficking in persons, hostage taking, aggravated criminal mischief, aggravated endangerment of health, nuclear device offence, hijacking, an offence committed with terrorist intent referred to in chapter 34a, section 1, subsection 1(3), aggravated impairment of the environment or aggravated narcotics offence, and fails to report it to the authorities or the endangered person when there still is time to prevent the offence, shall be sentenced, if the offence or a punishable attempt thereof is committed, for a *failure to report a serious offence* to a fine or to imprisonment for at most six months. (990/2009)

(2) However, a person shall not be sentenced for a failure to report a serious offence, if, in order to prevent the offence, he or she would have had to denounce a spouse, a sibling, a direct ascendant or descendant, a person living in the same household or a person who is close owing to another comparable personal relationship.

Section 11 - *Harbouring an offender* (563/1998)

(1) A person who, after becoming aware of an offence, by furthering the escape of the offender or by destroying evidence prevents or attempts to prevent the offender from being brought to justice, shall be sentenced for *harbouring an offender* to a fine or to imprisonment for at most one year.

(2) The provision in subsection 1 does not apply to a participant in the offence nor to a person whose relationship with the offender is referred to in section 10, subsection 2, nor to offences for which the most severe penalty provided does not exceed imprisonment for six months.

Section 12 - *False statement abroad* (563/1998)

For purposes of application of the provisions on false statement, “court” also refers to the International Court of Justice established by the Charter of the United Nations and other tribunals set up by that organisation, a court of Iceland, Norway, a member state of the European Communities and the European Union, as well as a court in another foreign country, when extending legal assistance to a Finnish court.

Section 12(a) - Offences against administration of justice by the International Criminal Court (604/2002)

In the application of the provisions on false statement, false denunciation, falsification of evidence and threatening a person to be heard in the administration of justice, “court” refers also to the International Criminal Court, and “criminal investigation” refers also to an investigation referred to in the Rome Charter of the International Criminal Court.

Section 13 - Restrictive provision (563/1998)

The provisions on false statement do not apply if

- (1) the person making the statement corrects it or reveals the concealed circumstance before the hearing or questioning is concluded, or
- (2) it is impossible to keep to the truth without the danger that the person heard himself or herself becoming liable for an offence or a comparable unlawful act.

Chapter 16 - Offences against the public authorities (563/1998)

Section 1 - Violent resistance to a public official (563/1998)

(1) A person who

- (1) employs or threatens violence so as to force a public official to perform or to refrain from performing an official act involving the exercise of public authority,
- (2) otherwise employs or threatens violence against the public official because of the official act being carried out, or
- (3) employs violence against a public official or a related person, as referred to in chapter 15, section 10, subsection 2, in revenge for the official act,

shall be sentenced for *violent resistance to a public official* to imprisonment for at least four months and at most four years.

(2) Also a person who behaves in the manner referred to in subsection 1 towards a person who, at the request or with the consent of a public official, assists the public official in an official duty involving the exercise of public authority shall be sentenced for violent resistance to a public official. (604/2002)

Section 2 - Resistance to a public official (563/1998)

If the violent resistance to a public official, taking into account the minor significance of the violence or threat or the other circumstances of the offence, is to be deemed committed under mitigating circumstances, when assessed as a whole, the offender shall be sentenced for *resistance to a public official* to a fine or to imprisonment for at most six months.

Section 3 - Obstruction of a public official (563/1998)

(1) A person who, without employing or threatening violence, prevents or attempts to prevent an official act, as referred to in section 1, or make it more difficult to carry out, shall be sentenced for *obstruction of a public official* to a fine.

(2) Also a person who behaves in the manner referred to in subsection 1 towards a person who, at the request or with the consent of a public official, assists the public official in an official duty involving the exercise of public authority shall be sentenced for obstruction of a public official. (604/2002)

Section 4 - Contumacy to the police (815/2011)

A person who

- (1) fails to obey an order or prohibition issued by a police officer, within his or her competence, for the maintenance of public order or security or the performance of a duty,
- (2) refuses to provide a police officer with the identifying information referred to in chapter 2, section 1, subsection 1 of the Police Act,
- (3) fails to obey a police officer's clearly visible signal or order for stopping or moving a vehicle, as referred to in chapter 2, section 11, subsection 1 of the Police Act,
- (4) neglects the duty to provide assistance, as referred to in chapter 4, section 3 of the Police Act, or
- (5) alerts the police without reason or, by providing false information, hinders police operations,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for *contumacy to the police* to a fine or to imprisonment for at most three months.

Section 4, as amended by the Act of 815/2011, enters into force on 1 January 2014. The earlier provision reads as follows:

Section 4 – Contumacy to the police (563/1998)

A person who

- (1) fails to obey an order or prohibition issued by a police officer, within his or her competence, for the maintenance of public order or security or the performance of a duty,
- (2) refuses to provide a police officer with the identifying information referred to in section 10, subsection 1 of the Police Act,
- (3) fails to obey a police officer's clearly visible signal or order for stopping or moving a vehicle, as referred to in section 21 of the Police Act,
- (4) neglects the duty to provide assistance, as referred to in section 45 of the Police Act, or
- (5) alerts the police without reason or, by providing false information, hinders police operations,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for *contumacy to the police* to a fine or to imprisonment for at most three months.

Section 4(a) – Contumacy to a frontier guard (585/2005)

A person who

- (1) fails to obey an order or prohibition issued by a frontier guard, within his or her competence, for the performance of a duty,
- (2) refuses to provide a frontier guard with the identifying information referred to in section 36(1) of the Frontier Guard Act (578/2005),
- (3) fails to obey a frontier guard's clearly visible signal or order for directing traffic or for stopping or moving a vehicle, as referred to in section 38 of the Frontier Guard Act,
- (4) fails to obey a prohibition or order issued by a sea search and rescue mission coordinator pursuant to section 11a of the Sea Search and Rescue Act (1145/2001), or
- (5) alerts a frontier guard without reason or, by providing false information, hinders the activity of a frontier guard,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in law, for *contumacy to a frontier guard* to a fine or to imprisonment for at most three months.

Section 5 – Giving false identifying information (563/1998)

A person who in order to mislead a public authority provides a false name or otherwise provides false or misleading information on his or her identity, or for this purpose uses another person's identity card, passport, driver's license or other such certificate, shall be sentenced for *giving false identifying information* to a fine or to imprisonment for at most six months.

Section 6 - *Fine deception* (808/2007)

A person who in order to obtain economic benefit provides a public authority, for the purpose of imposing a fine, essentially false or misleading information on his or her income, maintenance liability or other circumstance affecting his or her solvency, shall be sentenced for *fine deception* to a fine or to imprisonment for at most three months.

Section 7 - *Registration offence* (563/1998)

(1) A person who

- (1) in order to cause a legally relevant error in a public register kept by a public authority, provides false information to that authority, of
- (2) in order to gain a benefit for himself or herself or another person, or in order to cause damage to another person, takes advantage of an error caused in the manner referred to in paragraph (1),

shall be sentenced for a *registration offence* to a fine or to imprisonment for at most three years.

(2) An attempt is punishable.

Section 8 - *Providing false documents to a public authority* (563/1998)

(1) A person who provides a public authority with a legally relevant false written document or a comparable technical recording or, after having produced such a document or recording, gives it to another person to be used for this purpose, shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *providing false documents to a public authority* to a fine or to imprisonment for at most six months.

(2) Also a person pursuing an activity under the specific supervision of an authority, the representative or employee of such a person, and an auditor of the corporation under supervision, who during a statutory inspection or when otherwise fulfilling a statutory reporting duty provides the supervising authority with legally relevant false oral information, shall be sentenced for providing false documents to a public authority.

Section 9 - *Impersonating a public official* (563/1998)

A person who in order to mislead another person

- (1) without a legal right undertakes measures that can only be undertaken by the competent official exercising public authority, or
- (2) otherwise represents himself or herself as a public official on duty and exercising public authority,

shall be sentenced for *impersonating a public official* to a fine or to imprisonment for at most six months.

Section 9(a) - Violation of a restraining order (902/1998)

If a person subject to a restraining order or a temporary restraining order violates the order as laid down in the pertinent decision, he or she shall be sentenced for *violation of a restraining order* to a fine or to imprisonment for at most one year.

Section 10 - Breach of an official prohibition pertaining to property

(563/1998)

(1) A person who unlawfully

- (1) breaks a lock, seal, barrier or mark installed by a public authority and intended for the closure or isolation of an object or other location, or otherwise breaks into such an object or location closed by the authority,
- (2) forces his or her way into a building or room closed by a public authority or otherwise breaches a prohibition issued, for the investigation of crime, on the basis of chapter 9, section 11, subsection 2 of the Coercive Measures Act (806/2011),
- (3) handles property that has been seized, seized for security, confiscated or ordered by a public authority not to be moved, or
- (4) in violation of a prohibition issued by an authority alienates or conveys property or in violation of a payment freeze pays a debt or wage,

shall be sentenced for a *breach of an official prohibition pertaining to property* to a fine or to imprisonment for at most one year. (815/2011)

[subsection 1 has been amended by the Act of 815/2011 and shall enter into force on 1 January 2014. The earlier wording is as follows:]

(1) A person who unlawfully

- (1) breaks a lock, seal, barrier or mark installed by a public authority and intended for the closure or isolation of an object or other location, or otherwise breaks into such an object or location closed by the authority,
- (2) forces his or her way into a building or room closed by a public authority or otherwise breaches a prohibition issued, for the investigation of crime, on the basis of chapter 6, section 2 of the Coercive Measures Act,
- (3) handles property that has been seized, seized for security, confiscated or ordered by a public authority not to be moved, or
- (4) in violation of a prohibition on alienation or other official prohibition alienates or conveys property or in violation of a payment freeze pays a debt or wage,

shall be sentenced for a *breach of an official prohibition pertaining to property* to a fine or to imprisonment for at most one year.

(2) For the purposes of subsection 1, paragraph (1), a public authority refers to Finnish authorities as well as foreign customs authorities.

Section 11 - Breach of a prohibition to pursue a business (563/1998)

(1) A person who breaches a prohibition to pursue a business or a temporary prohibition to pursue a business shall be sentenced for a *breach of a prohibition to pursue a business* to a fine or to imprisonment for at most two years.

(2) Also a person who acts as an intermediary for another in order to evade a prohibition to pursue a business shall be sentenced for a breach of a prohibition to pursue a business.

Section 12 - Destroying evidence in the possession of the authorities (563/1998)

A person who unlawfully destroys, appropriates, damages or otherwise renders useless a document or other evidence in a public archive or in the possession of a public authority, or a public register maintained by an authority or a part of such a register, shall be sentenced for *destroying evidence in the possession of the authorities* to a fine or to imprisonment for at most two years.

Section 13 - Giving of bribes (604/2002)

(1) A person who promises, offers or gives to a public official in exchange for his or her actions in service a gift or other benefit intended for him or her or for another, that influences or is intended to influence or is conducive to influencing the actions in service of the public official, shall be sentenced for the *giving of bribes* to a fine or to imprisonment for at most two years.

(2) Also a person who, in exchange for the actions in service of a public official, promises, offers or gives the gift or benefit referred to in subsection 1 shall be sentenced for bribery.

Section 14 - Aggravated giving of bribes (563/1998)

If in the giving of bribes

(1) the gift or benefit is intended to make the person act in service contrary to his or her duties with the result of considerable benefit to the briber or to another person or of considerable loss or detriment to another person, or

(2) the value of the gift or benefit is considerable

and the bribery is aggravated also when assessed as whole, the offender shall be sentenced for *aggravated giving of bribes* to imprisonment for at least four months and at most four years.

Section 14(a) – Giving of bribes to a member of Parliament (637/2011)

(1) A person who promises, offers or gives a member of Parliament a gift or other benefit that is to be deemed other than customary hospitality, intended for him or her or another person in order to have the member of Parliament act or refrain from acting in his or her parliamentary mandate in a certain manner or as a reward for such action, and the act is conducive towards clearly undermining confidence in the independence of the exercise of the parliamentary mandate, shall be sentenced for *giving of bribes to a member of Parliament* to a fine or imprisonment for at most two years.

(2) Political campaign financing in accordance with the Act on Financing of Political Campaigns given to a candidate is not deemed to be the giving of a bribe to a member of Parliament, unless its purpose is to circumvent subsection 1.

Section 14(b) – Aggravated giving of bribes to a member of Parliament (637/2011)

If in the giving of bribes to a member of Parliament

(1) the gift or benefit is intended to make the person act in his or her parliamentary mandate to the considerable benefit of the briber or another person or to considerable loss or detriment to another person, or

(2) the value of the gift or benefit is considerable

and the giving of a bribe to a member of Parliament is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated giving of bribes to a member of Parliament* to imprisonment for at least four months and at most four years.

Section 15 - Unlawful release of a prisoner (563/1998)

(1) A person who unlawfully

(1) releases a prisoner, arrested person or apprehended person or a person serving a sentence of confinement referred to in the Military Discipline Act (331/1983) from a prison or other place of custody, or from the custody of an official or soldier guarding, escorting or transporting that person, or assists in the escape of that person, or

(2) prevents a competent official or soldier from apprehending a person who is on the run and whose detention or arrest has been ordered,

shall be sentenced for *unlawful release of a prisoner* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 16 – Escape by a prisoner (563/1998)

A prisoner, arrested person or apprehended person in the custody of the authorities, or a person in confinement as referred to in the Military Discipline Act, who escapes or attempts to escape from a penal institution or other custodial institution, or from the custody of a person guarding, escorting or transporting him or her, shall be sentenced for *escape by a prisoner* to a fine or to imprisonment for at most one year.

Section 17 - Procurement of a weapon by a prisoner (563/1998)

A prisoner, arrested person or apprehended person in the custody of the authorities, or a person in confinement as referred to in the Military Discipline Act, who in violation of a prohibition brought to his or her knowledge produces, procures or possesses a firearm or edged weapon or other comparable lethal instrument, shall be sentenced for *procurement of a weapon by a prisoner* to a fine or to imprisonment for at most one year.

Section 18 - Corporate criminal liability (637/2011)

The provisions on corporate criminal liability apply to the giving of bribes, the aggravated giving of bribes, the giving of bribes to a member of Parliament, and the aggravated giving of bribes to a member of Parliament.

Section 19 - Restrictive provision (563/1998)

The provisions in sections 1 - 3 of this chapter do not apply to acts referred to in chapter 17, section 6.

[section 19a has been repealed; 604/2002]

Section 20 - Provisions on the scope of application (604/2002)

(1) In applying sections 1 through 3 of this chapter, a person elected to a public official as referred to in chapter 40, section 11, a foreign public official acting in the service of the International Criminal Court or in Finnish territory on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit, maintenance of public order and safety, prevention of offences or pre-trial investigation duties, a person exercising public authority and a soldier on duty, are equated with a civil servant as the object of the criminal act. (282/2007)

(2) In applying section 9 of this chapter, a person elected to a public office as referred to in chapter 40, section 11, a foreign public official acting in the service of the International Criminal Court or in Finnish territory on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit, maintenance of public order and safety, prevention of

offences or pre-trial investigation duties, a person exercising public authority, are equated with a public official. (282/2007)

(3) In applying sections 13 and 14 of this chapter, a person elected to a public office, an employee of a public corporation, a foreign public official, a person exercising public authority and a soldier referred to in chapter 40, section 11 are equated with a public servant as the object of the criminal act.

(4) For the purposes of sections 14 a and 14 b of this chapter, a member of a foreign Parliament referred to in chapter 40, section 11 is equated with a member of Parliament as the object of the criminal act. (637/2011)

(5) In applying sections 1 – 3, 9, 13 and 14 of this chapter, if provisions other than in this Code pertain to the application of provisions on criminal liability to persons other than those referred to in subsections 1 – 4, he or she is equated with a public servant as the object of the criminal act.

Chapter 17 - Offences against public order (563/1998)

Section 1 - *Public incitement to an offence* (563/1998)

(1) A person who through the mass media or publicly in a crowd or in a generally published writing or other presentation exhorts or incites anyone into the commission of an offence, so that the exhortation or incitement

(1) causes a danger of the offence or a punishable attempt being committed, or

(2) otherwise clearly endangers public order or security,

shall be sentenced for *public incitement to an offence* to a fine or to imprisonment for at most two years.

(2) If the exhortation or incitement causes the commission of an offence or a punishable attempt, the provisions in chapter 5 on participation apply.

Section 1(a) – *Participation in the activity of a criminal organisation*

(142/2003)

(1) A person who

(1) by establishing or organising a criminal organisation or by recruiting or attempting to recruit persons for it,

(2) by equipping or attempting to equip a criminal organisation with explosives, weapons, ammunition or with materials or equipment intended for their production or with other dangerous supplies or materials,

(3) by arranging, attempting to arrange or providing a criminal organisation training for criminal activity,

- (4) by obtaining, attempting to obtain or providing a criminal organisation premises or other facilities needed by it or means of transport or other equipment that is particularly important for the organisation,
- (5) by directly or indirectly giving or collecting funds to finance the criminal activity of a criminal organisation,
- (6) by managing financial affairs that are important for the criminal organisation or by giving financial or legal advice that is particularly important for the organisation or
- (7) by actively promoting the accomplishment of the aims of a criminal organisation in another substantial manner

participates in the activities of a criminal organisation with the aim of committing one or more offences for which the maximum statutory sentence is imprisonment for at least four years or one or more of the offences referred to in chapter 11, section 10 or chapter 15, section 9, and if such an offence or its punishable attempt is committed, shall be sentenced for *participating in the activity of a criminal organisation* to a fine or imprisonment for at most two years. (511/2011)

(2) What is provided above in subsection 1(6) regarding legal advice does not apply to the performance of the duties of legal counsel or representative in connection with the pre-trial investigation or court proceedings regarding an offence or the enforcement of a sentence.

(3) What is provided in subsection 1 does not apply if an equally or more severe penalty is provided elsewhere in law for the act.

(4) A criminal organisation refers to a structured association, established over a period of time, of at least three persons acting in concert to commit the offences referred to in subsection 1.

Section 2 - Rioting (563/1998)

When a crowd clearly intends to employ violence against a person or cause significant damage to property, a person who actively participates in the acts of the crowd, and in this context fails to obey an order lawfully issued by a competent official to disperse, shall be sentenced for *rioting* to a fine or to imprisonment for at most one year.

Section 3 - Violent rioting (563/1998)

When a crowd commits an offence referred to in chapter 16, section 1, employs violence against a person or causes significant damage to property, a person who actively participates in the acts of the crowd shall be sentenced for *violent rioting* to a fine or to imprisonment for at most two years.

Section 4 - Leading a violent riot (563/1998)

A person who incites or leads a crowd referred to in section 3 shall be sentenced for *leading a violent riot* to imprisonment for at most four years.

Section 5 - Preparation of an armed breach of public order (563/1998)

A person who recruits or assembles armed troops in order to commit an offence referred to in chapter 12, sections 1 - 4, chapter 16, section 1 or 15, or section 3 of this chapter, shall be sentenced for *preparation of an armed breach of public order* to a fine or to imprisonment for at most one year.

Section 6 - Resistance to a person maintaining public order (563/1998)

(1) A person who employs or threatens violence in order to prevent or attempt to prevent a person maintaining public order from performing a duty laid down in an Act or Decree, or otherwise hampers the performance of the said duty, shall be sentenced, unless a more severe penalty for the act is laid down elsewhere in the law, for *resistance to a person maintaining public order* to a fine or to imprisonment for at most six months.

(2) For the purposes of this section, *a person maintaining public order* refers to

- (1) a driver, as referred to in the Act on the Maintenance of Order in Public Transport (472/1977), a person corresponding to a driver and a passenger who upon request is assisting the driver or the corresponding person,
- (2) a ticket inspector, as referred to in the Act on Penalty Fares in Public Transport (469/1979) and a guardian of public order who is assisting in the inspection, (449/2006)
- (3) a guard, as referred to in the Private Security Services Act (282/2002) (284/2002), and
- (4) a guardian of public order, as referred to in the Act on Guardians of Public Order (533/1999). (536/1999)

Section 6(a) - Private security company offence (284/2002)

A person who engages in private security company operations without a permit or in private security company operations accepts a commission referred to in section 9, subsection 1 of the Private Security Services Act for the maintenance of public order and security, shall be sentenced for a *private security company offence* to a fine or to imprisonment for at most six months.

Section 7 - Border offence (563/1998)

(1) A person who

- (1) crosses the border of Finland without a valid passport or another travel document, or otherwise than from a legal point of departure or to a legal

point of arrival, or contrary to a statutory prohibition, or attempts the same,

- (2) otherwise breaches the provisions on border crossing, or
- (3) without permission stays, moves or undertakes prohibited measures in the border zone, as referred to in the Border Zone Act (403/1947)

shall be sentenced for a *border offence* to a fine or imprisonment for at most one year.

(2) A foreigner who is refused entry or deported as a result of the act referred to in subsection 1 or a foreigner who seeks asylum or applies for a residence permit as a refugee in Finland shall not be sentenced for a border offence. A foreigner who has committed the act referred to in subsection 1 due to the fact that he or she has been subjected to trafficking in human beings referred to in chapter 25, section 3 or 3a shall not be sentenced also for a border offence. (650/2004)

Section 7(a) - *Petty border offence* (756/2000)

(1) If the border offence, in view of the short duration of the unauthorised stay or movement, the nature of the prohibited act, or the other circumstances of the offence is petty when assessed as a whole, the offender shall be sentenced for a *petty border offence* to a fine.

(2) The provisions in section 7, subsection 2 apply also to acts referred to in subsection 1.

Section 7(b) - *Territorial violation* (756/2000)

(1) A soldier of a foreign state or the master of a foreign state vessel or state aircraft,

who

- (1) breaches the Act on Territorial Surveillance (755/2000) in a manner referred to in section 44 of the said Act,
- (2) breaches the provisions in sections 4 through 9 of the Act on Territorial Surveillance on entry into Finnish territory or staying in the territory, or
- (3) breaches conditions imposed in a permit issued on the basis of section 10 of the Act on Territorial Surveillance,

shall be sentenced for a *territorial violation* to a fine or to imprisonment for at most one year.

(2) In a matter pertaining to a territorial violation, the prosecutor may waive prosecution or the court may waive punishment, if the territorial violation has been immediately interrupted or if the offender has for that reason been refused entry or deported.

Section 8 - Arrangement of illegal immigration (563/1998)

(1) A person who

- (1) brings or attempts to bring to or transport through Finland a foreigner without a valid passport, other travel documents, a visa or a residence permit,
- (2) arranges or, as an intermediary, provides transportation for a foreigner referred to in paragraph 1 to Finland or
- (3) gives to another person a passport, other travel documents, a visa or a residence permit that is false, forged or issued to someone else for use to enter the country,

shall be sentenced for *arrangement of illegal immigration* to a fine or imprisonment for at most two years. (650/2004)

(2) An act which, when taking into account in particular the motives of the person committing it and the circumstances pertaining to the safety of the foreigner in his or her home country or country of permanent residence, and when assessed as a whole, is to be deemed committed under vindicating circumstances, does not constitute arrangement of illegal immigration.

Section 8(a) - Aggravated arrangement of illegal immigration (650/2004)

If, in the arrangement of illegal immigration,

- (1) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person or
- (2) the offence has been committed within the framework of a criminal organisation referred to in section 1a, subsection 4

and the offence is aggravated also when assessed as whole, the offender shall be sentenced for *aggravated arrangement of illegal immigration* to imprisonment for at least four months and at most six years.

Section 9 - Unlawful self-help (563/1998)

A person who in order to protect or enforce his or her rights undertakes measures that are unlawful without resorting to the authorities shall be sentenced, unless a more severe penalty for the act is laid down elsewhere in the law, for *unlawful self-help* to a fine or to imprisonment for at most six months.

Section 10 - Breach of the sanctity of religion (563/1998)

A person who

- (1) publicly blasphemes against God or, for the purpose of offending, publicly defames or desecrates what is otherwise held to be sacred by a

church or religious community, as referred to in the Act on the Freedom of Religion (267/1922), or

- (2) by making noise, acting threateningly or otherwise, disturbs worship, ecclesiastical proceedings, other similar religious proceedings or a funeral,

shall be sentenced for a *breach of the sanctity of religion* to a fine or to imprisonment for at most six months.

Section 11 - *Prevention of worship* (563/1998)

(1) A person who employs or threatens violence, so as to unlawfully prevent worship, ecclesiastical proceedings or other similar religious proceedings arranged by a church or religious community, as referred to in the Act on the Sanctity of Religion, shall be sentenced for *prevention of worship* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 12 - *Breach of the sanctity of the grave* (563/1998)

A person who

- (1) unlawfully opens a grave or exhumes a corpse, a part thereof, a coffin or a burial urn,
- (2) handles an unburied corpse in a manner giving offence, or
- (3) damages or desecrates a grave or a memorial of the dead,

shall be sentenced for a *breach of the sanctity of the grave* to a fine or to imprisonment for at most one year.

Section 13 - *Criminal disturbance* (613/2003)

A person who

- (1) by making noise or in another similar manner causes disturbance in the course of official action other than in a public place, or in an office closed to the public, a bureau, a place of business, place of manufacture or in another similar place,
- (2) causes disturbance by placing calls to an office, bureau, place of business or another similar place,
- (3) by using the emergency brake or alarm of a mass transport vehicle, elevator or other apparatus mischievously causes a false alarm,

shall be sentenced, unless a more severe penalty for the act is laid down elsewhere in the law, for *criminal disturbance* to a fine.

Section 13(a) - *Illegal wearing of a disguise* (1006/2004)

A person who, in connection with a public meeting or a public event arranged in a public place or other public assembly arranged in a public place, wears a disguise so that he or she cannot be recognised and clearly intends to employ violence against a person or cause damage to property shall be sentenced for *illegal wearing of a disguise* to a fine or imprisonment for at most three months.

Section 14 - Animal welfare offence (1431/2006)

A person who intentionally or through gross negligence, by violence, excessive burdening, failure to provide the necessary food or otherwise in violation of

- (1) the Animal Welfare Act (274/1996) or a provision given on its basis,
- (2) the Act on the Transport of Animals (1429/2006) or a provision given on its basis, or
- (3) annex I of Council Regulation (EC) No 1/2005 on the protection of animals in transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97

treats an animal cruelly or inflicts unnecessary suffering, pain or anguish on an animal, shall be sentenced for an *animal welfare offence* to a fine or to imprisonment for at most two years.

Section 14(a) – Aggravated animal welfare offence (14/2011)

If in the animal welfare offence

- (1) the offence is committed in an exceptionally brutal or cruel manner,
- (2) the offence is directed at a considerably large number of animals, or
- (3) the intention is to obtain considerable financial benefit,

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated animal welfare offence* to imprisonment for at least four months and at most four years.

Section 15 - Petty animal welfare offence (14/2011)

If the animal welfare offence, in view of the nature of the suffering, pain or torment caused or the other circumstances of the offence, is petty when assessed as a whole, the offender shall be sentenced for a *petty animal welfare offence* to a fine.

Section 15(a) – Cat or dog fur marketing violation (863/2008)

A person who in violation of Regulation (EC) 1523 of the European Parliament and the Council banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur,

professional places on the market cat or dog fur or products containing such fur, shall be sentenced for a *cat or dog fur marketing violation* to a fine.

Section 16 - Organised gambling (563/1998)

(1) A person who unlawfully arranges gambling or keeps a room or other premises for gambling, or as the proprietor of a hotel or restaurant establishment allows gambling to take place, shall be sentenced for *organised gambling* to a fine or to imprisonment for at most one year.

(2) *Gambling* refers to pools, bingo, tote and betting games, money and goods lotteries, casino operations and other similar games and activities where winning is completely or partially dependent on chance or events beyond the control of the participants in the game or activity and where the possible loss is clearly disproportionate to the solvency of at least one of the participants.

Section 16(a) — Lottery offence (578/2011)

A person who

- (1) arranges a lottery without a permit,
- (2) sells or purveys lottery tickets for a lottery that is not organized by a lottery society referred to in section 11 of the Lottery Act (1047/2001) or markets such a lottery in violation of the prohibition provided in section 62, subsection 2, paragraph 1 of the Lottery Act,
- (3) sells or purveys lots in a gambling game abroad or markets a gambling game abroad in violation of the prohibition provided in section 62, subsection 2, paragraph 2,
- (4) sells or purveys, without a permit from the organizer of a gambling game, lottery tickets in a gambling game organized by a lottery society referred to in section 11 of the Lottery Act or accepts stakes in such a gambling game or purveys winnings in such a gambling game in violation of the prohibition provided in section 62, subsection 2, paragraph 3, or
- (5) provides premises for a slot machine or casino game to be used by a lottery society other than one mentioned in section 11 of the Lottery Act, in violation of the prohibition provided in section 62, subsection 3,

shall be sentenced, unless a more severe penalty for the act is laid down elsewhere in the law, for a *lottery offence* to a fine or to imprisonment for at most two years.

Section 16(b) – Raffle offence (578/2011)

A person who

- (1) arranges lotteries other than those referred to in section 16(a), paragraph 1 of the Lottery Act without a permit,
- (2) violates section 62, subsection 1-4 of the Lottery Act in a manner other than that referred to in section 16(a),
- (3) uses the profits from a lottery essentially in violation of the Act, the permit issued for the organization of the lottery or an order issued in a permit for amending the intended purpose of the profits,
- (4) neglects an accounting obligation that is part of the organization of a lottery,
- (5) organizes a petty lottery referred to in section 27, subsection 1 of the Lottery Act even though he or she does not fulfil the criteria regarding the organization of a lottery as provided in section 5 of the Lottery Act,
- (6) essentially or repeatedly violates the conditions or orders of a permit issued for the organization of a lottery,
- (7) organizes a lottery essentially or repeatedly in violation of the decree issued on the basis of section 13(c) or 14 of the Lottery Act, or
- (8) violates the provisions of section 14(b) of the Lottery Act on the marketing of a gambling game,

shall be sentenced, unless a more severe sentence is provided elsewhere in law, to a *raffle offence* to a fine or to imprisonment for at most six months.

Section 16(c) – Money collection offence (663/2010)

A person who intentionally

- (1) arranges the collection of money without the permit referred to in the Money Collection Act (255/2006) or in violation of section 5, subsections 2 or 3 of said Act,
- (2) arranges the collection of money in violation of the prohibition provided in section 9 of the Money Collection Act,
- (3) in the arrangement of the collection of money provides the target group significant false or misleading information,
- (4) provides the licensing authorities referred to in the Money Collection Act with false information about a factor that is conducive to obtaining a permit to collect money or to influencing the conditions or such a permit, or conceals such a factor, or once having received a permit neglects to inform the licensing authorities of a change in circumstances which he or she, in connection with the issuing of the permit or otherwise, had specifically been obliged to report,
- (5) uses assets received in the collection of money essentially in violation of the conditions or orders given in the money collection permit or the permit to amend the intended purpose of the assets,

(6) neglects the obligation to render account or to provide information, provided in section 21 of the Money Collection Act, or

(7) serves in practice as the organizer of the collection of money without the order referred to in section 15, subsection 1 of the Money Collection Act,

shall be sentenced, unless a more severe penalty for the act is laid down elsewhere in the law, for a *money collection offence* to a fine or to imprisonment for at most two years.

Section 16(d) – Petty money collection offence (663/2010)

If the money collection offence is petty when assessed as a whole, the offender shall be sentenced for a *petty money collection offence* to a fine.

Section 17 - Distribution of depictions of violence (713/2011)

(1) A person who offers for sale or for rent, distributes or otherwise offers or keeps available or for this purpose manufactures or imports films or other audiovisual programme or recordings or data files containing such films or audiovisual programmes depicting brutal violence shall be sentenced for *distribution of depictions of violence* to a fine or to imprisonment for at most two years.

(2) The provision in subsection 1 does not apply if the depiction of violence is to be deemed justifiable because of the informative nature or manifest artistic value of the film or other motion picture or the recording or data file.

Section 18 - Distribution of a sexually offensive picture (650/2004)

(1) A person who manufactures, offers for sale or for rent or otherwise offers or makes available, keeps available, exports, imports to or transports through Finland to another country, or otherwise distributes pictures or visual recordings that factually or realistically depict

- (1) a child,
- (2) violence or
- (3) bestiality

shall be sentenced for *distribution of a sexually offensive picture* to a fine or imprisonment for at most two years. (540/2011)

(2) An attempt is punishable.

(3) The provisions in section 17, subsection 2 apply also to the pictures and visual recordings referred to in this section.

(4) A child is defined as a person below the age of eighteen years and a person whose age cannot be determined but whom there is justifiable reason to assume is below the age of eighteen years. The picture or visual recording is deemed factual in the manner referred to in subsection 1, paragraph 1, if it has been

produced in a situation in which a child has actually been the object of sexually offensive conduct and realistic, if it resembles in a misleading manner a picture or a visual recording produced through photography or in another corresponding manner of a situation in which a child is the object of sexually offensive conduct. The definitions of the terms factual and realistic apply correspondingly in the cases referred to in subsection 1, paragraphs 2 and 3. (540/2011)

Section 18(a) - *Aggravated distribution of a sexually offensive picture depicting a child* (650/2004)

- (1) If, in the distribution of a sexually offensive picture depicting a child
- (1) the child is particularly young,
 - (2) the picture also depicts severe violence or particularly humiliating treatment of the child,
 - (3) the offence is committed in a particularly methodical manner or (4) the offence has been committed within the framework of a criminal organisation referred to in section 1a, subsection 4

and the offence is aggravated also when assessed as whole, the offender shall be sentenced for *aggravated distribution of a sexually offensive picture depicting a child* to imprisonment for at least four months and at most six years.

- (2) An attempt is punishable.

Section 18(b) - *Illegal exhibition or distribution of video programmes to a minor* (713/2011)

A person who publicly exhibits or distributes or otherwise offers to or makes available to a person younger than 18 years of age

- (1) a video programme which, in violation of section 5, subsection 1 of the Video Programme Act (710/2011), has not been classified or for which the age limit has not been set at 18 or which does not have clearly visible indications, or
- (2) in violation of section 6, subsection 1 of the Act referred to in paragraph 1, a video programme for which the age limit has been set at 18,

shall be sentenced for *illegal exhibition or distribution of a video programme to a minor* to a fine or imprisonment for at most six months.

Section 19 - *Possession of a sexually offensive picture depicting a child* (540/2011)

- (1) A person who unlawfully has in his or her possession a picture or visual recording which depicts a child in the sexually offensive manner referred to in section 18, shall be sentenced for *possession of a sexually offensive picture depicting a child* to a fine or to imprisonment for at most one year.

(2) A person who in return for payment or otherwise by agreement has obtained access to a picture or visual recording referred to in subsection 1 so that it is available to him or her on a computer or another technical device without being recorded on the device shall also be sentenced for possession of a sexually offensive picture depicting a child.

Section 20 - Unlawful marketing of obscene material (563/1998)

(1) A person who, for gain, markets an obscene picture, visual recording or object which is conducive to causing public offence, by

- (1) giving it to a person under 15 years of age,
- (2) putting it on public display,
- (3) delivering it unsolicited to another, or
- (4) openly offering it for sale or presenting it by advertisement, brochure or poster or by other means causing public offence,

shall be sentenced for *unlawful marketing of obscene material* to a fine or to imprisonment for at most six months.

(2) Also a person who, in the manner referred to in subsection 1, subsection 4, offers for sale or presents an obscene text or sound recording which is conducive to causing public offence shall be sentenced for unlawful marketing of obscene material.

Section 21 - Public obscenity (563/1998)

A person who publicly performs an obscene act which causes offence shall be sentenced, unless a penalty for the act is laid down elsewhere in the law, for *public obscenity* to a fine or to imprisonment for at most six months.

Section 22 - Incest (563/1998)

(1) A person who has sexual intercourse with his or her child or other descendant, his or her parent or other ascendant, or his or her sibling, shall be sentenced for *incest* to a fine or to imprisonment for at most two years.

(2) A person who has had sexual intercourse with his or her parent or other ascendant while under 18 years of age and a person who has been coerced or unlawfully enticed into the sexual intercourse shall not be punished for incest.

Section 23 - Ban on the keeping of animals (14/2011)

(1) When a court convicts a person of an aggravated animal welfare offence, the court shall at the same time impose on him or her a ban on the keeping of animals. The court may, however, not impose such a ban if there are particularly weighty reasons for this. When a person is convicted of an animal welfare offence

or a petty animal welfare offence, a ban on the keeping of animals may at the same time be imposed on him or her. A ban on the keeping of animals may also be imposed on a person who, on the basis of section 54, subsection 1 of the Animal Welfare Act, is convicted of an animal welfare violation or, on the basis of section 39 of the Transport of Animals Act, is convicted of an animal transport violation, and he or she can be deemed unfit or unable to care for the welfare of animals. A ban on the keeping of animals may also be imposed on a person for whom punishment is waived on the basis of chapter 3, section 4, subsection 2 or chapter 6, section 12, paragraph 4 or 5. A ban on the keeping of animals is imposed on the request of the prosecutor.

(2) A person subjected to a ban on the keeping of animals may not own, keep or care for animals or otherwise be responsible for the welfare of animals. The ban may pertain to certain species of animals or to animals in general. The court may, however, on particular grounds order that the convicted person may continue to own animals in full or in part if these are not the object of the offence and he or she had owned them at the time that the decision is made, if it is possible to identify these in the decision.

(3) A ban on the keeping of animals may be imposed for a fixed period of at least one year or permanently. A ban on the keeping of animals may be imposed permanently if

(1) the person on whom the ban is imposed is guilty of an aggravated animal welfare offence,

(2) an earlier ban on the keeping of animals had been imposed on the person in question for a fixed period and said ban had become legally final,

(3) the state of health of the person on whom the ban is imposed is poor

and he or she is to be deemed permanently unfit or unable to own, keep or care for animals or otherwise to be responsible for their welfare.

(4) A ban on the keeping of animals applies regardless of appeal. If, however, the court on the basis of section 23(a), subsection 4, stays enforcement of a judgment regarding forfeiture of animals to the State, the ban on the keeping of animals does not apply to the animals referred to in the court decision.

(3) A gambling bank, other monies and objects with a monetary value used in organised gambling shall be ordered forfeit to the State. The forfeiture shall be ordered regardless of the ownership of the property in question. In other respects, the provisions in chapter 10 apply. (875/2001)

[subsection 4 has been repealed; 875/2001]

Section 23(a) – Forfeiture in connection with an animal welfare offence
(14/2011)

(1) The animals referred to in the ban on the keeping of animals and that are owned or kept by the person subject to the ban at the time that it is imposed, shall be ordered forfeit to the State. Also animals that are the subject of a violation of the ban on the keeping of animals shall be ordered forfeit to the State. The forfeiture shall be ordered regardless of whose property the animals in question are. In the place of animals that are the subject of a violation of the ban on the keeping of animals, forfeiture of their value shall be ordered as a substitute measure on the person guilty of the violation.

(2) The forfeiture referred to above in subsection 1 is ordered on the request of the prosecutor. Chapter 10, section 1 and section 11, subsection 3 apply to said forfeitures. In addition, chapter 10, section 10 applies to the forfeiture of value. The provisions of chapter 10 apply to forfeitures other than those referred to in subsection 1.

(3) The court may order that the person in question be reserved an opportunity himself or herself to sell or otherwise dispose of the animals that are owned by him or her and that are subject to the ban. If the forfeiture refers to animals that are owned in full or in part by a person other than the one on whom the ban on the keeping of animals is imposed, said person may be reserved an opportunity to obtain the animals at no cost to himself or herself. In addition, the judgment shall order a date by which the animals are to be disposed of or obtained. If the animals are obtained or disposed of in accordance with the judgment, the forfeiture lapses.

(4) A judgment on forfeiture of animals to the state may be enforced regardless of appeal. If the court reserves the opportunity referred to in subsection 3 to dispose of, or obtain, the animals or if there otherwise are particularly weighty reasons for this, the court shall order that the forfeiture shall not be enforced until the end of the period referred to in subsection 3 or an order to the contrary is imposed or the forfeiture is otherwise to be enforced.

Section 23(b) – *Forfeiture in connection with gambling* (14/2011)

Gambling stakes and other money or an object with a monetary value used in organized gambling shall be ordered forfeit to the State. Forfeiture shall be ordered regardless of to whom the forfeited property belongs. The provisions of chapter 10 otherwise apply.

Section 24 – *Corporate criminal liability* (511/2011)

(1) The provisions on corporate criminal liability apply to participation in the activity of a criminal organisation, the arrangement of illegal immigration, the aggravated arrangement of illegal immigration, an animal welfare offence, an aggravated animal welfare offence, organised gambling, a lottery offence, a money collection offence, the distribution of depictions of violence, the distribution of

sexually offensive pictures, the aggravated distribution of sexually offensive pictures depicting children, the possession of sexually offensive pictures depicting children and the unlawful marketing of obscene material.

(2) The provisions on corporate criminal liability apply also to public incitement to an offence referred to in section 1 when the exhorted or incited offence is, on

(1) ethnic agitation or aggravated ethnic agitation, or

(2) aggravated defamation or illegal threat when the motive for the exhortation or incitement is race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or another corresponding grounds.

Section 25 - *Right to bring charges* (441/2011)

If the criminal disturbance has not breached public order, the public prosecutor may not bring charges for the offence, unless the injured party reports it for the bringing of charges. Moreover, the public prosecutor may not bring charges for unlawful marketing of obscene material, as referred to in section 20, subsection 1(3), unless the injured party reports the offence for the bringing of charges.

Chapter 18 - Offences against family rights

Section 1

(1) If someone states that his or her name or station is other than what it actually is and if another person is thus deceived into a marriage agreement, or if someone misleads another into a marriage agreement by concealing a legal impediment to marriage or another circumstance which could cause the marriage to be annulled, he or she shall be sentenced to imprisonment for at most one year or to a fine.

(2) If also a wedding is performed or if the deceiver has sexual intercourse with the woman who was misled into the marriage agreement, he shall be sentenced to imprisonment for at least six months and at most two years or, if the circumstances are very aggravating, to imprisonment for at least six months and at most four years.

(3) The public prosecutor may not bring charges for the offence mentioned here unless the injured party has reported the offence for the bringing of charges or applied in court for the annulment of the marriage agreement or of the marriage. (441/2011)

Section 2

(1) A person who intentionally presents a child as the offspring of a woman who is not the mother of the child or exchanges one child for another or otherwise alters

or infringes upon the family rights of another shall be sentenced to imprisonment for at most four years.

(2) If he or she commits this offence in order to obtain benefit for himself or herself or for another or in order to injure another he or she shall be sentenced to imprisonment for at least six months and at most five years.

(3) An attempt is punishable.

Section 3

(1) If someone, by assuming a false name or by other fraudulent means, has received an inheritance or other family right, he or she shall be sentenced to imprisonment for at least six months and at most five years or, if the circumstances are very mitigating, to imprisonment for at least six months and at most four years.

(2) An attempt is punishable.

[chapter 19 has been repealed; 563/1998]

Chapter 20 - Sex offences (563/1998)

Section 1 - Rape (563/1998)

(1) A person who forces another into sexual intercourse by the use or threat of violence shall be sentenced for *rape* to imprisonment for at least one year and at most six years.

(2) Also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, has sexual intercourse with him or her, shall be sentenced for rape. (495/2011)

(3) An attempt is punishable.

Section 2 - Aggravated rape (563/1998)

(1) If, in the rape,

- (1) grievous bodily injury, serious illness or a state of mortal danger is intentionally inflicted on another,
- (2) the offence is committed by several people, or especially hard mental or physical suffering is caused,
- (3) the offence is committed in a particularly brutal, cruel or humiliating manner, or
- (4) a firearm, edged weapon or other lethal instrument is used or a threat of other serious violence is made,

and the rape is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated rape* to imprisonment for at least two years and at most ten years.

(2) An attempt is punishable.

Section 3 - Coercion into sexual intercourse (563/1998)

(1) If the rape, in view of the slight degree of the violence or threat and the other particulars of the offence, is deemed to have been committed under mitigating circumstances when assessed as a whole, the offender shall be sentenced for *coercion into sexual intercourse* to imprisonment for at most three years.

(2) Also a person who coerces another into sexual intercourse by a threat other than that referred to in section 1, subsection 1 shall be sentenced for coercion into sexual intercourse.

(3) An attempt is punishable.

Section 4 - Coercion into a sexual act (563/1998)

(1) A person who by violence or threat coerces another into a sexual act other than that referred to in section 1 or into submission to such an act, thus essentially violating his or her right of sexual self-determination, shall be sentenced for *coercion into a sexual act* to a fine or to imprisonment for at most three years.

(2) Also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, causes him or her to engage in or submit to the sexual act referred to in subsection 1, essentially violating his or her right of sexual self-determination, shall be sentenced for coercion into a sexual act. (495/2011)

(3) An attempt is punishable.

Section 5 - Sexual abuse (563/1998)

(1) A person who abuses his or her position and entices one of the following into sexual intercourse, into another sexual act essentially violating his or her right of sexual self-determination, or into submission to such an act,

- (1) a person younger than eighteen years of age, who in a school or other institution is subject to the authority or supervision of the offender or in another comparable manner subordinate to the offender,
- (2) a person younger than eighteen years of age, whose capacity of independent sexual self-determination, owing to his or her immaturity and the age difference of the persons involved, is essentially inferior to

that of the offender, where the offender blatantly takes advantage of this immaturity,

- (3) a patient in a hospital or other institution, whose capacity to defend himself or herself is essentially impaired owing to illness, handicap or other infirmity, or
- (4) a person who is especially dependent on the offender, where the offender blatantly takes advantage of this dependence,

shall be sentenced for *sexual abuse* to a fine or to imprisonment for at most four years.

Subsection 2 has been repealed by the Act of 495/2011

(3) An attempt is punishable.

Section 6 - *Sexual abuse of a child* (540/2011)

(1) A person who by touching or otherwise performs a sexual act on a child younger than sixteen years of age, said act being conducive to impairing his or her development, or induces him or her to perform such an act, shall be sentenced for *sexual abuse of a child* to imprisonment for at least four months and at most four years.

(2) Also a person who has sexual intercourse with a child younger than sixteen years of age, if the offence when assessed as a whole is not aggravated in the manner referred to in section 7, subsection 1, shall be sentenced for sexual abuse of a child. In addition, a person who acts in the manner referred to in subsection 1 or above in the present subsection with a child who has reached the age of sixteen but is younger than eighteen years of age, if the offender is the parent of the child or is in a position comparable to that of a parent and lives in the same household with the child, shall be sentenced for sexual abuse of a child.

(3) An attempt is punishable.

Section 7 - *Aggravated sexual abuse of a child* (540/2011)

(1) If

- (1) a person has sexual intercourse with a child below the age of sixteen or in the cases referred to in section 6, subsection 2 with a child who has reached the age of sixteen but is younger than eighteen years of age, or
- (2) in sexual abuse of a child
 - (a) the victim is a child whose age or stage of development is such that the offence is conducive to causing special injury to him or her,
 - (b) the offence is committed in an especially humiliating manner, or
- (3) the offence is conducive to causing special injury to the child due to the special trust he or she has placed in the offender or the special dependence of the child on the offender,

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated sexual abuse of a child* to imprisonment for at least one year and at most ten years.

(2) An attempt is punishable.

Section 7(a) – Restrictive provision (540/2011)

An act that does not violate the sexual autonomy of the subject and where there is no great difference in the mental and physical maturity of the parties shall not be deemed sexual abuse of a child, or the aggravated sexual abuse of a child referred to in section 7, subsection 1, paragraph 1.

Section 8 – Abuse of a victim of prostitution (743/2006)

(1) A person who, by promising or giving remuneration involving direct economic benefit induces a person referred to as victim in section 9 or 9a or in chapter 25, section 3 or 3a to engage in sexual intercourse or in a comparable sexual act shall be sentenced, unless the act is punishable pursuant to section 8a, for *abuse of a victim of prostitution* to a fine or imprisonment for at most six months.

(2) Also a person who takes advantage of the remuneration referred to in subsection 1 promised or given by a third person, by engaging in sexual intercourse or a comparable sexual act with the victim referred to in said subsection, shall be sentenced for abuse of a victim of prostitution.

(3) An attempt is punishable.

Section 8(a) – Purchase of sexual services from a young person (743/2006)

(1) A person who, by promising or giving remuneration, induces a person younger than 18 years of age to engage in sexual intercourse or to perform another sexual act shall be sentenced for *purchase of sexual services from a young person* to a fine or imprisonment for at most two years. (540/2011)

(2) Also a person who uses the sexual services referred to in subsection 1 for which another person has promised or given remuneration shall be sentenced for purchase of sexual services from a young person.

(3) An attempt is punishable.

Section 8(b) –Solicitation of a child for sexual purposes (540/2011)

(1) A person who suggests a meeting or other contact with a child so that it is apparent from the contents of the suggestion or otherwise from the circumstances that the intent of the person is to prepare sexually offensive pictures or visual recordings of the child in the manner referred to in chapter 17, section 18, subsection 1, or to subject the child to the offence referred to in

section 6 or 7 of this chapter, shall be sentenced for *solicitation of a child for sexual purposes* to a fine or to imprisonment for at most one year.

(2) Unless a more severe sentence is provided in law for the act, also a person who solicits a person under the age of eighteen years to engage in sexual intercourse or in another sexual act in the manner referred to in section 8(a) or to perform in a sexually offensive organized performance shall be sentenced for solicitation of a child for sexual purposes.

(3) Attempt of the offence referred to above in subsection 2 is punishable.

Section 8(c) – Following of a sexually offensive performance of a child
(540/2011)

(1) A person who follows a performance, in which a person under the age of eighteen years performs in a sexually offensive manner, shall be sentenced for *following a sexually offensive performance of a child* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 9 - Pandering (563/1998)

(1) A person who, in order to seek financial benefit for himself or herself or for another person,

(1) provides a room or other facilities where sexual intercourse or a comparable sexual act or a manifestly sexually offensive act performed by a child younger than 18 years of age are offered for remuneration,

(2) as an established part of his or her business harbours a person engaging in such an act and thereby substantially promotes such an act,

(3) provides contact information of or otherwise markets another person engaging in such an act knowing that his or her actions substantially promote the performance of such an act,

(4) otherwise takes advantage of the fact that another person engages in such an act or

(5) tempts or pressures another person to engage in such an act,

shall be sentenced for *pandering* to a fine or imprisonment for at most three years. (650/2004)

(2) An attempt is punishable.

Section 9(a) - Aggravated pandering (650/2004)

(1) If, in pandering,

(1) considerable financial benefit is sought,

- (2) the offence is committed in a particularly methodical manner,
- (3) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is inflicted intentionally or through gross negligence on another person or
- (4) the object is a child younger than 18 years of age

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated pandering* to imprisonment for at least four months and at most six years.

(2) An attempt is punishable.

Section 10 - *Definitions* (563/1998)

- (1) For the purposes of this chapter, *sexual intercourse* refers to the sexual penetration, by a sex organ or directed at a sex organ, of the body of another.
- (2) For the purposes of this chapter, a *sexual act* refers to an act which, with consideration to the offender, the person at whom the act was directed and the circumstances of commission, is sexually significant. (540/2011)

Section 11 - *Right to bring charges* (540/2011)

The public prosecutor may not bring charges for the offences referred to in sections 3 or 4 or section 5(1)(4), that have been directed at a person over the age of eighteen years, unless the injured party reports the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

Section 12 - *Waiver of measures* (540/2011)

Where the injured party in an offence referred to in section 1 who has reached the age of eighteen years, on his or her own considered free will requests that charges not be brought, the public prosecutor may waive the bringing of charges, unless an important private or public interest requires that charges be brought.

Section 13 - *Corporate criminal liability* (540/2011)

The provisions on corporate criminal liability apply to pandering and aggravated pandering. The same applies to the offence referred to in section 8(b), subsection 1, in which a meeting or other contact is proposed with a child with the intent to prepare pictures or visual recordings that present a child in an obscene manner.

Chapter 21 - Homicide and bodily injury (578/1995)

Section 1 - *Manslaughter* (578/1995)

(1) A person who kills another shall be sentenced for *manslaughter* to imprisonment for a fixed period of at least eight years.

(2) An attempt is punishable.

Section 2 - *Murder* (578/1995)

(1) If the manslaughter is

- (1) premeditated,
- (2) committed in a particularly brutal or cruel manner,
- (3) committed by causing serious danger to the public, or
- (4) committed by killing a public official on duty maintaining public order or public security, or because of an official action,

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *murder* to life imprisonment.

(2) An attempt is punishable.

Section 3 - *Killing* (578/1995)

(1) If the manslaughter, in view of the exceptional circumstances of the offence, the motives of the offender or other related circumstances, when assessed as a whole, is to be deemed committed under mitigating circumstances, the offender shall be sentenced for *killing* to imprisonment for at least four and at most ten years.

(2) An attempt is punishable.

Section 4 - *Infanticide* (578/1995)

(1) A woman who in a state of exhaustion or distress caused by childbirth kills her baby shall be sentenced for *infanticide* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 5 - *Assault* (578/1995)

(1) A person who employs physical violence on another or, without such violence, injures the health of another, causes pain to another or renders another unconscious or into a comparable condition, shall be sentenced for *assault* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 6 - *Aggravated assault* (654/2001)

(1) If in the assault

- (1) grievous bodily injury or serious illness is caused to another or another is placed in mortal danger,
- (2) the offence is committed in a particularly brutal or cruel manner, or
- (3) a firearm, edged weapon or other comparable lethal instrument is used

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated assault* to imprisonment for at least one year and at most ten years.

(2) An attempt is punishable.

Section 7 - Petty assault (578/1995)

If the assault, when assessed as a whole and with due consideration to the minor significance of the violence, the violation of physical integrity, the damage to health or other circumstances connected to the offence, is of minor character, the offender shall be sentenced for *petty assault* to a fine.

Section 8 - Negligent homicide (578/1995)

A person who through negligence causes the death of another shall be sentenced for *negligent homicide* to a fine or to imprisonment for at most two years.

Section 9 - Grossly negligent homicide (578/1995)

If in the negligent homicide the death of another is caused through gross negligence, and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *grossly negligent homicide* to imprisonment for at least four months and at most six years.

Section 10 - Negligent bodily injury (578/1995)

A person who through negligence inflicts not insignificant bodily injury or illness on another shall be sentenced for *negligent bodily injury* to a fine or to imprisonment for at most six months.

Section 11 - Grossly negligent bodily injury (578/1995)

If in the negligent bodily injury the bodily injury or illness is inflicted through gross negligence, and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *grossly negligent bodily injury* to a fine or to imprisonment for at most two years.

Section 12 - Brawling (578/1995)

A person who by employing physical violence or otherwise takes part in a brawl or attack which has several participants and where someone is killed or suffers a

serious bodily injury or illness, if he or she had reason to believe that the brawl or attack would have the said consequence, shall be sentenced for *brawling* to a fine or to imprisonment for at most two years.

Section 13 - *Imperilment* (578/1995)

A person who intentionally or through gross negligence places another in serious danger of losing his or her life or health, shall be sentenced, unless the same or a more severe penalty for the act is provided elsewhere in the law, for *imperilment* to a fine or to imprisonment for at most two years.

Section 14 - *Abandonment* (578/1995)

A person who renders another helpless or abandons a helpless person in respect of whom he or she has an obligation of care, and thereby endangers the life or health of said person, shall be sentenced for *abandonment* to a fine or to imprisonment for at most two years.

Section 15 - *Neglect of rescue* (578/1995)

A person who knows that another is in mortal danger or serious danger to his or her health, and does not give or procure such assistance that in view of his or her options and the nature of the situation can reasonably be expected, shall be sentenced for *neglect of rescue* to a fine or to imprisonment for at most six months.

Section 16 - *Right to bring charges* (441/2011)

The public prosecutor may bring charges for petty assault only if the injured party reports the offence for the bringing of charges or the offence was directed at

- (1) a person under the age of eighteen years;
- (2) the offender's spouse or former spouse, sibling or direct ascending or descending relative or a person who lives or has lived in a joint household with the offender or otherwise is or has been in a corresponding personal relationship with the offender or is close to him or her; or
- (3) a person due to his or her employment and the offender is not part of the personnel at the place of employment.

The public prosecutor may bring charges for the negligent bodily injury only if the injured party reports the offence for the bringing of charges.

[section 17 has been repealed; 712/2004]

Section 18 – Provision on the scope of application (604/2002)

In applying section 2(4) of this chapter, a person elected to a public official as referred to in chapter 40, section 11, a foreign public official acting in the service of the International Criminal Court or in Finnish territory on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit or pre-trial investigation duties, a person exercising public authority and a person referred to in chapter 16, section 20(5), are equated with a civil servant as the object of the criminal act.

Chapter 22 – Violation of a foetus, embryo and genetic inheritance (373/2009)

Section 1 – Unlawful abortion (373/2009)

(1) A person who aborts the pregnancy of another person without the permission referred to in the Abortion Act (239/1970) or otherwise without authorization shall be sentenced for *unlawful abortion* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

(3) The woman whose pregnancy is interrupted in the act referred to in subsection 1 or 2 shall not be sentenced as an offender or participant in unlawful abortion or in its attempt. However, the woman may be sentenced for the offence referred to in section 13 of the Abortion Act.

Section 2 – Aggravated unlawful abortion (373/2009)

(1) If in the unlawful abortion

(1) serious danger is caused to the life or health of the woman, or

(2) the offence is committed in violation of the will of the woman

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated unlawful abortion* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 3 – Unlawful manipulation of an embryo (373/2009)

A person who undertakes

(1) embryo research without the permission of the Social Welfare and Health Sector Licence and Supervision Office as provided in section 11, subsection 1 of the Medical Research Act (488/1999), referred to in the following as the *Research Act*, or without the written consent of the donor of the germ cells or of the woman referred to in section 12 of the

Research Act, or undertakes foetus research without the written consent of the pregnant woman referred to in section 14 of the Research Act,

- (2) embryo research in violation of the restriction provided in section 11, subsection 2 or section 13, subsection 3 of the Research Act or other measures directed at an embryo in violation of the ban referred to in section 13, subsection 1 or 2 of the Research Act, or
- (3) embryo or germ cell research in violation of the ban referred to in section 15 of the Research Act,

shall be sentenced for *unlawful manipulation of an embryo* to a fine or to imprisonment for at most one year.

Section 4 – Unlawful manipulation of genetic inheritance (373/2009)

A person who undertakes research involving the manipulation of the integrity of a human or a human embryo or a human foetus and that is intended to make possible

- (1) the cloning of a human,
- (2) the generation of a human by combining embryos or
- (3) the generation of a human by combining human germ cells and animal genetic material,

shall be sentenced for *unlawful manipulation of genetic inheritance* to a fine or to imprisonment for at most two years.

Section 5 – Unlawful use of germ cells (373/2009)

A person who

- (1) in fertility treatment uses germ cells or foetuses in violation of the general restrictions on their use as provided in section 4, subsection 1 of the Fertility Treatment Act (1237/2006), referred to in the following as the Fertility Treatment Act,
- (2) influences or attempts to influence the traits of a child by selecting germ cells or foetuses or otherwise in violation of section 5 of the Fertility Treatment Act,
- (3) accepts, stores or uses germ cells or foetuses in fertility treatment without the consent of the donor referred to in section 16 or 20 of the Fertility Treatment Act,
- (4) stores germ cells or foetuses or provides fertility treatment without the permission of the Social Welfare and Health Sector Licence and Supervision Office referred to in section 24 of the Fertility Treatment Act or in violation of the time limit provided in section 6, subsection 3 of the Fertility Treatment Act or

- (5) provides fertility treatment without the written consent of the person receiving the treatment as referred to in section 8, paragraph 1 of the Fertility Treatment Act or in violation of paragraph 4 of said section after the person providing the consent has withdrawn this consent or has deceased,

shall be sentenced for *unlawful use of germ cells* to a fine or to imprisonment for at most one year.

Section 6 – Violation of the identity of a child (28/2012)

A person who neglects to follow

- (1) the provisions of section 12, subsections 2 and 3 or section 14 of the Fertility Treatment Act regarding the use, content, marking or reporting of the identification mark of a donor,
- (2) the provisions of section 18 of the Fertility Treatment Act on the reporting of information to the donor register,
- (3) the provisions of section 10, subsection 2 or sections 28 or 30 of the Fertility Treatment Act on the provision, transfer, recording or maintaining of information and documents or
- (4) the provisions of sections 92 or 93 of the Adoption Act (22/2012) on the keeping or transfer of documents or on the provision of information

so that the act is conducive to endangering the right of a child to ascertain his or her birth, shall be sentenced for *violation of the identity of a child* to a fine or to imprisonment for at most one year.

Chapter 23 - Traffic offences (545/1999)

Section 1 - Causing a traffic hazard (545/1999)

(1) A road user who intentionally or negligently breaches the Road Traffic Act (267/1981) or the Vehicle Act (1090/2002) or the regulations or orders issued on the basis thereof, in a manner conducive to causing a hazard to others, shall be sentenced for *causing a traffic hazard* to a fine or to imprisonment for at most six months. (1094/2002)

(2) A sentence for causing a traffic hazard shall be passed also on a person who in the manner referred to in subsection 1

- (1) while in charge of steering a vessel or performing a duty essentially affecting the safety of navigation, breaches the Waterway Traffic Act (463/1996) or the regulations or orders issued on the basis thereof or pertaining to the prevention of collisions at sea, on an inland waterway or in a canal,
- (2) while piloting an aircraft or performing a duty as a member of the crew or affecting the safety of air traffic, or otherwise, breaches the Air Traffic

Act (281/1995) or the regulations or orders issued on the basis thereof,
or

- (3) while driving a train or performing a duty essentially affecting railway traffic safety breaches the rules governing railway safety.

(3) This section does not apply if the conduct referred to in subsection 1 or subsection 2(1) or 2(3) is conducive to causing merely a minor hazard.

Section 2 - *Causing a serious traffic hazard* (545/1999)

(1) If in the causing of a traffic hazard, the driver of a motor-driven vehicle or tram intentionally or through gross negligence

- (1) significantly exceeds the maximum speed limit,
- (2) starts to overtake while the visibility is insufficient for safe overtaking or while overtaking is otherwise not allowed,
- (3) fails to heed the duty to stop or give way required by traffic safety, or
- (4) in another comparable manner breaches the traffic regulations,

so that the act is conducive to causing serious danger to the health or safety of another, the offender shall be sentenced for *causing a serious traffic hazard* to at least 30 day-fines or to imprisonment for at most two years.

(2) A sentence for causing a serious traffic hazard shall be imposed also on a person who in the causing of a traffic hazard intentionally or through gross negligence

- (1) while in charge of steering a vessel or performing a duty essentially affecting the safety of navigation, fails to keep a proper lookout, fails to observe a speed that is safe under the prevailing conditions or, when a collision is imminent, fails to observe the duty to give way, or in a comparable manner breaches the Waterway Traffic Act or the regulations or orders issued on the basis thereof or pertaining to the prevention of collisions at sea, on an inland waterway or in a canal,
- (2) while piloting an aircraft or performing a duty as a member of the crew or affecting the safety of air traffic, or otherwise, breaches the Air Traffic Act or the regulations or orders issued on the basis thereof, or
- (3) while driving a train or performing a duty essentially affecting railway traffic safety breaches the rules governing railway safety,

so that the offence is conducive to causing serious danger to another's health or safety.

Section 3 - *Driving while intoxicated* (1198/2002)

(1) A person who operates a motor-driven vehicle or a tram after having consumed alcohol so that his or her blood alcohol level is at least 0.5 per mille or his or her exhalation contains at least 0.22 milligrams of alcohol per litre of air

during or after the drive, shall be sentenced for *driving while intoxicated* to a fine or to imprisonment for at most six months.

(2) Also a person who operates a motor-driven vehicle or a tram after having consumed narcotics so that during or after said operation he or she has the active substance of the narcotic used or its metabolic product in his or her blood alcohol, shall be sentenced for driving while intoxicated. The provision in this subsection shall not apply if said substance or metabolic product is derived from a medical product that the operator has the right to use.

(3) Also a person who operates a motor-driven vehicle or a tram after having consumed an intoxicating substance other than alcohol or such a substance together with alcohol so that his or her ability to perform as required by the task has been impaired shall be sentenced for driving while intoxicated.

Section 4 – *Driving while seriously intoxicated* (1198/2002)

(1) If in the driving while intoxicated

- (1) the blood alcohol level of the offender is at least 1.2 per mille or his or her exhalation contains at least 0.53 milligrams of alcohol per litre of air, or
- (2) the ability of the offender to perform as required by the task is significantly impaired, or
- (3) the offender has used an intoxicant other than alcohol or such intoxicants and alcohol together, so that his or her ability to perform as required by the task is significantly impaired,

and the conditions are such that the offence is conducive to endangering the safety of others, the offender shall be sentenced for *driving while seriously intoxicated* to at least 60 day-fines or to imprisonment for at most two years.

Section 5 - *Waterway traffic intoxication* (296/2012)

(1) A person who operates a vessel or performs a duty on a vessel essentially affecting the safety of its navigation,

- (1) after having consumed alcohol so that during or after said operation his or her blood alcohol level is at least 1.0 per mille or his or her exhalation contains at least 0.44 milligrams of alcohol per litre of air or his or her capacity to perform as required in said operation is impaired, or
- (2) after having used intoxicants other than alcohol or such substances and alcohol together, so that so that his or her ability to perform as required in the operation is impaired,

and the circumstances are such that the offence is conducive to endangering the safety of others, shall be sentenced for *waterway traffic intoxication* to a fine or to imprisonment for at most two years.

(2) Also a person who in professional waterway traffic operates a vessel or under orders performs a duty on such a vessel that essentially affects its safety or the prevention of pollution of the environment after having consumed alcohol so that during or after said operation his or her blood alcohol level is at least 0.5 per mille or his or her exhalation contains at least 0.22 milligrams of alcohol per litre of air shall be sentenced for waterway traffic intoxication.

(3) However, no sentence shall be passed for waterway traffic intoxication when the person has operated a rowing boat or a vessel comparable thereto in size, speed or otherwise or when the duty referred to in subsection (1) has been performed aboard such a vessel.

Section 6 - Air traffic intoxication (1198/2002)

(1) A person who pilots an aircraft or performs a duty as a member of the crew or affecting the safety of air traffic after having consumed alcohol so that during or after said operation his or her blood alcohol level is at least 0.5 per mille or his or her exhalation contains at least 0.22 milligrams of alcohol per litre of air or his or her capacity to perform as required in said operation is impaired, shall be sentenced for *air traffic intoxication* to a fine or to imprisonment for at most two years.

(2) Also a person who pilots an aircraft or performs a duty as a member of the crew or affecting the safety of air traffic after having consumed narcotics so that he or she has the active substance of the narcotic used or its metabolic product in his or her blood alcohol during or after the performance, shall be sentenced for air traffic intoxication. The provision in this subsection does not apply if said substance or metabolic product is derived from a medical product that the person performing the duty has the right to use.

(3) Also a person who performs the duties referred to in subsections 1 and 2 after having used an intoxicant other than alcohol or such an intoxicant and alcohol together, so that his or her ability to perform as required in the operation is impaired shall be sentenced for air traffic intoxication.

Section 7 - Rail traffic intoxication (1198/2002)

(1) A person who drives a train or performs a duty essentially affecting railway traffic safety, after having consumed alcohol so that during or after said operation his or her blood alcohol level is at least 0.5 per mille or his or her exhalation contains at least 0.22 milligrams of alcohol per litre of air or his or her capacity to perform as required in said operation is reduced, shall be sentenced for *rail traffic intoxication* to a fine or to imprisonment for at most two years.

(2) Also a person who drives a train or performs another duty essentially affected railway traffic after having consumed narcotics so that he or she has the active substance of the narcotic used or its metabolic product in his or her blood alcohol during or after the performance, shall be sentenced for rail traffic intoxication. The provision in this subsection does not apply if said substance or metabolic product is derived from a medical product that the person performing the duty has the right to use.

(3) Also a person who performs the duties referred to in subsections 1 and 2 after having used an intoxicant other than alcohol or such an intoxicant and alcohol together, so that his or her ability to perform as required in the operation is reduced shall be sentenced for rail traffic intoxication.

Section 8 - *Relinquishing a vehicle to an intoxicated person* (545/1999)

A person who relinquishes a motor-driven vehicle, tram, train, vessel or aircraft as referred to in section 5, to the operation, steering or control of a person who is apparently in such a state that he or she is guilty of an offence mentioned in sections 3 through 7, shall be sentenced for *relinquishing a vehicle to an intoxicated person* to a fine or to imprisonment for at most one year.

Section 9 - *Non-motor powered traffic intoxication* (545/1999)

A road user who operates a non-motor powered vehicle under the influence of alcohol or other narcotic substances, thereby causing a hazard to others, shall be sentenced for *non-motor powered traffic intoxication* to a fine or to imprisonment for at most three months.

Section 10 - *Operation of a vehicle without a license* (545/1999)

(1) A person who operates, steers or controls a motor vehicle, tram, train, vessel or aircraft without the right to do so or without a license proving the required competence, shall be sentenced for *operation of a vehicle without a license* to a fine or to imprisonment for at most six months.

(2) Also a person who without the required competence performs a duty essentially affecting railway traffic safety, waterway traffic safety, or air traffic safety, shall be sentenced for operation of a vehicle without a permit.

Section 11 - *Flight from the scene of a traffic accident* (545/1999)

If the driver of a motor-driven vehicle or tram is a party to a traffic accident and fails in his or her duty to stop at once and help the injured to the best of his or her ability, he or she shall be sentenced, unless a more severe penalty for the act has been laid down elsewhere in the law, for *flight from the scene of a traffic accident* to a fine or to imprisonment for at most one year.

Section 11(a) – *Interfering with traffic* (400/2002)

(1) A person who causes considerable impediment to the flow of general air, rail or water traffic shall be sentenced for *interfering with traffic* to a fine or to imprisonment for at most six months.

(2) The Road Traffic Act contains provisions on interference with road traffic and tram traffic.

Section 12 – *Definitions* (1094/2002)

(1) For the purposes of this chapter:

- (1) *road user* refers to anyone who is on the road or in a vehicle or tram on the road,
- (1a) a *narcotic* refers to a narcotic referred to in the Narcotics Act (373/2008), (374/2008)
- (2) an *intoxicant* refers also to performance-reducing pharmaceuticals,
- (3) *motor-driven vehicle* refers to a vehicle propelled by engine power, motor vehicles, motor scooters, motorcycles, three- and four-wheeled vehicles, light four-wheeled vehicles, tractors, self-propelled machinery and off-road vehicles are motor-driven vehicles,
- (4) *vessel* refers to a means of transport or apparatus moving on and in water and intended for waterway traffic,
- (5) *train* refers to a locomotive or a locomotive coupled to rolling stock, as well as other means of rail transport propelled by engine power, with the exception of trams,
- (6) *duty essentially affecting railway traffic safety* refers to a duty where erroneous conduct or neglect may cause a railway traffic hazard, including the movement, organisation and transfers of rolling stock at a rail yard or on industrial tracks.

Chapter 24 - Offences against privacy, public peace and personal reputation
(531/2000)

Section 1 - *Invasion of domestic premises* (685/2009)

A person who unlawfully

- (1) enters domestic premises by force, stealth or deception, or hides or stays in such premises,
- (2) disturbs the domestic privacy of another by making noise, throwing objects or in another comparable manner, or

- (3) disturbs the domestic privacy of another by making telephone calls or by sending messages to a mobile telephone,

shall be sentenced for *invasion of domestic premises* to a fine or to imprisonment for at most six months.

Section 2 - Aggravated invasion of domestic premises (531/2000)

If, in the invasion of domestic premises,

- (1) the offender is equipped with a weapon or another instrument suitable for personal violence for the purpose of committing the offence, or it is the evident intent of the offender or a participant to employ personal violence or cause damage to property, or
- (2) the victim of the offence has a valid reason to fear for his or her personal safety owing to threats pertaining to the offence, damage caused to property or the number of offenders or participants,

and the invasion of domestic premises is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated invasion of domestic premises* to a fine or to imprisonment for at most two years.

Section 3 - Invasion of public premises (585/2005)

(1) A person who unlawfully

- (1) by force, stealth or deception, enters a public office, business premises, office, production installation, meeting place, other similar premises or another similar building, or the fenced yard of such a building, a barracks area or another area in the use of the armed forces or frontier guard, where movement is restricted by the decision of the competent authority, or
- (2) hides or stays in premises referred to in subparagraph (1)

shall be sentenced for *invasion of public premises* to a fine or to imprisonment for at most six months.

(2) However, an act that has caused only a minor disturbance does not constitute an invasion of public premises.

Section 4 - Aggravated invasion of public premises (531/2000)

If, in the invasion of public premises,

- (1) the offender is equipped with a weapon or another instrument suitable for personal violence for the purpose of committing the offence, or it is the evident intent of the offender or a participant to employ personal violence or cause damage to property, or

- (2) the offence is directed at a building or premises in use by the Parliament, the President of the Republic, the Council of State or a delegation or representation of a foreign state or an intergovernmental organisation

and the invasion of public premises is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated invasion of public premises* to a fine or to imprisonment for at most two years.

Section 5 - *Eavesdropping* (531/2000)

- (1) A person who unlawfully listens to or records with a technical device
 - (1) a discussion, talk or other sounds of private life, where these are not intended for his or her knowledge, and which occur or arise in domestic premises or
 - (2) in secret in other than in domestic premises, talk that is not intended to his or her knowledge or to the knowledge of third parties in general, where the circumstances are such that the speaker has no reason to believe that a third party is listening

shall be sentenced for *eavesdropping* to a fine or to imprisonment for at most one year.

- (2) An attempt is punishable.

Section 6 - *Illicit observation* (531/2000)

- (1) A person who unlawfully watches or monitors with a technical device
 - (1) a person in domestic premises, a toilet, a dressing room or another comparable place, or
 - (2) a person in a building, apartment or fenced yard that is closed to the public, as referred to in section 3, where this violates the person's privacy,

shall be sentenced for *illicit observation* to a fine or to imprisonment for at most one year.

- (2) An attempt is punishable.

Section 7 - *Preparation of eavesdropping or illicit observation* (531/2000)

A person who sets up a technical device referred to in section 5 or 6 for use in eavesdropping or illicit observation shall be sentenced for *preparation of eavesdropping* or *preparation of illicit observation* to a fine or to imprisonment for at most six months.

Section 8 - *Dissemination of information violating personal privacy*

(531/2000)

(1) A person who unlawfully

- (1) through the use of the mass media, or
- (2) otherwise by making available to many persons

disseminates information, an insinuation or an image of the private life of another person, so that the act is conducive to causing that person damage or suffering, or subjecting that person to contempt, shall be sentenced for *dissemination of information violating personal privacy* to a fine or to imprisonment for at most two years.

(2) The spreading of information, an insinuation or an image of the private life of a person in politics, business, public office or public position, or in a comparable position, does not constitute dissemination of information violating personal privacy, if it may affect the evaluation of that person's activities in the position in question and if it is necessary for purposes of dealing with a matter with importance to society.

Section 9 - Defamation (531/2000)

(1) A person who

- (1) spreads false information or a false insinuation of another person so that the act is conducive to causing damage or suffering to that person, or subjecting that person to contempt, or
- (2) disparages another in a manner other than referred to in subparagraph (1)

shall be sentenced for *defamation* to a fine or to imprisonment for at most six months.

(2) Criticism that is directed at a person's activities in politics, business, public office, public position, science, art or in comparable public activity and that does not obviously overstep the limits of propriety does not constitute defamation referred to in subsection 1(2).

(3) Also a person who spreads false information or a false insinuation about a deceased person, so that the act is conducive to causing suffering to a person to whom the deceased was particularly close, shall be sentenced for defamation.

Section 10 - Aggravated defamation (531/2000)

(1) If, in the defamation referred to in section 9(1),

- (1) the offence is committed by using the mass media or otherwise by making the information or insinuation available to many persons, or
- (2) considerable or long-lasting suffering or particularly or significant damage is caused

and the defamation is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated defamation* to a fine or to imprisonment for at most two years.

Section 11 - *Definition* (531/2000)

Domestic premises refers to homes, holiday homes and other premises intended for residential use, such as hotel rooms, tents, mobile homes and vessels with sleeping capacity, as well as the stairwells and corridors of residential buildings and the private yards of the residents and their immediate outbuildings.

Section 12 - *Right to bring charges* (441/2011)

(1) The public prosecutor may not bring charges for invasion of domestic premises, aggravated invasion of domestic premises, invasion of public premises, eavesdropping, illicit observation or the preparation of eavesdropping or of illicit observation, unless the injured party has reported the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

(2) The public prosecutor may not bring charges for dissemination of information violating personal privacy, defamation or aggravated defamation, unless the injured party has reported the offence for the bringing of charges. However, the Prosecutor-General may order that charges be brought, if the offence has been committed through the use of the mass media and a very important public interest requires that charges be brought.

(3) An offence referred to above in section 9(3) may be reported for the bringing of charges by the surviving spouse, sibling, direct descendant or direct ascendant of the deceased, as well as by a person who lived in the same household with the deceased or a person to whom the deceased was particularly close.

Section 13 - *Corporate criminal liability* (511/2011)

The provisions on corporate criminal liability apply to aggravated defamation when a motive for the offence was race, skin colour, birth status, national or ethnic origin, religion or belief, sexual orientation or disability or other corresponding grounds.

Chapter 25 - *Offences against personal liberty* (578/1995)

Section 1 - *Deprivation of personal liberty* (578/1995)

A person who by confinement, bondage, transportation or otherwise unlawfully prevents another from moving or isolates him or her shall be sentenced for *deprivation of personal liberty* to a fine or to imprisonment for at most two years.

Section 2 - Aggravated deprivation of personal liberty (578/1995)

If in the deprivation of personal liberty

- (1) the loss of personal liberty lasts for longer than 72 hours,
- (2) a serious danger is caused to the life or health of another, or
- (3) exceptional cruelty or the threat of severe violence is used

and the deprivation of personal liberty is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated deprivation of personal liberty* to imprisonment for at least four months and at most four years.

Section 3 - Trafficking in human beings (650/2004)

(1) A person who

- (1) by abusing the dependent status or vulnerable state of another person,
- (2) by deceiving another person or by abusing a mistake made by that person,
- (3) by paying remuneration to a person who has control over another person, or
- (4) by accepting such remuneration

takes control over another person, recruits, transfers, transports, receives or harbours another person for purposes of sexual abuse referred to in chapter 20, section 9, subsection 1(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues for financial benefit shall be sentenced for *trafficking in human beings* to imprisonment for at least four months and at most six years.

(2) Also a person who takes control over another person under 18 years of age or recruits, transfers, transports, receives or harbours that person for the purposes mentioned in subsection 1 shall be sentenced for trafficking in human beings even if none of the means referred to in subsection 1(1) –(4) have been used.

(3) An attempt is punishable.

Section 3(a) - Aggravated trafficking in human beings (650/2004)

(1) If, in trafficking in human beings,

- (1) violence, threats or deceitfulness is used instead of or in addition to the means referred to in section 3,
- (2) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person,

- (3) the offence has been committed against a child younger than 18 years of age or against a person whose capacity to defend himself or herself has been substantially diminished, or
- (4) the offence has been committed within the framework of a criminal organisation referred to in chapter 17, section 1a, subsection 4

and the offence is aggravated also when considered as whole, the offender shall be sentenced for *aggravated trafficking in human beings* to imprisonment for at least two years and at most ten years.

(2) Also a person who enslaves or keeps another person in servitude, transports or trades in slaves shall be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as whole.

(3) An attempt is punishable.

Section 3(b) – Unlawful obtaining of consent to adoption (28/2012)

A person who by

- (1) promising or providing compensation or
- (2) misleading or utilization of an error

gets another to give the consent referred to in section 10, subsection 1, section 11, subsection 1 or section 13, subsection 3 of the Adoption Act to adoption of a child under the age of eighteen, shall be sentenced for *unlawful obtaining of consent to adoption* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 3(c) – Unlawful arrangement of adoption (28/2012)

(1) If a person other than the one with care and custody of the child or a person other than the provider of adoption advice referred to in section 22 of the Adoption Act or the service provider referred to in section 32 of the Adoption Act places a child under the age of eighteen years with the intent of adoption in a private home to be raised or in another manner arranges for the possibility than someone else adopts the child, he or she shall be sentenced for *unlawful arrangement of adoption* to a fine or to imprisonment for at most one year.

(2) Also a person who publicly or otherwise among the public circulates an offer to place a child for adoption or takes a child in his or her care with intent of adoption shall also be sentenced for unlawful arrangement of adoption.

Section 4 - Hostage taking (578/1995)

(1) A person who deprives another of his or her liberty in order to have a third person do, endure or omit to do something, under threat that the hostage will otherwise not be released or he or she will be killed or harmed, shall be

sentenced, if the act is aggravated when assessed as a whole, for *hostage taking* to imprisonment for at least one and at most ten years.

(2) An attempt is punishable.

Section 5 – *Unauthorized taking of the custody of a child* (1161/2005)

If the parent, foster parent or custodian of a child under sixteen years of age or a person close to the child, by self-help, takes custody of the child for himself or herself or for another person referred to above from the person who has custody of the child, he or she shall be sentenced, unless the act is punishable as child abduction referred to in section 5a, for *unauthorized taking of the custody of a child* to a fine or to imprisonment for at most six months.

Section 5(a) – *Child abduction* (1161/2005)

If in the unauthorized taking of the custody of a child

- (1) the rights of custody of the child are violated by the removal of the child from his or her state of residence or by failure to return the child to said state,
- (2) at the time that the child was removed or the child was failed to return to his or her state of residence, the rights of custody of the child had in fact been used or would have been used but for the removal or failure to return,

the offender shall be sentenced for *child abduction* to a fine or to imprisonment for at most two years.

Section 6 - *Negligent deprivation of personal liberty* (578/1995)

(1) A person who through negligence causes another to lose his or her liberty shall be sentenced, unless the act is of minor significance in view of the harm or injury caused, for *negligent deprivation of personal liberty* to a fine or to imprisonment for at most six months.

(2) Also a person who unlawfully deprives another of his or her liberty under the conviction that he or she has a right to do so shall be sentenced for negligent deprivation of personal liberty, unless the act is of minor significance in view of the harm or injury caused.

Section 7 - *Menace* (578/1995)

A person who raises a weapon at another or otherwise threatens another with an offence under such circumstances that the person so threatened has justified reason to believe that his or her personal safety or property or that of someone else is in serious danger shall be sentenced, unless a more severe penalty for the

act is provided elsewhere in the law, for *menace* to a fine or to imprisonment for at most two years.

Section 8 - Coercion (578/1995)

A person who unlawfully by violence or threat forces another to do, endure or omit to do something shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *coercion* to a fine or to imprisonment for at most two years.

Section 9 - Right to bring charges (441/2011)

(1) The public prosecutor may not bring charges for negligent deprivation of personal liberty, menace or coercion, unless the injured party reports the offence for the bringing of charges or unless a lethal instrument has been used to commit menace or coercion, or unless a very important public interest requires that charges be brought.

(2) The public prosecutor may not bring charges for unauthorized taking of the custody of a child, if this would be contrary to the interests of the child. Before charges are brought, the public prosecutor shall hear the social welfare board of the municipality where the child resides or is staying, or which otherwise evidently has the best information concerning the child.

Section 9(a) - Waiver of measures (1161/2005)

The charges or the punishment may be waived for child abduction if the offender has voluntarily returned the child, if this is in the interests of the child, or if with consideration to the reasons leading to the act the trial and the punishment are deemed unreasonable.

Section 10 – Corporate criminal liability (511/2011)

The provisions on corporate criminal liability apply to trafficking in human beings and aggravated trafficking in human beings.

The provisions laid down on corporate criminal liability apply to menace when a motive for the offence was race, skin colour, birth, national or ethnic origin, religion or belief, sexual orientation or incapacity or other corresponding grounds.

[chapter 26 has been repealed; 563/1998]

[chapter 27 has been repealed; 531/2000]

Chapter 28 - Theft, embezzlement and unauthorised use (769/1990)

Section 1 - *Theft* (769/1990)

(1) A person who appropriates movable property from the possession of another shall be sentenced for *theft* to a fine or to imprisonment for at most one year and six months.

(2) An attempt is punishable.

Section 2 - *Aggravated theft* (769/1990)

(1) If in the theft

(1) the object of the appropriation is very valuable,

(2) the appropriation causes particularly significant loss to the victim of the offence, in view of the victim's circumstances,

(3) the offender takes advantage of the helplessness or distress of the victim of the offence,

(4) in order to carry out the act, the offender or a participant equips himself or herself with a firearm, explosives or another similar dangerous instrument, or

(5) the offender breaks into an occupied residence,

and the theft is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated theft* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 3 - *Petty theft* (769/1990)

(1) If the theft, when assessed as a whole, with due consideration to the value of the property or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty theft* to a fine.

(2) An attempt is punishable.

Section 4 - *Embezzlement* (769/1990)

(1) A person who appropriates the assets or other movable property of another which are in the possession of the perpetrator shall be sentenced for *embezzlement* to a fine or to imprisonment for at most one year and six months.

(2) Also a person who appropriates assets or other movable property that he or she has found or that have come into his or her possession through an error shall be sentenced for embezzlement.

(3) Also a person who has received funds on account, under a commission or in a similar manner, and who fails to settle the account at the time agreed or

otherwise required, by using said funds or funds which have taken their place, or by otherwise acting in a similar manner, shall be sentenced for embezzlement.

(4) An attempt of the appropriation referred to in subsection 1 is punishable.

Section 5 - *Aggravated embezzlement* (769/1990)

(1) If in the embezzlement

- (1) the object is very valuable property or a large amount of assets,
- (2) particularly significant loss is caused to the victim of the offence, in view of the victim's circumstances, or
- (3) the offender takes advantage of his or her position of particular responsibility

and the embezzlement is aggravated, also when assessed as a whole, the offender shall be sentenced for *aggravated embezzlement* to imprisonment for at least four months and at most four years.

(2) The provision in section 4 on attempt applies correspondingly to attempted aggravated embezzlement.

Section 6 - *Petty embezzlement* (769/1990)

If the embezzlement, when assessed as a whole, with due consideration to the value of the appropriated property, the amount of assets unjustifiably used or the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty embezzlement* to a fine.

Section 7 - *Unauthorised use* (769/1990)

(1) A person who without authorisation uses the movable property or the non-movable machine or equipment of another shall be sentenced for *unauthorised use* to a fine or to imprisonment for at most one year.

(2) An attempt is punishable.

Section 8 - *Aggravated unauthorised use* (769/1990)

(1) If in the unauthorised use

- (1) considerable financial benefit is sought or
- (2) very significant loss or inconvenience is caused to the victim of the offence, in view of the victim's circumstances,

and the unauthorised use is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated unauthorised use* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 9 - *Petty unauthorised use* (769/1990)

If the unauthorised use, when assessed as a whole, with due consideration to the fact that the offence is not conducive to causing significant loss or inconvenience, or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty unauthorised use* to a fine.

Section 9(a) – *Stealing of a motor vehicle for temporary use* (614/2002)

(1) A person who without authorisation uses a motor vehicle of another shall be sentenced for *stealing of a motor vehicle for temporary use* to a fine or to imprisonment for at most one year six months.

(2) An attempt is punishable.

Section 9(b) - *Aggravated stealing of a motor vehicle for temporary use* (614/2002)

(1) If in the stealing of a motor vehicle for temporary use

(1) considerable financial benefit is sought or

(2) very significant loss or inconvenience is caused to the victim of the offence, in view of the victim's circumstances

and the stealing of the motor vehicle for temporary use is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated stealing of a motor vehicle for temporary use* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 9(c) - *Petty stealing of a motor vehicle for temporary use* (614/2002)

If the stealing of a motor vehicle for temporary use, when assessed as a whole, with due consideration to the fact that the offence is not conducive to causing significant loss or inconvenience, or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty stealing of a motor vehicle for temporary use* to a fine.

Section 10 - *Game offence* (769/1990)

(1) A person who without authorization hunts in the hunting area of another or fishes or otherwise seeks catch in the fishing waters of another or exceeds the hunting or fishing rights that he or she has on the basis of law, permit, agreement or decision shall be sentenced for a *game offence* to a fine.

(2) Also a person who intentionally and unjustifiably traps or kills an unprotected animal in an area where he or she does not have the right or permit to do so shall be sentenced for a game offence. (515/2002)

Section 11 - *Criminal trespass* (769/1990)

(1) A person who without authorization

- (1) takes possession of, moves or hides movable property in the possession of another,
- (2) takes his or her way across the yard of another or uses the land in the possession of another through construction, excavation or another similar manner, or
- (3) takes possession of land or a building or a part thereof that is in the possession of another,

shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *criminal trespass* to a fine or to imprisonment for at most three months. (2) However, an act causing only minor inconvenience is not deemed to constitute criminal trespass.

Section 12 - *Violation of security right* (769/1990)

(1) A person who violates the security or lien right of another by

- (1) destroying, damaging, taking possession of, or using his or her property or
- (2) conveying his or her property or in another manner disposing of his or her property,

shall be sentenced for *violation of security right* to a fine or to imprisonment for at most six months.

(2) Also a person who commits the offence referred to in subsection 1 on behalf of the owner of the property shall be sentenced for violation of security right.

Section 12(a) - *Possession of a burglary implement* (400/2002)

A person who without an acceptable reason has in his or her possession a key to the lock of another or a skeleton key or other implement that can justifiably be suspected for use primarily for entry into closed premises in the possession of another for the commission of an offence, shall be sentenced for *possession of a burglary implement* to a fine.

Section 13 - *Definitions* (769/1990)

(1) The provisions of this chapter apply also if the act is directed against joint property in which the offender has a share.

(2) The provisions in sections 1 - 6 on movable property apply also to electricity or heat that has been transformed into the form of a valuable utility.

(3) In the application of the provisions in sections 4 - 6 of this chapter, assets that are in the account of another and which the perpetrator has the right to transfer or withdraw are deemed to be in the possession of the perpetrator.

Section 14 - *Public rights* (769/1990)

The provisions in this chapter do not apply to the gathering, on the land of another, of dry twigs from the ground, cones or nuts that have fallen to the ground or wild berries, mushrooms, flowers or other similar natural products, with the exception of lichen and moss.

Section 15 - *Right to bring charges* (614/2002)

(1) The public prosecutor may not bring charges for the offences referred to in sections 3, 6 through 9, 9c or 10 through 12 unless the injured party has reported the offence for the bringing of charges or unless a very important public interest requires that charges be brought. (441/2011)

(2) What is provided in subsection 1 applies also to the offences referred to in sections 1, 4 and 9a if

- (1) the offender lives in the same household as the injured party and the offence is directed against property in said joint household,
- (2) the offence is directed against property belonging to the spouse, sibling or direct ascendant or descendant of the offender,
- (3) the offender is a party to a decedent's estate and the offence is directed against property of said estate.

Chapter 29 - *Offences against public finances* (769/1990)

Section 1 - *Tax fraud* (1228/1997)

(1) A person who

- (1) gives a taxation authority false information on a fact that influences the assessment of tax,
- (2) files a tax return concealing a fact that influences the assessment of tax,
- (3) for the purpose of avoiding tax, fails to observe a statutory duty pertaining to taxation that is of significance in the assessment of tax, or
- (4) otherwise acts fraudulently,

and thereby causes or attempts to cause a tax not to be assessed, a tax to be assessed too low or a tax to be unduly refunded, shall be sentenced for *tax fraud* to a fine or to imprisonment for at most two years.

Section 2 - Aggravated tax fraud (769/1990)

If in the tax fraud

- (1) considerable financial benefit is sought or
- (2) the offence is committed in a particularly methodical manner

and the tax fraud is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated tax fraud* to imprisonment for at least four months and at most four years.

Section 3 - Petty tax fraud (769/1990)

(1) If the tax fraud, when assessed as a whole, with due consideration to the amount of financial benefit sought and the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty tax fraud* for a fine.

(2) If a punitive tax increase is deemed a sufficient sanction, the report of, prosecution for or punishment for petty tax fraud may be waived.

Section 4 - Tax violation (769/1990)

(1) A person who, in order to gain financial benefit for himself or herself or another, fails to pay in time one of the following for a reason other than insolvency or a stay on payments imposed by a court:

- (1) a withholding tax, a tax-at-source or a conveyance tax,
- (2) a turnover tax calculated per calendar month or a comparable tax payable on certain insurance premiums,
- (3) a value-added tax, or
- (4) an employer's social security contribution

shall be sentenced, unless the act is punishable as tax fraud, for a *tax violation* to a fine or to imprisonment for at most six months. (934/1996)

(2) However, a slight failure which has been rectified without delay is not deemed a tax violation.

(3) If a punitive tax increase is deemed a sufficient sanction, the report of, prosecution for or punishment for a tax violation may be waived.

Section 4(a) – Employment pension insurance premium fraud (398/2006)

(1) An employer or his or her representative who

- (1) by neglecting the insurance obligation provided by the Employee's Pension Act (395/2006) or another reporting obligation referred to in the Employee's Pension Act,
- (2) by falsely giving someone managing a task based on the Employee's Pension Act information required under the Employee's Pension Act that influences the amount of the insurance premium or the allocation of costs due to pensions, or refusing to provide the information referred to in this paragraph, or
- (3) by neglecting to account for an employee's employment pension insurance premium that he or she has collected from the employee, to the pension institution managing the pension insurance pursuant to the Employee's Pension Act

causes or attempt to cause a failure to assess an employment pension insurance premium, such premium to be assessed too low or such premium to be unduly refunded, shall be sentenced for *employment pension insurance premium fraud* to a fine or to imprisonment for at most two years.

(2) If the act referred to in subsection 1 is deemed petty as a whole and a punitive insurance premium increase is deemed a sufficient sanction, the report of, prosecution for or punishment for a tax violation may be waived.

Section 4(b) – Aggravated employment pension insurance premium fraud (398/2006)

If in the employment pension insurance premium fraud

- (1) considerable financial benefit is sought or
- (2) the offence is committed in a particularly methodical manner

and the employment pension insurance premium fraud is aggravated also when assessed as a whole, the employer or his or her representative shall be sentenced for *aggravated employment pension insurance premium fraud* to imprisonment for at least four months and at most four years.

Section 5 - Subsidy fraud (814/1998)

A person who

- (1) provides an authority deciding on subsidy false information that is conducive to essentially affecting the granting of a subsidy or the amount or conditions thereof, or conceals essentially relevant information, or
- (2) neglects to provide information on a change in circumstances that is conducive to essentially affecting the granting of a subsidy or the amount or conditions thereof, and a duty for the provision of such

information has been expressly provided in connection with the decision to grant the subsidy or otherwise,

and in this way obtains or attempts to obtain personal financial benefit or financial benefit for another shall be sentenced for *subsidy fraud* to a fine or to imprisonment for at most two years.

Section 6 - Aggravated subsidy fraud (769/1990)

If in the subsidy fraud the offender seeks considerable benefit and the subsidy fraud is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated subsidy fraud* to imprisonment for at least four months and at most four years.

Section 7 - Subsidy misuse (769/1990)

A person who, in violation of the conditions or regulations given in the decision granting a subsidy, uses the subsidy in a manner that is essentially contrary to its intended purposes shall be sentenced for *subsidy misuse* to a fine or to imprisonment for at most two years.

Section 8 - Subsidy violation (769/1990)

(1) If the subsidy fraud, when assessed as a whole, with due consideration to the amount of benefit sought or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *subsidy violation* to a fine. (2) If the recovery of the subsidy is deemed a sufficient sanction, the report of, prosecution of or punishment for a subsidy violation may be waived.

Section 9 – Definitions and allocation of liability (398/2006)

(1) For the purposes of this chapter, a *tax* also refers to

- (1) an advance tax and a public fee that is comparable to a tax, and
- (2) a levy collected on the behalf of the European Communities, to be forwarded to the European Communities for inclusion in the Community budget or another budget maintained by or for the European Communities.

(2) For the purposes of this chapter, a *subsidy* refers to financial support, granted for purposes other than personal consumption,

- (1) on the basis of law or discretion from the funds of the State, a municipality or other public corporation or, in accordance with a separate statutory provision, from the funds of another corporation or foundation, or

- (2) from the European Community budget or another budget maintained by or for the European Communities.
- (3) Also a loan, interest support and security for a loan is deemed financial support.
- (4) Subsidy also refers to a state grant or state subsidy to a municipality or federation of municipalities.
- (5) The provisions in chapter 47, section 8, subsection 1(1) or (2) regarding the employer or a representative of the employer apply to the employer and his or her representative referred to in sections 4a and 4b of this chapter. (398/2006)
- (6) The provisions in chapter 47, section 7 on the allocation of liability apply to the offence referred to in sections 4a and 4b of this chapter. (398/2006)

Section 10 - Corporate criminal liability (61/2003)

The provisions on corporate criminal liability apply to tax fraud and aggravated tax fraud that is directed at a tax referred to in section 9, subsection 1(2) and to subsidy fraud, aggravated subsidy fraud and misuse of a subsidy.

Chapter 30 - Business offences

Section 1 - Marketing offence (475/1999)

A person who in the professional marketing of goods, services, real estate, the bonds and securities of a private limited-liability company or other commodities gives false or misleading information that is significant from the point of view of the group at which the marketing is directed, shall be sentenced for a *marketing offence* to a fine or to imprisonment for at most one year.

Section 1(a) – Alcoholic beverage marketing offence (641/2009)

A person who in violation of section 33 of the Alcohol Act or of a provision issued on its basis

- (1) directly or indirectly advertises strong alcohol drink or otherwise promotes the sale of strong alcohol drink,
- (2) directs advertisement , indirect advertisement or other sales promotion of mild alcohol drink towards minors or combines this with advertisement or other sales promotion of another product or service, or
- (3) depicts minors in the marketing of mild alcohol drink referred to in paragraph 2,

shall be sentenced for an *alcoholic beverage marketing offence* to a fine or to imprisonment for at most six months.

Section 2 - *Unfair competition offence* (769/1990)

A person who in business uses a false or misleading expression concerning his or her own business or the business of another and in this way causes loss to the business of another shall be sentenced for an *unfair competition offence* to a fine or to imprisonment for at most one year.

Section 3 - *Consumer credit offence* (750/2010)

A person who in business, for receivables based on consumer credit, takes an obligation based on a bill of exchange or other security prohibited by chapter 7, section 18 of the Consumer Protection Act or uses a draft ('tratta') in the collection of consumer debt from a consumer or a person living with the consumer in the same household, shall be sentenced for a *consumer credit offence* to a fine or to imprisonment for at most one year.

Section 3 a - *Charter trip company violation and charter trip company offence* (940/2008)

(1) A person who intentionally or through gross negligence

- (1) without having registered as a charter trip company entrepreneur in accordance with section 6 of the Charter Trip Company Act (939/2008) operates a charter trip business that does not call for security or uses the term "travel agency" or "charter trip company", or
- (2) without lodging security engages in charter trip business which according to section 9 of the Charter Trip Company Act requires security, or provides the Competition and Consumer Affairs Office with false information regarding the need for security or a factor affecting its sufficiency or neglects to report such a factor and in this way weakens the financial security of a traveller, (683/2012)

shall be sentenced, unless a more severe penalty is provided elsewhere in the law, for a *charter trip violation* to a fine.

(2) If the action referred to in subsection 1, paragraph (2), with due consideration to the financial benefit sought and the other circumstances, is aggravated also when assessed as a whole, the perpetrator shall be sentenced, unless a more severe penalty is provided elsewhere in the law, for *charter trip company offence* to a fine or to imprisonment for at most one year.

Section 4 - *Business espionage* (769/1990)

(1) A person who unlawfully obtains information regarding the business secret of another

- (1) by entering an area closed to unauthorised persons or accessing an information system protected against unauthorised persons,

- (2) by gaining possession of or copying a document or other record, or in another comparable manner, or
- (3) by using a special technical device,

with the intention of unlawfully revealing this secret or unjustifiably utilising it shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *business espionage* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 5 - Violation of a business secret (769/1990)

(1) A person who, in order to obtain financial benefit for himself or herself or another, or to injure another, unlawfully discloses the business secret of another or unlawfully utilises such a business secret, having gained knowledge of the secret

- (1) while in the service of another,
- (2) while acting as a member of the administrative board or the board of directors, the managing director, auditor or receiver of a corporation or a foundation or in comparable duties,
- (3) while performing a duty on behalf of another or otherwise in a fiduciary business relationship, or
- (4) in connection with company restructuring proceedings,

shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *violation of a business secret* to a fine or to imprisonment for at most two years. (54/1993)

(2) This section does not apply to an act that a person referred to in subsection 1(1) has undertaken after two years has passed since his or her period of service has ended. (61/2003)

(3) An attempt is punishable. (61/2003)

Section 6 - Misuse of a business secret (769/1990)

A person who unlawfully

- (1) uses in business a business secret that has been obtained or revealed through an act punishable under this Code or
- (2) in order to obtain financial benefit for himself or herself or another reveals such a secret

shall be sentenced for *misuse of a business secret* to a fine or to imprisonment for at most two years.

Section 7 - Giving of bribe in business (637/2011)

A person who promises, offers or gives an unlawful benefit (*bribe*) to

- (1) a person in the service of a business,
- (2) a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business,
- (3) a person carrying out a duty on behalf of a business, or
- (4) a person serving as an arbitrator and considering a dispute between businesses, between two other parties, or between a business and another party

intended for the recipient or another, in order to have the bribed person, in his or her function or duties, favour the briber or another person, or to reward the bribed person for such favouring, shall be sentenced, unless the act is punishable on the basis of chapter 16, section 13 or 14, for *giving of bribes in business* to a fine or to imprisonment for at most two years.

Section 7(a) – Aggravated giving of bribes in business (637/2011)

If in the giving of bribes in business

- (1) the gift or benefit is intended to make the person in question serve in his or her function in a manner that results in considerable benefit to the briber or to another person, or in considerable loss or detriment to another person,
- (2) the gift or benefit is of considerable value,

and the giving of a bribe in business is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated giving of bribes in business* to imprisonment for at least four months and at most four years.

Section 8 – Acceptance of a bribe in business (637/2011)

A person who

- (1) in the service of a business,
- (2) as a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business
- (3) in carrying out a duty on behalf of a business, or
- (4) in serving as an arbitrator considering a dispute between businesses, between two other parties, or between a business and another party

demands, accepts or receives a bribe for himself or herself or another or otherwise takes an initiative towards receiving such a bribe, for favouring or as a reward for such favouring, in his or her function or duties, the briber or another, shall be sentenced, unless the act is punishable in accordance with chapter 40,

sections 1 – 3, for *acceptance of a bribe in business* to a fine or to imprisonment for at most two years.

Section 8(a) – Aggravated acceptance of a bribe in business (637/2011)

If in the giving of a bribe in business

- (1) the offender acts or the intention of the offender is to act in his or her function, due to the gift or benefit, to the considerable benefit of the briber or of another person or to the considerable loss or detriment of another person, or
- (2) the value of the gift or benefit is considerable

and the giving of a bribe in business is aggravated also when assessed as whole, the offender shall be sentenced for *aggravated giving of a bribe in business* to imprisonment for at least four months and at most four years.

Section 9 - Accounting offence (61/2003)

If a person with a legal duty to keep accounts, his or her representative, a person exercising actual decision-making authority in a corporation with a legal duty to keep books, or the person entrusted with the keeping of accounts,

- (1) in violation of statutory accounting requirements neglects the recording of business transactions or the balancing of the accounts,
- (2) enters false or misleading data into the accounts, or
- (3) destroys, conceals or damages account documentation

and in this way impedes the obtaining of a true and sufficient picture of the financial result of the business of the said person or of his or her financial standing, he or she shall be sentenced for an *accounting offence* to a fine or to imprisonment for at most two years.

Section 9(a) - Aggravated accounting offence (61/2003)

If in the accounting offence

- (1) the recording of business transactions or the closing of the books is neglected in full or to an essential degree,
- (2) there is a considerable amount of false or misleading information, these pertain to large amounts or they are based on falsified certificates, or
- (3) the accounts are destroyed or hidden in full or to an essential degree or they are damaged to an essential degree

and the accounting offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated accounting offence* to imprisonment for at least four months and at most four years.

Section 10 – *Negligent accounting offence* (61/2003)

If a person with a legal duty to keep accounts, the representative of such a person, a person exercising actual decision-making authority in a corporation with a legal duty to keep books, or a person commissioned to keep the accounts, through gross negligence

- (1) neglects in full or in part the recording of business transactions or the closing of the books, or
- (2) destroys, misplaces or damages account documents

and in this manner essentially impedes the obtaining of a true and sufficient picture of the financial result or financial position of the activity of the person with a legal duty to keep books, he or she shall be sentenced for a *negligent accounting offence* to a fine or to imprisonment for at most two years.

Section 10(a) – *Auditing offence* (474/2007)

A person who violates the provision in section 15 of the Accounting Act (459/2007) on the preparation of an auditor's report, shall be sentenced, unless the act is petty or if no more severe punishment is provided elsewhere in the law, for an *auditing offence* to a fine or to imprisonment for at most two years.

Section 11 - *Definition* (769/1990)

For the purposes of this chapter, a *business secret* refers to a business or professional secret and to other corresponding business information that an entrepreneur keeps secret and the revelation of which would be conducive to causing financial loss to him or her or to another entrepreneur who has entrusted him or her with the information.

Section 12 - *Right to bring charges* (441/2011)

(1) Before bringing charges for a marketing offence the public prosecutor shall reserve the consumer ombudsman an opportunity to give a statement in the case, and before bringing charges for an alcoholic beverages marketing offence the public prosecutor shall reserve the Social Welfare and Health Sector Licence and Supervision Office an opportunity to give a statement in the case. When hearing a case dealing with a marketing offence and an unfair competition offence the court shall reserve the consumer ombudsman an opportunity to be heard and when hearing a case dealing with an alcoholic beverages marketing offence the court shall reserve the Social Welfare and Health Sector Licence and Supervision an opportunity to be heard.

(2) The public prosecutor may not bring charges for an offence referred to in section 2 or in sections 4 - 6 unless the injured party reports the offence for the

bringing of charges or unless a very important public interest requires that charges be brought. (476/2006)

Section 13 - Corporate criminal liability (637/2011)

The provisions on corporate criminal liability apply to marketing offences, alcoholic beverages marketing offences, unfair competition offences, business espionage, misuse of a business secret, giving of a bribe in business, aggravated giving of a bribe in business, acceptance of a bribe in business and aggravated acceptance of a bribe in business.

Section 14 - Provision on the scope of application (637/2011)

In applying sections 7, 7a, 8 and 8a of this chapter, a domestic and foreign arbitrator who exercises functions under the national law on arbitration of another State is equated with an arbitrator.

Section 15 - Forfeiture provision (637/2011)

A gift or benefit that has been received in the manner referred to above in sections 8 and 8a or the value thereof shall be ordered forfeit to the State from the offender or the person on whose behalf or in whose benefit the offender has acted. The provisions of chapter 10 apply to the forfeiture of other property.

Chapter 31 - Robbery and extortion

Section 1 - Robbery (769/1990)

(1) A person who

- (1) through the use or direct threat of violence against a person, appropriates or without authorisation takes into use the movable property of another person from the possession of another person, or
- (2) through the use or threat of such violence forces a person to relinquish a financial benefit to which the offender or the person on whose behalf he or she is acting has no legal right,

shall be sentenced for *robbery* to imprisonment for at least four months and at most six years.

(2) An attempt is punishable.

(3) Also a person who is caught in the act of the appropriation or taking into use referred to in subsection 1(1) and, by using the violence or threat referred therein, carries out or attempts to carry out the offence or keeps or attempts to keep the property obtained thereby, shall be sentenced for robbery or attempted robbery.

(4) If the act referred to in this section, with due consideration to the minor significance of the violence or of the threat or the other circumstances connected with the act, is not serious when assessed as a whole, the offender shall not be convicted for robbery but for the other offences which the act incorporates.

Section 2 - *Aggravated robbery* (769/1990)

(1) If in the robbery

- (1) serious bodily injury, a serious illness or a condition involving mortal danger is intentionally caused to another,
- (2) the offence is committed in a particularly brutal or cruel manner,
- (3) a firearm or edged weapon or a comparable lethal instrument is used or
- (4) the offence is directed at a person who cannot protect himself or herself or his or her property owing to the work or a task involved with his or her profession or position

and the robbery is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated robbery* to imprisonment for at least two and at most ten years.

(2) An attempt is punishable.

Section 3 - *Extortion* (769/1990)

(1) A person who through a threat other than one referred to in section 1 forces another to relinquish an economic benefit to which the offender or the person on whose behalf he or she is acting has no legal right shall be sentenced for *extortion* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 4 - *Aggravated extortion* (769/1990)

(1) If in the extortion

- (1) a threat is made of a serious offence that would danger the life or health of another or cause considerable damage to the property of another,
- (2) the offender takes unscrupulous advantage of the special weakness or other insecure state of another,
- (3) the financial benefit which the other is forced to relinquish is especially valuable or
- (4) particularly severe loss is caused to the victim of the offence in view of his or her circumstances

and the extortion is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated extortion* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Chapter 32 - Receiving and money laundering offences (61/2003)

Section 1 - Receiving offence

A person who hides, procures, takes into his or her possession or conveys property obtained from another through theft, embezzlement, robbery, extortion, fraud, usury or means of payment fraud or otherwise handles such property shall, unless the act is punishable as money laundering, be sentenced for a *receiving offence* to a fine or to imprisonment for at most one year and six months. (61/2003)

Section 2 - Aggravated receiving offence (769/1990)

If the object of the receiving offence is very valuable property and the receiving offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated receiving offence* to imprisonment for at least four months and at most four years.

Section 3 - Professional receiving offence (769/1990)

If the handling of property obtained through an offence, as referred to above in this chapter, is extensive and professional, the offender shall be sentenced for a *professional receiving offence* to imprisonment for at least four months and at most six years.

Section 4 - Negligent receiving offence (61/2003)

A person who procures, takes possession of or transfers property acquired through an offence referred to in section 1, or otherwise handles such property, even though he or she has reason to believe that the property has been acquired in said manner, shall be sentenced for a *negligent receiving offence* to a fine or to imprisonment for at most six months.

Section 5 - Receiving violation (769/1990)

If the receiving offence or negligent receiving offence, when assessed as a whole, with due consideration to the value of the property or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *receiving violation* to a fine.

Section 6 – Money laundering (191/2011)

(1) A person who

- (1) receives, uses, converts, conveys, transfers or transmits or possesses property acquired through an offence, the proceeds of crime or property replacing such property in order to obtain benefit for himself or herself or for another or to conceal or obliterate the illegal origin of such proceeds or property or in order to assist the offender in evading the legal consequences of the offence or
- (2) conceals or obliterates the true nature, origin, location or disposition of, or rights to, property acquired through an offence, the proceeds of an offence or property replacing such property or assists another in such concealment or obliteration,

shall be sentenced for *money laundering* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 7 - Aggravated money laundering (61/2003)

(1) If in the money laundering

- (1) the property acquired through the offence has been very valuable or
- (2) the offence is committed in a particularly intentional manner,

and the money laundering is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated money laundering* to imprisonment for at least four months and at most six years.

(2) An attempt is punishable.

Section 8 - Conspiracy for the commission of aggravated money laundering (61/2003)

A person who agrees with another on the commission of aggravated money laundering directed at the proceeds of the giving of a bribe, the acceptance of a bribe, or aggravated tax fraud or aggravated subsidy fraud directed at the tax referred to in chapter 29, section 9, subsection 1(2), or at property replacing such proceeds, shall be sentenced for *conspiracy for the commission of aggravated money laundering* to a fine or to imprisonment for at most one year.

Section 9 - Negligent money laundering (61/2003)

A person who through gross negligence undertakes the actions referred to in section 6 shall be sentenced for *negligent money laundering* to a fine or to imprisonment for at most two years.

Section 10 - Money laundering violation (61/2003)

If the money laundering or the negligent money laundering, taking into consideration the value of the property or the other circumstances connected with the offence, is petty when assessed as a whole, the offender shall be sentenced for a *money laundering violation* to a fine.

Section 11 – Restrictive provisions (187/2012)

(1) A person who is an accomplice in the offence through which the property was obtained or that produced the proceeds (predicate offence) shall not be sentenced for the offence referred to in this chapter. However, a person may be sentenced for an offence referred to in section 7 if the money laundering offence, with consideration to the continuous and planned nature of the acts forms the most essential and blameworthy part of the totality of offences.

(2) The provisions of this chapter do not apply to a person living in a joint household with the offender, and who only used or consumed property obtained by the offender for ordinary needs in the joint household.

Section 12 – Forfeiture (187/2012)

(1) Property that has been the target of an offence referred to in section 6, 7 or 9 shall be ordered forfeit to the State. The provisions of chapter 10, section 11, subsection 3 apply to the forfeiture.

(2) The provisions of chapter 10 apply to forfeiture of other property.

(3) The provisions of subsection 1 notwithstanding, property that is the target of the offence may instead of being ordered forfeit to the State be ordered as compensation or restitution to the person injured by the predicate offence, if the nature of the property is suitable for this and compensation or restitution has not been paid to him or her, with application where appropriate of the provision in chapter 10, section 2, subsection 3. However, the property shall be ordered forfeit if the nature of it is not suitable or it cannot be ordered paid as compensation or restitution to the injured person due to the bar referred to in chapter 10, section 2, subsection 3. In such case the provision of chapter 10, section 11, subsection 2 applies to the right of the injured person to receive a comparable amount as compensation or restitution from State funds.

Section 13 - Right to bring charges (441/2011)

The public prosecutor may not bring charges for a receiving offence unless the injured party has reported the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

Section 14 -Corporate criminal liability (441/2011)

The provisions on corporate criminal liability apply to a receiving offence, an aggravated receiving offence, a professional receiving offence, money laundering, aggravated money laundering and negligent money laundering.

Chapter 33 - Forgery offences

Section 1 - *Forgery* (769/1990)

(1) A person who prepares a false document or other item or falsifies such a document or item in order for it to be used as misleading evidence or uses a false or falsified item as misleading evidence shall be sentenced for *forgery* to a fine or imprisonment for at most two years.

(2) An attempt is punishable. (514/2003)

Section 2 - *Aggravated forgery* (769/1990)

(1) If in the forgery

(1) the item that is the object of the offence is an archival document stored by an authority or a general register kept by an authority and such a document or register is important from a general point of view, or the item otherwise has a particularly significant probative value, or

(2) the offender uses technical equipment procured for the commission of forgery offences or otherwise acts in a particularly methodical manner

and the forgery is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated forgery* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable. (514/2003)

Section 3 - *Petty forgery* (769/1990)

If the forgery, when assessed as a whole, with due consideration to the nature of the item or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty forgery* to a fine.

Section 4 - *Possession of forgery materials* (514/2003)

A person who without acceptable reason

(1) receives, procures, transports or possesses a false or falsified piece of evidence, or

(2) prepares, receives, procures, sells, transfers or possesses an item or a device that can justifiably be suspected of being primarily used in the commission of forgery offences

shall be sentenced for *possession of forgery materials* to a fine or to imprisonment for at most six months.

Section 5 - Falsification of a landmark (769/1990)

A person who in order to hinder the verification of legally relevant terrain features sets a false landmark or unjustifiably destroys, alters or moves a landmark denoting a boundary, line or water height, or another comparable landmark, shall be sentenced for *falsification of a landmark* to a fine or to imprisonment for at most two years.

Section 6 - Definitions (769/1990)

(1) For the purposes of this Code, *item* refers to a document and its facsimile, a mark, a stamp, license plate, audio or video recording, a recording produced by a plotter, calculator or other comparable technical device and a recording that is suitable for data processing, if it is used or can be used as legally relevant evidence of rights, duties or facts.

(2) An item is *false* if, when used as evidence, it is conducive to giving a misleading conception of its origin or of the identity of the person who issued it.

(3) An item is *falsified* if its contents have been unlawfully altered in respect of a datum that has probative relevance.

Section 7 – Corporate criminal liability (514/2003)

The provisions on corporate criminal liability apply to forgery, aggravated forgery and possession of forgery instruments.

Chapter 34 - Endangerment (578/1995)

Section 1 - Criminal mischief (578/1995)

(1) A person who

- (1) starts a fire,
- (2) explodes something, or
- (3) causes a flood or another natural disaster,

so that the act is conducive to causing general danger to life or health or general danger or very severe economic loss, shall be sentenced for *criminal mischief* to imprisonment for at least four months and at most four years.

(2) Also a person who damages or destroys property or unlawfully interferes in the operation of production, supply or communications channels, so that serious danger is caused to power supply, public health care, defence, administration of

the law or another corresponding important societal function shall be sentenced for criminal mischief.

(3) An attempt is punishable.

Section 2 - Criminal traffic mischief (343/2000)

(1) A person who

- (1) destroys a vehicle or a fixed platform, their equipment, or a traffic route, traffic control signal or other traffic apparatus, or damages or alters the same,
- (2) gives false information relating to traffic, or
- (3) employs or threatens violence against a person in a vehicle or airport, on a fixed platform, or carrying out traffic control duties,

so that the act is conducive to causing general danger to life or health in traffic or on a fixed platform, and the act is not of minor significance when assessed as a whole, shall be sentenced for *criminal traffic mischief* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 3 - Aggravated criminal mischief (578/1995)

(1) If the criminal mischief or criminal traffic mischief is committed

- (1) so that serious danger is caused to the life or health of a great number of people,
- (2) so that, due to the long duration or wide extent of the imminent danger or to another reason, very serious danger is caused to an important societal function, or
- (3) during a war or other state of emergency

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated criminal mischief* to imprisonment for at least two and at most ten years.

(2) An attempt is punishable.

Section 4 - Endangerment of health (400/2002)

(1) A person who

- (1) by poisoning or by another comparable manner renders foodstuffs or other substances intended for human consumption or use dangerous to health, or keeps such dangerous substances available to others,
- (2) spreads a dangerous disease,
- (3) operates a radiation source in violation of the Radiation Act (592/1991),

- (4) uses nuclear energy or nuclear waste or acts in the use of nuclear energy in violation of the Nuclear Energy Act (990/1987),
- (5) uses organisms that have been altered through genetic technology in a closed environment or intentionally spreads organisms that have been altered through genetic technology into the environment, in violation of the Genetic Technology Act (377/1995) (848/2004)

so that the act is conducive to causing general danger to life or health, shall be sentenced for *endangerment of health* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 5 - *Aggravated endangerment of health* (578/1995)

(1) If the endangerment of health is committed so that serious danger is caused to the life or health of a great number of people and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated endangerment of health* to imprisonment for at least two and at most ten years.

(2) An attempt is punishable.

Section 6 - *Nuclear device offence* (578/1995)

(1) A person who imports, produces or detonates a nuclear device in Finland or has one in his or her possession shall be sentenced for a *nuclear device offence* to imprisonment for at least two and at most ten years.

(2) Also a person who detonates a nuclear device in Antarctica shall be sentenced for a nuclear device offence. (29/1996)

(3) An attempt is punishable. (29/1996)

Section 7 - *Negligent endangerment* (578/1995)

(1) A person who intentionally or negligently commits an act referred to in section 1, section 2 or section 4 shall be sentenced, if the danger referred to in said provision results from the negligence of the offender, for *negligent endangerment* to a fine or to imprisonment for at most one year.

(2) Also a person who negligently commits the act referred to in section 6 shall be sentenced for negligent endangerment.

(3) The prosecution or punishment for the negligent endangerment referred to in subsection 1 may be waived if the offender by his or her own action removes the danger before essential damage has been caused by the dangerous situation.

Section 8 - *Gross negligent endangerment* (578/1995)

If the negligent endangerment is committed so that serious danger is caused to the life or health of a great number of people and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *gross negligent endangerment* to imprisonment for at least four months and at most four years.

Section 9 - Preparation of endangerment (578/1995)

(1) A person who, in order to commit an offence referred to in section 1 – 5, has possession of a bomb, other explosives or a dangerous instrument or substance shall be sentenced for *preparation of endangerment* to a fine or to imprisonment for at most two years.

(2) Also a person who, in order to commit a nuclear device offence,

- (1) procures or attempts to procure or has possession or attempts to have possession of substances needed for the production of a nuclear device,
- (2) procures or attempts to procure, prepares or attempts to prepare or has possession of or attempts to have possession of instruments needed for the production of a nuclear device, or
- (3) procures formulas or plans needed for the production of a nuclear device

shall be sentenced for preparation of endangerment. (724/2008)

Section 9(a) – Endangerment of data processing (540/2007)

A person who, in order to impede or cause harm to data processing or the functioning or security of a data system or telecommunications system,

- (1) imports, manufactures, sells or otherwise disseminates or makes available
 - (a) a device or computer program or set of programming instructions designed or altered to endanger or cause harm to data processing or the functioning of a data system or telecommunications system or to break or disable the technical security of electronic communications or the security of a data system, or
 - (b) a password, access code or other corresponding information, or
- (2) disseminates or makes available instructions for the production of a computer program or set of programming instructions referred to in paragraph (1),

shall be sentenced, unless an equally severe or more severe penalty for the act is provided elsewhere in the law, for *endangerment of data processing* to a fine or to imprisonment for at most two years.

Section 9(b) – Possession of a data system offence device (540/2007)

A person who in order to cause impediment or damage to data processing or to the operation or security of a data or communications system has possession of a device, computer program or set of programming instructions referred to in section 9a, paragraph (1a) or a password, access code or other corresponding information referred to in subparagraph b, shall be sentenced for *possession of a data system offence device* to a fine or to imprisonment for at most six months.

Section 10 - False report of a danger (578/1995)

A person who makes a false report about a bomb, fire, distress at sea, major accident or other comparable distress or danger, which is conducive to rescue or safety measures being taken or the arousal of panic, shall be sentenced for a *false report of a danger* to a fine or to imprisonment for at most one year.

Section 11 - Hijacking (17/2003)

- (1) A person who by violence or a threat of violence or otherwise unlawfully
- (1) intervenes in the piloting of an aircraft, a merchant vessel at sea, a rail traffic vehicle in traffic or a motor vehicle in mass transit,
 - (2) takes control of an aircraft, a merchant vessel at sea or a rail traffic vehicle in traffic so that flight safety, shipping safety or rail traffic safety are endangered or takes control of a motor vehicle in mass transit so that traffic safety is seriously endangered, or
 - (3) takes control of a fixed platform

shall be sentenced for *hijacking* to imprisonment for at least two and at most ten years.

(2) An attempt is punishable.

(3) If the hijacking referred to in subsection 1(1) or 1(2) endangers flight safety, shipping safety or rail traffic safety only slightly, or causes less than serious danger to other traffic safety, and the offence, in view of the nature of the violence or threat or of the nature of the other unlawful means used in the offence or the other circumstances connected with the offence, is of minor significance also when assessed as a whole, the offender shall not be sentenced for hijacking but for those other offences that the act constitutes.

[section 12 has been repealed; 833/2003]

Section 13 - Corporate criminal liability (833/2003)

The provisions on corporate criminal liability apply to a nuclear device offence, the preparation of endangerment referred to in section 9, subsection 2, and endangerment of data processing.

Chapter 34(a) – Terrorist offences (17/2003)

Section 1 – Offences made with terrorist intent

(1) A person who, with terrorist intent and in a manner that is conducive to causing serious harm to a State or an international organisation

- (1) makes an unlawful threat, a false report of a danger, the aggravated invasion of public premises referred to in chapter 24, section 4, subsection 2, or the nuclear energy use offence referred to in chapter 44, section 10, shall be sentenced to imprisonment for at least four months and at most three years, (1370/2007)
- (2) intentionally commits the offence of imperilment, an intentional explosives offence, a violation of the provisions on dangerous objects, or the public incitement to an offence referred to in chapter 17, section 1, shall be sentenced to imprisonment for at least four months and at most four years, (1370/2007)
- (3) commits an aggravated theft or an aggravated theft for temporary use directed against a motor vehicle suitable for public transport or the transport of goods, sabotage, traffic sabotage, endangerment of health, aggravated damage to property, aggravated firearms offence or a defence supplies export offence shall be sentenced to imprisonment for at least four months and at most six years, (283/2012)
- (4) violates a ban on chemical weapons, violates a ban on biological weapons or engages in intentional aggravated pollution of the environment committed in the manner referred to in chapter 48, section 1, subsection 1(1) shall be sentenced to imprisonment for at least four months and at most eight years,
- (5) commits aggravated assault, aggravated trafficking in human beings, the taking of a hostage, aggravated sabotage, aggravated endangerment of health, a nuclear weapon offence or hijacking shall be sentenced to imprisonment for at least two and at most twelve years, (1161/2005)
- (6) commits the offence of killing shall be sentenced to imprisonment for at least four and at most twelve years, or
- (7) commits homicide shall be sentenced to imprisonment for at least eight years or for life.

(2) A person who commits murder with terrorist intent shall be sentenced to life imprisonment.

(3) An attempt is punishable.

Section 2 – Preparation of an offence to be committed with terrorist intent

A person who, in order to commit an offence referred to in section 1, subsection 1(2)-(7) or subsection 2,

- (1) agrees with another person or prepares a plan to commit such an offence,
- (2) prepares, keeps in his or her possession, acquires, transports, uses or gives to another an explosive, a chemical or biological weapon or a toxin weapon, a firearm or a dangerous object or substance, or
- (3) acquires equipment or materials for the preparation or a nuclear explosive, a chemical or biological weapon or a toxin weapon or acquires formulas or diagrams for their production,

shall be sentenced for *preparation of an offence to be committed with terrorist intent* to a fine or to imprisonment for at most three years.

Section 3 –Directing of a terrorist group

(1) A person who directs a terrorist group, the activity of which has involved the commission of an offence referred to in section 1, subsection 1(2)-(7) or section 1, subsection 2 or a punishable attempt at such an offence or the offence referred to in section 2 shall be sentenced for *directing of a terrorist group* to imprisonment for at least two and at most twelve years.

(2) A person who directs a terrorist group in the activity of which only the offence referred to in section 1, subsection 1(1) has been committed shall be sentenced to imprisonment for at least four months and at most six years.

(3) A person who is sentenced for directing of a terrorist group shall also be sentenced for an offence referred to in section 1 or the punishable attempt of such an offence or an offence referred to in section 2 that he or she has committed or that has been committed in the activity of a terrorist group under his or her direction.

Section 4 – Promotion of the activity of a terrorist group (832/2003)

(1) A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in sections 1 or 2 of a terrorist group

- (1) supplies or seeks to supply a terrorist group with explosives, weapons, ammunition or substances or equipment intended for the preparation of these or with other dangerous objects or material,
- (2) obtains or seeks to obtain or gives to a terrorist group premises or other facilities that it needs or means of transport or other implements that are especially important from the point of view of the activity of the group,
- (3) obtains or seeks to obtain information which, if transmitted to a terrorist group, would be conducive towards causing serious harm to

the State or an international organisation, or transmits, gives or discloses such information to a terrorist group,

(4) manages important financial matters of a terrorist group or gives financial or legal advice that is very important from the point of view of such a group, or

(5) commits an offence referred to in chapter 32, section 6 or 7,

shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, for *promotion of the activity of a terrorist group* to imprisonment for at least four months and at most eight years. (1370/2007)

(2) What is provided above in subsection 1, paragraph [4] regarding legal advice does not apply to the performance of the functions of a legal counsel or attorney in connection with the pre-trial investigation of an offence, court proceedings or the enforcement of a sentence. (283/2012)

Section 4(a) – Provision of training for the commission of a terrorist offence (1370/2007)

A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in section 1 or 2, arranges, attempts to arrange or provides training in the preparation or use of explosives, firearms or other arms or poisonous or other noxious substances or in another corresponding manner arranges, attempts to arrange or provides training, shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, for *provision of training for the commission of a terrorist offence* to imprisonment for at least four months and at most eight years.

Section 4(b) – Recruitment for the commission of a terrorist offence (1370/2007)

A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in section 1 or 2, establishes or organizes a terrorist group or recruits or attempts to recruit persons into a terrorist group or otherwise commit the terrorist offences referred to in said sections, shall be sentenced, unless the offence is punishable in accordance with section 1 or section 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, for *recruitment for the commission of a terrorist offence* to imprisonment for at least four months and at most eight years.

Section 5 – The financing of terrorism

(1) A person who directly or indirectly provides or collects funds in order to finance, or aware that these shall finance

- (1) the taking of a hostage or hijacking,
- (2) sabotage, aggravated sabotage or preparation of an offence of general endangerment that is to be deemed an offence referred to in the International Convention for the Suppression of Terrorist Bombing (Treaty Series 60/2002),
- (3) sabotage, traffic sabotage, aggravated sabotage or the preparation of an offence of general endangerment that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Treaty Series 56/1973), the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Treaty Series 43/1998), the Convention for the Suppression of Unlawful Act Against the Safety of Maritime Navigation (Treaty Series 11/1999) or the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Treaty Series 44/2000),
- (4) a nuclear explosives offence, endangerment of health, aggravated endangerment of health, a nuclear energy use offence or other criminalised offence directed at a nuclear material or committed through the use of nuclear material, that is to be deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Treaty Series 72/1989), or
- (5) murder, homicide, killing, aggravated assault, deprivation of liberty, aggravated deprivation of liberty, aggravated trafficking in persons, taking of a hostage or aggravated disturbance of public peace or the threat of such an offence, when the act is directed against a person who is referred to in the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (Treaty Series 63/1978), (1161/2005)

shall be sentenced for the *financing of terrorism* to imprisonment for at least four months and at most eight years.

(2) Also a person who directly or indirectly provides or collects funds in order to finance or aware that they are used to finance the offences referred to in section 1 shall be sentenced for the financing of terrorism.

(3) An attempt is punishable.

(4) What is provided in the foregoing in this section does not apply if the offence is punishable as an offence referred to in subsection 1, paragraphs (1) through (5) or an attempt of such an offence or complicity in such an offence or, according to sections 1 or 2, or a more severe sentence is provided elsewhere in law for it.

Section 6 - Definitions

- (1) An offender has a *terrorist intent* if it is his or her intent to:
 - (1) cause serious fear among the population,
 - (2) unlawfully force the government of a state or another authority or an international organisation to perform, allow or abstain from performing any act,
 - (3) unlawfully overturn or amend the constitution of a state or seriously destabilise the legal order of a state or cause particularly harm to the state economy or the fundamental social structures of the state, or
 - (4) cause particularly extensive harm to the finances or other fundamental structures of an international organisation.
- (2) A *terrorist group* refers to a structured group of at least three persons established over a period of time and acting in concert in order to commit offences referred to in section 1.
- (3) An *international organisation* refers to an intergovernmental organisation or to an organisation which, on the basis of its significance and internationally recognised position, is comparable to an intergovernmental organisation.

Section 7 - Right of prosecution

The Prosecutor-General decides on the bringing of charges for offences referred to in this chapter. In so doing the Prosecutor-General shall also designate the person who is to bring the charges.

Section 8 - Corporate criminal liability

- (1) The provisions on corporate criminal liability apply to the offences referred to in this chapter.
- (2) The provisions on corporate criminal liability apply also to robbery, aggravated robbery, extortion or aggravated extortion committed in order to commit an offence referred to in section 1 or section 2, subsection 1(3) of this chapter as well as to forgery or aggravated forgery committed in order to commit the offence referred to in section 1, subsection 1, paragraphs (2)-(7) or subsection 2, section 2, subsection 1(3), or section 4 or 5 of this Act.

Chapter 35 - Criminal damage (769/1990)

Section 1 - Criminal damage

- (1) A person who unlawfully destroys or damages the property of another shall be sentenced for *criminal damage* to a fine or to imprisonment for at most one year.

(2) Also a person who, in order to cause damage to another, unlawfully destroys, defaces, conceals or hides data recorded on an information device or other recording shall be sentenced for criminal damage.

(3) An attempt of the criminal damage referred to above in subsection 2 is punishable. (540/2007)

Section 2 - *Aggravated criminal damage* (769/1990)

(1) If

(1) the criminal damage causes

(1) particularly serious economic loss,

(2) the victim particularly significant damage with due consideration to his or her circumstances or

(3) considerable damage to property that is of special historical or cultural value, or

(2) the criminal damage referred to above in section 1, subsection 2 is committed as part of the activity of an organised criminal group referred to in chapter 17, section 1a, subsection 4

and the criminal damage is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated criminal damage* for at least four months and at most four years. (540/2007)

(2) An attempt is punishable. (17/2003)

Section 3 - *Petty criminal damage* (769/1990)

If the criminal damage, when assessed as a whole, with due consideration to the minor significance of the damage or the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty criminal damage* to a fine.

Section 4 - *Jointly owned property* (769/1990)

The provisions in this chapter apply also if the act is directed at jointly owned property in which the offender has a share.

Section 5 - *Restriction on application* (769/1990)

The provisions in this chapter do not apply if an equally severe or more severe penalty for the act is provided elsewhere in the law.

Section 6 - *Right to bring charges* (411/2011)

If the sole object of the offence referred to in section 1 or section 3 is private property, the public prosecutor may not bring charges unless the injured party has reported it for the bringing of charges.

Section 7 - Waiver of measures (769/1990)

The report of, prosecution for or punishment for criminal damage and petty criminal damage may be waived if the offender has compensated the damage and the compensation is deemed a sufficient sanction.

Section 8 – Corporate criminal liability (540/2007)

The provisions on corporate criminal liability apply to the criminal damage referred to above in section 1, subsection 2 and the aggravated criminal damage referred to in section 2 when it has been committed in the manner provided in section 1, subsection 2.

Chapter 36 - Fraud and other dishonesty (769/1990)

Section 1 - Fraud (769/1990)

(1) A person who, in order to obtain unlawful financial benefit for himself or herself or another or in order to harm another, deceives another or takes advantage of an error of another so as to have this person do something or refrain from doing something and in this way causes economic loss to the deceived person or to the person over whose benefits this person is able to dispose, shall be sentenced for *fraud* to a fine or to imprisonment for at most two years.

(2) Also a person who, with the intention referred to in subsection 1, by entering, altering, destroying or deleting data or by otherwise interfering with the operation of a data system, falsifies the end result of data processing and in this way causes another person economic loss, shall be sentenced for fraud. (514/2003)

(3) An attempt is punishable.

Section 2 - Aggravated fraud (769/1990)

(1) If the fraud

- (1) involves the seeking of considerable benefit,
- (2) causes considerable or particularly significant loss
- (3) is committed by taking advantage of special confidence based on a position of trust or
- (4) is committed by taking advantage of a special weakness or other insecure position of another

and the fraud is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated fraud* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 3 - *Petty fraud* (769/1990)

If the fraud, when assessed as a whole, with due consideration to the benefit sought or the amount of loss caused or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty fraud* to a fine.

Section 4 - *Insurance fraud* (769/1990)

A person who, in order to obtain unlawful compensation from insurance for himself or herself or another, sets fire to property that is covered by fire insurance, shall be sentenced, unless in order to obtain the compensation from insurance he or she is guilty of fraud or attempted fraud directed at the same property, for *insurance fraud* to a fine or to imprisonment for at most one year.

Section 5 - *Misuse of a position of trust* (769/1990)

If a person assigned with the management of the financial or legal affairs of another misuses his or her position of trust

- (1) by undertaking an act to which he or she has no right or
- (2) by neglecting his or her function in full or in part

and in this way causes loss to the person whose affairs he or she should manage, he or she shall be sentenced for *misuse of a position of trust* to a fine or to imprisonment for at most two years.

Section 6 - *Usury* (845/2009)

(1) A person who, by taking advantage of the financial or other distress, position of dependence, lack of understanding or thoughtlessness of another, in connection with a contract or other transaction, obtains or requires for himself or herself or another, economic benefit that is clearly disproportionate to the remuneration shall be sentenced for *usury* to a fine or to imprisonment for at most two years.

(2) Also a person who, in the granting of credit, takes or requires for himself or herself or another, interest or other economic benefit that is clearly disproportionate to the performance of the creditor, taking into consideration

- (1) the amount of credit granted, the period of credit and the other terms of the credit agreement;

- (2) the credit risk involved in the credit that has been granted;
- (3) the expenses incurred by the creditor that are part of the careful procedure for the granting of credit;
- (4) the ordinary expenses incurred in the financing of the credit;
- (5) the ordinary general expenses in credit granting services

shall be sentenced for usury.

Section 7 - *Aggravated usury* (769/1990)

If the usury

- (1) involves the seeking of considerable benefit,
- (2) causes considerable or particularly significant loss,
- (3) involves the offender taking unscrupulous advantage of a special weakness or other insecure state of another, or
- (4) is committed in a particularly methodical manner

and the usury is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated usury* to imprisonment for at least four months and at most four years.

Section 8 - *Right to bring charges* (769/1990)

(1) The public prosecutor may not bring charges for petty fraud or the misuse of a position of trust unless the injured party has reported it for the bringing of charges. (441/2011)

(2) However, the report of the offence for the bringing of charges is not necessary for the misuse of a position of trust if a specially important public interest requires that charges be brought, or if the management of the affairs is based on law or the order of an authority, or if the offence was committed by an advocate or other person who is subject to public supervision in his or her functions or is in a comparable position, or if the offence is directed at a corporation, foundation or other legal person subject to public supervision in those operations which are subject to the public supervision. (317/1994)

Section 9 – *Corporate criminal liability* (514/2003)

The provisions on corporate criminal liability apply to the fraud referred to in section 1, subsection 2 of this chapter and to aggravated fraud when it has been committed in the manner provided in section 1, subsection 2.

Chapter 37 - Means of payment offences (769/1990)

Section 1 - Counterfeiting (369/2001)

(1) A person who produces false money or falsifies money in order to pass it as legal tender or for this purpose imports, exports, procures, receives, transports, or transfers to another money that he or she knows false or falsified shall be sentenced for *counterfeiting* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 2 - Aggravated counterfeiting (769/1990)

(1) If the counterfeiting

(1) involves a considerable amount or face value of false or falsified money
or

(2) is committed in a particularly methodical manner

and the counterfeiting is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated counterfeiting* to imprisonment for at least two and at most ten years.

(2) An attempt is punishable.

Section 3 - Petty counterfeiting (769/1990)

(1) If the counterfeiting, when assessed as a whole, with due consideration to the amount and face value of the false or falsified money, the amount of benefit sought or the amount of damage caused or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty counterfeiting* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 4 - Preparation of counterfeiting (369/2001)

A person who for purposes of a counterfeiting offence produces, imports, possesses, procures or receives a device, supplies, record, or application suitable for the commission of such an offence shall be sentenced for *preparation of counterfeiting* to a fine or to imprisonment for at most two years.

Section 5 - Use of counterfeit money (769/1990)

(1) A person who, after having received false or falsified money as legal tender, passes it on for further circulation as such although he or she knows the money to be false or falsified shall be sentenced for *use of counterfeit money* to a fine or to imprisonment for at most one year.

(2) An attempt is punishable.

Section 6 - Possession of counterfeit money (769/1990)

A person who without acceptable reason possesses false or falsified money shall be sentenced for *possession of counterfeit money* to a fine or to imprisonment for at most six months.

Section 7 - Circulation of imitation money (769/1990)

A person who produces or obtains for distribution among the public or distributes among the public a form, mark, picture or other object that is deceptively similar to legal tender shall be sentenced for *circulation of imitation money* to a fine or to imprisonment for at most one year.

Section 8 - Means of payment fraud (769/1990)

(1) A person who, in order to obtain unlawful economic benefit for himself or herself or another

- (1) uses a means of payment without the permission of the lawful holder, in excess of his or her right based on such permission, or otherwise without lawful right, or
- (2) transfers a means of payment or means of payment form to another in order to have it used without lawful right

shall be sentenced for *means of payment fraud* to a fine or to imprisonment for at most two years. (602/1997)

(2) Also a person who, by overdrawing his or her account or exceeding the agreed maximum credit limit, misuses a means of payment referred to in subsection 1 and in this way causes economic loss to another shall be sentenced for means of payment fraud, unless when using the means of payment he or she intended to compensate the loss without delay.

Section 9 - Aggravated means of payment fraud (769/1990)

If in the means of payment fraud

- (1) considerable or particularly significant loss is caused or
- (2) the offender has, for the commission of the offence, made or had made means of payment forms from which the means of payment used in the offence was prepared, or if the offence is otherwise committed in a particularly methodical manner

and the means of payment fraud is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated means of payment fraud* to imprisonment for at least four months and at most four years.

Section 10 - Petty means of payment fraud (769/1990)

If the means of payment fraud, when assessed as a whole, with due consideration to the amount of benefit sought or the amount of loss caused or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty means of payment fraud* to a fine.

Section 11 - Preparation of means of payment fraud (514/2003)

A person who, for the commission of means of payment fraud,

- (1) prepares, imports, procures, receives or possesses a means of payment form or
- (2) prepares, imports, procures, receives, possesses, sells or transfers a device or supplies intended particularly for the preparation of a means of payment form, or a file, program, device or supplies intended particularly for payment operations over a telecommunications network,

shall be sentenced for *preparation of means of payment fraud* to a fine or to imprisonment for at most one year.

Section 12 - Definitions (602/1997)

(1) For the purposes of this chapter,

- (1) *money* refers to bank notes and coins that are legal tender in Finland or another country,
- (2) *means of payment* refers to bank cards, debit cards, credit cards, cheques and other objects and records which can be used in payment or for withdrawals or account transfers, or the use of which is essential for this purpose, and
- (3) *means of payment form* refers to printed forms not in free circulation, to be filled in so as to constitute a means of payment, as well as cards and blank cards which are particularly meant for the production of a means of payment.

(2) The provisions in this chapter on means of payment apply also to an account book and other certificate of deposit given in exchange for a deposit by a banking institution subject to public supervision.

(3) The provisions in this chapter on money apply to banknotes and coins also before they have been released into circulation. (298/2000)

[section 13 has been repealed; 875/2001]

Section 14 - Corporate criminal liability (514/2003)

The provisions on corporate criminal liability apply to counterfeiting, aggravated counterfeiting, petty counterfeiting, preparation of counterfeiting, use of

counterfeit money, means of payment fraud, aggravated means of payment fraud and preparation of means of payment fraud.

Chapter 38 - Data and communications offences (578/1995)

Section 1 - *Secrecy offence* (578/1995)

A person who in violation of a secrecy duty provided by an Act or Decree or specifically ordered by an authority pursuant to an Act

(1) discloses information which should be kept secret and which he or she has learnt by virtue of his or her position or task or in the performance of a duty, or

(2) makes use of such a secret for the gain of himself or herself or another shall be sentenced, unless the act is punishable under chapter 40, section 5, for a *secrecy offence* to a fine or to imprisonment for at most one year.

Section 2 - *Secrecy violation* (578/1995)

(1) If the secrecy offence, in view of the significance of the act as concerns the protection of privacy or confidentiality, or the other relevant circumstances, is petty when assessed as a whole, the offender shall be sentenced for a *secrecy violation* to a fine.

(2) Also a person who has violated a secrecy duty referred to in section 1 and it is specifically provided that such violation is punishable as a secrecy violation, shall also be sentenced for a secrecy violation.

Section 3 - *Message interception* (531/2000)

(1) A person who unlawfully

(1) opens a letter or another closed communication addressed to another or hacks into the contents of an electronic or other technically recorded message which is protected from outsiders, or

(2) obtains information on the contents of a telephone call, telegram, transmission of text, images or data, or another comparable telemessage transmitted by telecommunications or on the transmission or reception of such a message

shall be sentenced for *message interception* to a fine or to imprisonment for at most one year.

(2) An attempt is punishable.

Section 4 - *Aggravated message interception* (578/1995)

(1) If in the message interception

- (1) the offender commits the offence by making use of his or her position in the service of a telecommunications company, as referred in the Act on the Protection of Electronic Messages (516/2004) or his or her other special position of trust, (517/2004)
- (2) the offender commits the offence by making use of a computer program or special technical device designed or altered for such purpose, or otherwise especially methodically, or
- (3) the message that is the object of the offence has an especially confidential content or the act constitutes a grave violation of the protection of privacy

and the message interception is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated message interception* to imprisonment for at most three years.

(2) An attempt is punishable.

Section 5 – Interference with communications (578/1995)

(1) A person who by tampering with the operation of a device used in postal, telecommunications or radio traffic, by maliciously transmitting interfering messages over radio or telecommunications channels or in another comparable manner unlawfully prevents or interferes with postal, telecommunications or radio traffic, shall be sentenced for *interference with communications* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable. (540/2007)

Section 6 - Aggravated interference with communications (578/1995)

(1) If in the interference with communications

- (1) the offender commits the offence by making use of his or her position in the service of an institution referred to in the Telecommunications Act, a cable operator referred to in the Cable Transmission Act (307/1987) or a public broadcasting institution, or his or her other special position of trust,
- (2) the offence prevents or interferes with the radio transmission of distress signals or such other telecommunications or radio transmissions that are made in order to protect human life

and the interference with communications is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated interference with communications* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable. (540/2007)

[The Cable Transmission Act has been repealed by the Television and Radio Act 744/1998]

Section 7 - *Petty interference with communications* (578/1995)

(1) If the interference with communications, in view of its nature or extent or the other circumstances of the offence, is of minor significance when assessed as a whole, the offender shall be sentenced for *petty interference with communications* to a fine.

(2) An attempt is punishable. (540/2007)

Section (7a) – *Interference in a computer system* (540/2007)

(1) A person who in order to cause detriment or economic loss to another, by entering, transferring, damaging, altering or deleting data or in another comparable manner unlawfully prevents the operation of a computer system or causes serious interference in it shall be sentenced, unless an equally or more severe punishment is decreed elsewhere in law for it, for *interference in a computer system* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 7(b) – *Aggravated interference in a computer system* (540/2007)

(1) If in the interference in a computer system

(1) particularly significant detriment or economic loss is caused or

(2) the offence is committed in a particularly methodical manner

and the interference in a computer system is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated interference in a computer system* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

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Section 8 - *Computer break-in* (578/1995)

(1) A person who by using an access code that does not belong to him or her or by otherwise breaking a protection unlawfully hacks into a computer system where data is processed, stored or transmitted electronically or in a corresponding technical manner, or into a separately protected part of such a system, shall be sentenced for a *computer break-in* to a fine or to imprisonment for at most one year.

(2) Also a person who, without hacking into the computer system or a part thereof, by using a special technical device unlawfully obtains information contained in a computer system referred to in subsection 1, shall be sentenced for a computer break-in.

(3) An attempt is punishable.

(4) This section applies only to acts that are not subject to an equally severe or more severe penalty provided elsewhere in the law.

Section 8(a) – Aggravated computer break-in (540/2007)

(1) If the computer break-in is committed

- (1) as part of the activity of a organized criminal group referred to in chapter 17, section 1a, subsection 4, or
- (2) in a particularly methodical manner

and the computer break-in is aggravated also when assessed as a whole, the offender shall be sentenced for *an aggravated computer break-in* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 8(b) — Offence involving an illicit device for accessing protected services (540/270 and 1118/2001)

A person who, in violation of the prohibition laid down in section 3 of the Act on the Prohibition of Illicit Devices for Accessing Protected Services (1117/2001), for commercial purposes or so that the act is conducive to causing considerable detriment or loss to a provider of protected services, produces, imports, offers for sale, rents out or distributes illicit devices for accessing protected services, or advertises, installs or maintains the same, shall be sentenced, unless a more severe or equally severe penalty for the act is provided elsewhere in the law, for an *offence involving an illicit device for accessing protected services* to a fine or to imprisonment for at most one year,.

Section 9 - Data protection offence (525/1999)

A person who intentionally or grossly negligently

- (1) processes personal data in violation of the provisions of the Personal Data Act (523/1999) on the exclusivity of purpose, the general prerequisites for processing, the necessity and integrity of data, sensitive data, identification codes or the processing of personal data for specific purposes, or violates a specific provision on the processing of personal data, (480/2001)
- (2) by giving false or misleading information prevents or attempts to prevent a data subject from using his or her right of inspection, or
- (3) conveys personal data to states outside the European Union or the European Economic Area in violation of chapter 5 of the Personal Data Act,

and thereby violates the privacy of the data subject or causes him or her other damage or significant inconvenience, shall be sentenced for a *data protection offence* to a fine or to imprisonment for at most one year.

Section 10 - *Right to bring charges* (411/2011)

(1) If the object of a secrecy offence or a secrecy violation is information relating to the personal or financial circumstances or the business of an individual, the public prosecutor may not bring charges for the act, unless the injured party reports it for the bringing of charges or unless the offender has committed the offence in the service of a public postal or telecommunications institution or unless a very important public interest requires that charges be brought.

(2) The public prosecutor may not bring charges for message interception, aggravated message interception, interference in a computer system, computer break-in or an offence involving an illicit device for accessing protected services, unless the injured party reports the offence for the bringing of charges or unless the offender has committed the offence in the service of a public postal or telecommunications institution or unless a very important public interest requires that charges be brought. (540/2007)

(3) The public prosecutor shall hear the Data Protection Ombudsman before bringing charges for a secrecy offence, secrecy violation, message interception, aggravated message interception or computer break-in, where the object of the offence is a personal data file, or for a data protection offence. When hearing such a case, the court shall reserve the Data Protection Ombudsman an opportunity to be heard.

Section 11 — *Forfeiture* (1118/2001)

An illicit device for accessing protected services, as referred to in section 8a, shall be ordered forfeit to the State.

Section 12 - *Corporate criminal liability* (540/2007)

The provisions on corporate criminal liability apply to message interception, aggravated message interception, interference with communications, aggravated interference with communications, computer break-on, aggravated computer break-in, interference in a computer system and aggravated interference in a computer system.

Chapter 39 - *Offences by a debtor* (769/1990)

Section 1 – *Dishonesty by a debtor* (61/2003)

A debtor who

- (1) destroys his or her property,
- (2) gives away or otherwise surrenders his or her property without acceptable reason,
- (3) transfers his or her property abroad in order to place it beyond the reach of his or her creditors or
- (4) increases his or her liabilities without basis

and thus causes his or her insolvency or essentially worsens his or her state of insolvency, shall be sentenced for *dishonesty by a debtor* to a fine or to imprisonment for at most two years.

Section 1(a) - Aggravated dishonesty by a debtor (317/1994)

If in the dishonesty of a debtor

- (1) considerable benefit is sought,
- (2) considerable or particularly substantial damage is caused to the creditors, or
- (3) the offence is committed in a particularly methodical manner

and the dishonesty by a debtor is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated dishonesty by a debtor* to imprisonment for at least four months and at most four years.

Section 2 - Fraud by a debtor (769/1990)

(1) A debtor who, in order to obtain unlawful financial benefit for himself or herself or another in bankruptcy, enforcement, debt adjustment or restructuring proceedings (610/1993)

- (1) conceals his or her property,
- (2) reports a liability that is false in full or in part, or based on a sham transaction,
- (3) gives other false or misleading information on a circumstance that is significant from the point of view of the creditors, or
- (4) fails to report a liability,

shall be sentenced for *fraud by a debtor* to a fine or to imprisonment for at most two years. (54/1993)

(2) If the debtor rectifies the misleading information or otherwise prevents the effect of his or her act on the proceedings before he or she attests to the correctness of the estate inventory or before the misleading information otherwise affects the proceedings, the act is not deemed fraud by a debtor.

Section 3 - Aggravated fraud by a debtor (769/1990)

If in the fraud by a debtor

- (1) considerable benefit is sought or
- (2) the debtor attests in court to the correctness of the false or misleading information

and the fraud by the debtor is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated fraud by a debtor* to imprisonment for at least four months and at most four years.

Section 4 - Deceitfulness by a debtor (769/1990)

If the debtor without the intention of gaining benefit commits the act referred to in section 2 either intentionally or through gross negligence, he or she shall be sentenced for *deceitfulness by a debtor* to a fine or to imprisonment for at most one year.

Section 5 - Violation by a debtor (769/1990)

If the fraud by a debtor or the deceitfulness by a debtor, when assessed as a whole, with due consideration to the minor significance of the false or misleading information given by the debtor from the point of view of the creditors, or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for a *violation by a debtor* to a fine.

Section 6 - Favours a creditor (61/2003)

If a debtor, knowing that he or she is unable to meet his or her liabilities, in order to favour a certain creditor at the expense of the other creditors

- (1) repays a debt before its maturity in circumstances where the repayment is irregular,
- (2) gives, for receivables of a creditor, collateral that had not been agreed upon or that the debtor had not promised at the time the debt arose,
- (3) uses an unusual means of payment to meet a liability in circumstances under which the payment cannot be deemed regular, or
- (4) undertakes another similar arrangement that improves the position of the creditor,

he or she shall be sentenced for *favouring a creditor* to a fine or to imprisonment for at most two years.

[section 7 has been repealed; 515/2003]

Section 8 - Definition (769/1990)

The provisions in this chapter on enforcement proceedings apply, where appropriate, also to the action by an enforcement authority undertaken in order to ensure enforcement.

Section 9 - Right to bring charges (769/1990)

(1) The public prosecutor may not bring charges for a violation by a debtor or for favouring a creditor unless the injured party has reported it for the bringing of charges. (411/2011)

(2) The injured parties in dishonesty by a debtor, aggravated dishonesty by a debtor and favouring a creditor are the creditors known at the time of the act of the debtor. The injured parties in fraud by a debtor, aggravated fraud by a debtor, deceitfulness by a debtor and a violation by a debtor are in the cases referred to in section 2, subsection 1(1)–(3) the creditors who participate in the liquidation or enforcement proceedings in question and in the case referred to in section 2, subsection 1(4) the creditor to whom the debt referred to is owed. (61/2003)

(3) If the bankrupt estate of the debtor has been placed under administration in accordance with the Bankruptcy Code, the administration exercises the right of the injured parties to be heard in a case concerning an offence by the debtor. However, an individual creditor has the right to be personally heard on his or her own behalf.

Chapter 40 - Offences in office (604/2002)

Section 1 – Acceptance of a bribe (604/2002)

(1) If a public official, for his or her actions while in service, for himself or herself or for another,

- (1) asks for a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit,
- (2) accepts a gift or other benefit which influences, which is intended to influence or which is conducive to influencing him or her in said actions, or
- (3) agrees to the gift or other benefit referred to in paragraph (2) or to a promise or offer thereof,

he or she shall be sentenced for *acceptance of a bribe* to a fine or to imprisonment for at most two years.

(2) A public official shall be sentenced for acceptance of a bribe also if for his or her actions while in service he or she agrees to the giving of the gift or other benefit referred to in subsection 1(2) to another or to a promise or offer thereof.

(3) A public official may also be sentenced to dismissal if the offence demonstrates that he or she is manifestly unfit for his or her duties.

Section 2 - *Aggravated acceptance of a bribe* (604/2002)

If in the acceptance of a bribe

- (1) the public official stipulates the bribe as a condition for his or her actions or it is his or her intention, because of the gift or benefit, to act in a manner contrary to his or her duties to the considerable benefit of the party giving the gift or of another, or to the considerable loss or detriment of another, or
- (2) the gift or benefit is of significant value

and the acceptance of a bribe is aggravated also when assessed as a whole, the public official shall be sentenced for *aggravated acceptance of a bribe* to imprisonment for at least four months and at most four years and in addition to dismissal.

Section 3 - *Bribery violation* (604/2002)

If a public official, for himself or herself or for another

- (1) asks for a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit, or
- (2) accepts or agrees to a gift or other benefit or agrees to a promise or offer of such a gift or other benefit

so that the actions are conducive to weakening confidence in the impartiality of the actions of authorities, he or she shall be sentenced, if the act is not punishable as the acceptance of a bribe or aggravated acceptance of a bribe, for a *bribery violation* to a fine or to imprisonment for at most six months.

Section 4 - *Acceptance of a bribe as a member of Parliament* (637/2011)

(1) If a member of Parliament, for himself or herself or for another

- (1) requests a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit, or
- (2) accepts or agrees to accept a gift or other unlawful benefit that is to be deemed to be other than customary hospitality or agrees to a promise or offer of such a gift or other benefit

in order to act in his or her parliamentary mandate in a certain manner or for the achievement of a certain goal or as a reward for such action, and the act is conducive towards clearly undermining confidence in the independence of the exercise of the parliamentary mandate, he or she shall be sentenced for *acceptance of a bribe as a member of Parliament* to a fine or to imprisonment for at most two years.

(2) Political campaign financing in accordance with the Act on Financing of Political Campaigns given to a candidate is not deemed to be the giving of a bribe to a member of Parliament, unless its purpose is to circumvent subsection 1.

Section 4(a) – Aggravated acceptance of a bribe as a member of Parliament (637/2011)

If in the acceptance of a bribe as a member of Parliament

(1) the member of Parliament stipulates the gift or benefit as a condition for his or her action, or he or she acts or it is his or intention to act in the parliamentary mandate to the considerable benefit of the briber or of another person or to the considerable loss or detriment of another person, or

(2) the value of the gift or benefit is considerable

and the acceptance of a bribe as a member of Parliament is aggravated also when assessed as whole, the member of Parliament shall be sentenced for *aggravated acceptance of a bribe as a member of Parliament* to imprisonment for at least four months and at most four years.

Section 5 - Breach and negligent breach of official secrecy (604/2002)

(1) If a public official intentionally, while in service or thereafter, unlawfully

(1) discloses a document or information which pursuant to the Act on the Openness of Government Activities (621/1999) or another Act is to be kept secret or not disclosed, or

(2) makes use of the document or information referred to in paragraph (1) to the benefit of himself or herself or to the loss of another,

he or she shall be sentenced, unless a more severe penalty for the act has been laid down elsewhere, for *breach of official secrecy* to a fine or to imprisonment for at most two years. A public official may also be sentenced to dismissal if the offence demonstrates that he or she is manifestly unfit for his or her duties.

(2) If a public official commits the offence referred to in subsection 1 through negligence, and the act, in view of its harmful and damaging effects and the other relevant circumstances, is not of minor significance, he or she shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *negligent breach of official secrecy* to a fine or to imprisonment for at most six months.

[section 6 has been repealed; 625/1999]

Section 7 – Abuse of public office (604/2002)

(1) If a public official, in order to obtain benefit for himself or herself or for another or in order to cause detriment or loss to another

- (1) violates his or her official duty, based on the provisions or regulations to be followed in official functions, when participating in decision-making or in the preparation thereof or when using public authority in his or her other official functions, or
- (2) misuses his or her office in respect of a person who is under his or her command or immediate supervision,

he or she shall be sentenced for *abuse of public office* to a fine or to imprisonment for at most two years.

(2) The public official may also be sentenced to dismissal if the offence indicates that he or she is manifestly unfit for his or her duties.

Section 8 - *Aggravated abuse of public office* (792/1989)

If in the abuse of public office

- (1) considerable benefit is sought, or
- (2) an attempt is made to cause particularly considerable detriment or loss or
- (3) the offence is committed in a particularly methodical or unscrupulous manner

and the abuse of public office is aggravated also when assessed as a whole, the public official shall be sentenced for *aggravated abuse of public office* to imprisonment for at least four months and at most four years and to dismissal.

Section 9 – *Violation of official duty* (604/2002)

(1) If a public official, when acting in his or her office, intentionally in a manner other than provided above in this chapter or in chapter 11, section 9(a), violates his or her official duty based on the provisions or regulations to be followed in official functions, and the act, when assessed as a whole, taking into consideration its detrimental and harmful effect and the other circumstances connected with the act, is not petty, he or she shall be sentenced for *violation of official duty* to a fine or to imprisonment for at most one year. (990/2009)

(2) The public official may also be sentenced to dismissal if he or she is guilty of the offence referred to in subsection 1 by continuously or essentially acting in violation of his or her official duties, and the offence indicates that he or she is manifestly unfit for his or her duties.

Section 10 – *Negligent violation of official duty* (604/2002)

If a public official, when acting in his or her office, through carelessness in a manner other than that referred to in section 5, subsection 2, violates his or her official duty based on the provisions or regulations to be followed in official functions, and the act, when assessed as a whole, taking into consideration its

detrimental and harmful effect and the other circumstances connected with the act, is not petty, he or she shall be sentenced for *negligent violation of official duties* to a warning or to a fine.

Section 11 – Definitions (604/2002)

For the purposes of the present law:

- (1) a *public official* refers to a person who serves in an office or in a comparable position of service in respect of the state, a municipality or an association of municipalities or of a co-operative body under public law of municipalities, Parliament, a state-owned company or the Evangelical Lutheran Church or the Orthodox Church or its parish or a co-operative body among parishes, the province of Åland, the Bank of Finland, the Social Insurance Institution, the Institute of Occupational Health, a municipal pension institution, the Municipal Surety Centre or a municipal labour market office,
- (2) a *person elected to a public office* refers to a member of a municipal council and any other member of a popularly elected representative body of a public body referred to in paragraph (1) other than a member of Parliament acting in his or her Parliamentary mandate, and a member of a public body or institution referred to in paragraph (1), such as the Government, municipal executive board, board, board of directors, committee, commission and advisory board and any other elected official of said public body or institution,
- (3) an *employee of a public corporation* refers to a person under a contract of employment with a public body or institution referred to in paragraph (1) or to a university, (562/2009)
- (4) a *foreign public official* refers to a person who has been appointed or elected to an administrative or judicial office or position in a body or court of a foreign state or public international organisation, or who otherwise attends to a public function on behalf of a body or court of a foreign state or public international organisation,
- (5) a *person exercising public authority* refers to
 - (a) a person whose functions on the basis of an act or decree include issuing orders that oblige another or deciding on the interest, rights or duties of another, or who on the basis of an act or decree in fact in his or her duties intervenes into the benefits or rights of another, and
 - (b) a person who on the basis of an act or decree or on the basis of a commission from an authority on the basis of an act or decree participates in the preparation of a decision referred to in paragraph (a) by presenting a draft decision or a proposal for a

decision, preparing a report or plan, taking a sample, carrying out an inspection or in another corresponding manner,

- (6) *a member of a foreign Parliament* refers to a person who is a member of the Parliament of a foreign state or the International Parliamentary Assembly.

Section 12 – Provisions on the scope of application (604/2002)

- (1) The provisions in this chapter on public officials apply also to a person tending to a public elected office and to a person exercising public authority.
- (2) Sections 1 through 3, 5 and 14 of this chapter apply, with the exception of dismissal, also to an employee of a public corporation.
- (3) Sections 1 through 3 and 14 of this chapter, with the exception of dismissal, apply also to foreign public officials. In addition, sections 5 and 7 through 10 of this chapter, with the exception of the sanction of dismissal, apply to a foreign public official who serves in the territory of Finland on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit, maintenance of public order and safety, prevention of offences or pre-trial investigation duties. (282/2007)
- (4) Sections 4, 4(a) and 14 of this chapter apply also to members of a foreign Parliament. (637/2011)
- (5) Separate legislation applies to the application in certain cases of provisions on penal liability as a public official.

Section 13 – Offences in military office (604/2002)

The offences referred to in chapter 45, where committed by public officials subject to military penal provisions, are also offences in public office.

Section 13(a) – Reference provisions (990/2009)

Chapter 11, section 9(a) contains provisions on the punishment for torture.

Section 14 – Forfeiture (637/2011)

The gift or benefit received in the manner referred to above in sections 1 through 4 and 4(a) or its value shall be ordered forfeit to the State from the offender or from the person on whose behalf or in whose favour the offender has acted. The provisions of chapter 10 apply to the forfeiture of other property.

Chapter 41 – Weapons offences (531/2007)

Section 1 – Firearms offence

(1) A person who in violation of the Firearms Act (1/1998)

- (1) transfers to or imports into Finland, transfers out of Finland, exports, ships in transit or produces for commercial purposes or offers for sale, procures, possesses or cedes a firearm, a part of a firearm, cartridges or particularly dangerous ammunition,
- (2) for commercial purposes repairs or alters a firearm or part thereof, maintains a firing range or provides training in the use of firearms,
- (3) lends a firearm or part of a firearm to a person who does not have the right to its possession,
- (4) neglects in full or in part the obligation provided by section 25, subsection 1 of the Firearms Act for a firearms entrepreneur to maintain a register,
- (5) neglects the obligation provided in section 110, subsection 1 of the Firearms Act to examine firearms or cartridges produced, repaired or transferred to or imported into Finland for sale, (125/2011)
- (6) neglects the obligation under section 112 a of the Firearms Act to present to the police department a firearm that has been permanently decommissioned or a part of a weapon that has been permanently disabled shall be sentenced for a *firearms offence* to a fine or to imprisonment for at most two years, (125/2011)
- (7) neglects the obligation provided in section 11(b) of the Firearms Act to make a manufacture, enhancement, import or package notation or to deliver the firearm to the National Police Board for the making of such a notation, or (125/2011)
- (8) makes a false manufacture, enhancement, import or package notation or removes or alters such a notation or a series number or an identification number, or (125/2011)

shall be sentenced for a *firearm offence* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

(3) Possession of the firearm, part of a firearm, cartridges or particularly dangerous ammunition referred to in subsection 1(1) is not deemed a firearms offence if the possessor of such an object on his or her own initiative reports the object to the police and yields it into the possession of the police.

Section 2 – Aggravated firearms offence

(1) If in the firearms offence

- (1) the object of the offence is a particularly dangerous firearm or a large amount of firearms or parts of firearms,
- (2) considerable economic benefit is sought or

(3) the offence is committed in a particularly methodical manner and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated firearms offence* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 3 – Petty firearms offence

If the firearms offence, in view of the nature or amount of the objects of the offence or the other circumstances of the offence, is of minor significance when assessed as a whole, the offender shall be sentenced for a *petty firearms offence* to a fine.

Section 4 – Violation of regulations on dangerous objects

(1) A person who in violation of section 9 of the Public Order Act imports, produces or keeps for sale dangerous object, shall be sentenced for *violation of regulations on dangerous objects* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 5 – Possession of a dangerous object

A person who in violation of section 9 of the Public Order Act keeps a dangerous object in his or her possession in a public place or in a vehicle in a public place, shall be sentenced for *possession of a dangerous object* to a fine or to imprisonment for at most one year.

Section 6 – Possession of an object or substance suitable for injuring another person

A person who in violation of section 10 of the Public Order Act keeps in his or her possession in a public place an object or substance suitable for injuring another or an object that misleadingly resembles a firearm or an explosive object, shall be sentenced for *possession of an object or substance suitable for injuring another person* to a fine or to imprisonment for at most six months.

Section 7 – Giving a minor an object suitable for injuring another person

A person who in violation of section 11 of the Public Order Act sells or otherwise permanently gives to a person below the age of 18 years an air weapon, a spring recoil weapon or harpoon, shall be sentenced for *giving a minor an object suitable for injuring another person* to a fine or to imprisonment for at most six months.

Section 8 – Summary penal fee (755/2010)

The Summary Penal Fee Act (756/2010) contains provisions on the use of a summary penal fine as the penalty for petty possession of an object or substance suitable for injuring another person referred to in section 6 and petty giving a minor an object suitable for injuring another person referred to in section 7.

[section 8 has been amended by the Act of 755/2010 and shall enter into force on a date to be set by an Act. The earlier wording is as follows:]

Section 8 – Summary penal fine (531/2007)

Chapter 2(a), section 9, subsection 5 and the Governmental Decree issued on the basis of subsection 6 contain provisions on the use of a summary penal fine as the penalty for petty possession of an object or substance suitable for injuring another person referred to in section 6 and petty giving a minor an object suitable for injuring another person referred to in section 7.

[chapter 42 have been repealed; 48/1928, 271/1939, 769/1990, 563/1998 and 531/2000]

[chapter 43 has been repealed; 492/1965, 491/1968, 91/1971 and 563/1998, 875/2001 and 641/2009]

Chapter 44 – Offences endangering health and safety (400/2002)

Section 1 – Health offence (921/2011)

- (1) A person who intentionally or through gross negligence in violation of
- (1) the Plant Protection Act (1563/2011) or Regulation (EC) No. 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, referred to in the following as the *plant protection regulation*,
 - (2) the Consumer Safety Act (920/2011),
 - (3) the Chemical Act (744/1989), Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the registration, evaluation, authorisation and restriction of chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/ED and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, hereinafter the REACH Regulation, or Regulation (EC) No. 1272/2008 of the European Parliament and of the

Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EEC, and amending Regulation (EC) No. 1907/2006, referred to in the following as the *CLP regulation*,

- (4) the Health Protection Act (763/1994), or
- (5) the Foodstuffs Act (23/2006)

or of a provision or general order or order concerning an individual case issued on their basis produces, handles, imports or intentionally attempts to import, keeps in his or her possession, stores, transports, keeps for sale, conveys or gives goods or substance, product or object so that the act is conducive to endangering the life or health of another, shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *health offence* to a fine or to imprisonment for at most six months. (565/2011)

(2) Unless a more severe penalty for the act has been provided elsewhere in the law, also a person who intentionally or through gross negligence, in violation of the Product Safety Act or a provision given on its basis or of an order given in general or in an individual case provides, keeps for sale or otherwise in connection with his or her commercial activity provides a consumer service so that the act is conducive to endangering the life or health of another, shall be sentenced for a health offence.

Section 2 – *Health protection violation*

A person who intentionally or through gross negligence

- (1) in violation of the Health Protection Act or of a provision issued on its basis, neglects to give a statutory notice or violates a prohibition issued by an authority or an order given in general or in an individual case or
- (2) in violation of the Contagious Diseases Act (583/1986) or of a provision issued on its basis neglects to comply with a provision or an order given in general or in an individual case in order to prevent the spread of a contagious disease that endangers the public,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *health protection violation* to a fine or to imprisonment for at most three months.

Section 3 – *Unlicensed practice of a health care profession*

(1) A person who without lawful right acts as a professional referred to in the Health Care Professionals Act (559/1994), shall be sentenced for *unlicensed practice of a health care profession* to a fine or to imprisonment for at most six months.

(2) Also a person who without a permit under the Medicine Act (395/1987) engages in the wholesale trade of medicines, operates an apothecary or without the license referred to in the Private Health Care Act (152/1990) maintains a unit that provides health care services, shall be sentenced for unlicensed practice of a health care profession.

Section 4 – *Unlicensed practice of veterinary medicine*

A person who without lawful right practices veterinary medicine shall be sentenced for *unlicensed practice of veterinary medicine* to a fine or to imprisonment for at most three months.

Section 5 – *Medicine offence*

(1) A person who intentionally or through gross negligence in violation of the Medicine Act or a regulation issued on the basis of article 100a or 235 of the EEC Treaty pertaining to the supervision of medicine, or a provision or an order given in general or in an individual case on their basis

- (1) produces, imports, stores, keeps for sale or gives medicines referred to in the Medicine Act,
- (2) neglects to give a notice, neglects a duty to provide information or neglects a duty to maintain a register related to medicines referred to in the Medicine Act, or
- (3) violates a prohibition on medicine issued by a Finnish supervisory authority or the Commission of the European Communities or the Council of the European Union and referred to in the Medicine Act,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *medicine offence* to a fine or to imprisonment for at most one year.

(2) Unless a more severe penalty for the act has been provided elsewhere in the law, also a person who intentionally or through gross negligence, in violation of the Veterinary Medicine Act (617/1997) or a provision enacted on its basis

- (1) uses medicines, medical substances or other substances used in the treatment of animals or instruments used in veterinary medicine,
- (2) violates an order, prohibition or seizure order issued by an authority,
- (3) violates his or her duties regarding identification, marking or safety periods or
- (4) neglects his or her duty to provide information

shall be sentenced for a medicine offence.

Section 6 – *Doping offence*

(1) A person who unlawfully

- (1) prepares or attempts to prepare a doping substance,
- (2) imports or attempts to import a doping substance or
- (3) sells, conveys, gives to another or otherwise disseminates or attempts to disseminate a doping substance,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *doping offence* to a fine or to imprisonment for at most two years.

(2) Also a person who keeps in his or her possession a doping substance with the probable intent to disseminate it unlawfully shall be sentenced for a doping offence.

Section 7 - Aggravated doping offence

If in the doping offence

- (1) the offence involves a considerably large amount of doping substances,
- (2) considerable financial benefit is sought,
- (3) the offender acts as a member of a criminal organisation that has been specifically organised for the extensive commission of such an offence or
- (4) the doping substance is disseminated to a minor

and the doping offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated doping offence* to imprisonment for at least four months and at most four years.

Section 8 – Petty doping offence

If the doping offence, when assessed as a whole, with consideration to the amount of the doping substance or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for a *petty doping offence* to a fine.

Section 9 – Genetic technology offence (848/2004)

A person who in violation of the Genetic Technology Act or a provision given on its basis or of an order or prohibition given in general or in an individual case intentionally or through gross negligence

- (1) uses in a closed space or intentional spreads into the environment organisms altered through genetic technology,
- (2) takes into use a space intended for the use of organisms altered through genetic technology,

- (3) neglects the established entrepreneur's duty to conduct a risk assessment, the duty to take care, the awareness duty, the duty to update documents, the recording duty or the supervision duty, or
- (4) neglects the duty to file a report or application for the taking into use of organisms altered through genetic technology, to file an application for the intentional spreading of organisms altered through genetic technology into the environment, report results, give notice of new information or accidents or dangerous situations

so that the offence is conducive to endangering the life or health of another, shall be sentenced, unless a more severe sentence is provided for the act elsewhere in the law, for a *genetic technology offence* to a fine or to imprisonment for at most one year.

Section 10 – Nuclear energy use offence

(1) A person who intentionally or negligently in violation of the Nuclear Energy Act or a provision or an order in general or in an individual case given on its basis,

- (1) without authorisation uses nuclear energy or neglects to comply with the conditions of a permit issued for the use of nuclear energy,
- (2) neglects to comply with provisions or an order given in general or in an individual case on safety in the use of nuclear energy, a duty of care pertaining to the disposal of nuclear wastes, safety or preparedness arrangements or rescue services arrangements that have not been assigned to the authorities,
- (3) as a person with a waste disposal duty, neglects to fulfil his or her duty to prepare for the costs of nuclear waste disposal or starts up a nuclear plant before the competent authority has determined that said duty has been fulfilled, or neglects to report activity for which there is a duty to report,
- (4) starts up a nuclear plant or, without beginning the construction of a nuclear plant otherwise begins to use nuclear energy before the competent authority has determined, when the activity so requires, that the safety requirements have been fulfilled, the safety and preparedness arrangements are sufficient, the necessary supervision to prevent the dissemination of nuclear weapons have been arranged properly and the liability for damages arising from a nuclear accident that occurs in connection with the activity has been arranged as provided in law,
- (5) for a reason other than a compulsive reason for the ensuring of safety, prevents or impedes the operation of a device installed to supervise the use of nuclear energy, or
- (6) neglects his or her duty to provide reports or other necessary information and notices in accordance with the prescribed forms or

neglects to keep accounts on material or use in accordance with the prescribed forms,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *nuclear energy use offence* to a fine or to imprisonment for at most one year.

(2) Also a person who intentionally or negligently neglects his or her duty to take out insurance or provide financial surety under the Nuclear Liability Act (484/1972) shall be sentenced for a nuclear energy use offence.

Section 11 – *Explosives offence* (392/2005)

(1) A person who intentionally or through gross negligence in violation of the Act on the Safety of the Handling of Dangerous Chemicals and Explosives (390/2005) or of a provision, prohibition or order given on its basis or without the permit or notice required in said Act or in violation of the conditions, restrictions or prohibitions set in the decision on the permit or notice

- (1) engages in the industrial handling or storage of dangerous chemicals or transports dangerous chemicals
- (2) produces, imports, uses, transports, keeps for sale, gives, keeps in his or her possession, stores, keeps or disposes of an explosive

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for an *explosives offence* to a fine or to imprisonment for at most two years.

(2) Also a person who intentionally or through gross negligence in violation of the Act referred to in subsection 1 or of a provision given on its basis imports, uses, gives, places on the market, installs or maintains equipment or protective system to be used in premises subject to the danger of an explosion or another product referred to in chapter 5 of the Act mentioned in subsection 1 so that the act is conducive to causing danger to the life or health of another or danger to the property of another, shall be sentenced for an explosives offence.

(3) Possession of an explosive in violation of the Act referred to in subsection 1 dealing with the safety of the handling of dangerous chemicals and explosives or of a provision, prohibition or order given on its basis is not deemed an explosives offence, if the person possessing such an explosive on his or her own initiative reports it to the police and gives it to the possession of the police..

Section 12 – *Careless handling* (392/2005)

A person who intentionally or negligently in violation of the law or a provision given on the basis of law or otherwise in a careless manner uses, handles or stores

- (1) a firearm, fire or an explosive,

- (2) a chemical or other corresponding substance that is dangerous to health or the environment or that is combustible and explosive, or equipment or a protective system to be used in premises subject to the danger of an explosion, or another product referred to in chapter 5 of the Act dealing with the safety of the handling of dangerous chemicals and explosives, or
- (3) a radioactive substance or radiation device

so that the act is conducive to causing a danger to the life or health of another or so that it endangers the property of another, shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for *careless handling* to a fine or to imprisonment for at most six months.

Section 12(a) – *Radioactive material possession offence* (724/2008)

(1) A person who possesses radioactive materials without the intended use of the radiation fulfilling the criteria provided in section 16, subsection 2 of the Radiation Act for a safety licence, shall be sentenced, unless more severe punishment is decreed elsewhere in law for the act, for a *radioactive material possession offence* to a fine or to imprisonment for at most six months.

(2) An attempt is punishable.

Section 13 – *Transport of dangerous substances offence*

A person who intentionally or through gross negligence in violation of the Act on the Transporting of Dangerous Substances (719/1994) or a provision or an order in general or in an individual case given on its basis, sends, gives as freight, ships, transports, drives, loads, places on board, unloads, handles, keeps as baggage or temporarily stores a dangerous substance so that the action is conducive to endangering the life or health of another or it endangers the property of another, shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *transport of dangerous substances offence* to a fine or to imprisonment for at most two years.

Section 14 – *Danger marking violation*

(1) A person who

- (1) in carrying out construction work, earth moving work or waterway construction,
- (2) in constructing a road, railway or water traffic passage or in his or her responsibility for the maintenance of a street or other passage for traffic, or
- (3) when responsible for a well, pit or hole in the ice in a place used for general traffic,

intentionally or through gross negligence neglects property to mark a danger to life or health or otherwise to give a warning thereof, shall be sentenced for a *danger marking violation* to a fine or to imprisonment for at most three months.

(2) Also a person who unlawfully, intentionally or through gross negligence, removes a marking referred to in subsection 1 of danger to life or health shall be sentenced for a danger marking violation.

Section 15 – Failure to guard an animal

(1) A person who intentionally or through gross negligence neglects to properly guard an animal for which he or she is responsible and that is dangerous to people, shall be sentenced for *failure to guard an animal* to a fine.

(2) The court may order that the animal be slaughtered if this is justified due to the dangerousness of the animal.

Section 16 – Definition

(1) For the purposes of this law a *doping substance* refers to:

- (1) synthetic anabolic steroids and their derivatives,
- (2) testosterone and its derivatives,
- (3) growth hormones, and
- (4) chemical substances that increase the production of testosterone, its derivatives or growth hormone in the human body.

(2) Further provisions on what substances are deemed doping substances referred to in subsection 1 may be given by Government decree.

Section 17 – Corporate criminal liability (1073/2010)

The provisions on corporate criminal liability apply to nuclear energy use offence, explosives offence and careless handling.

Chapter 45 - Military offences (559/2000)

Service offences

Section 1 - Service offence (559/2000)

(1) A soldier who breaches or fails to fulfil a duty that is part of his or her service, or fails to heed an order pertaining to the service or to military order, when issued by way of regulations or other means, shall be sentenced, unless the act is specifically punishable on the basis of chapter 11, section 9(a), chapter 40, section 1 – 3 or section 5, or of this chapter, for a *service offence* to disciplinary punishment or to imprisonment for at most one year. (990/2009)

(2) Also a soldier

- (1) who is on duty under the influence of alcohol or another intoxicant so that his or her ability to fulfil the duty is decreased, or
- (2) who, in order to free himself or herself from service or obtain a leave or other relief from service, injures himself or herself, compromises his or her health or attempts to do so or with said intent presents false information

shall be sentenced for a service offence.

Section 2 - *Aggravated service offence* (559/2000)

If, in the service offence,

- (1) considerable benefit is sought,
- (2) the intent is to cause considerable or particularly serious damage, or
- (3) the offence has been committed in the performance of a particularly responsible position,

and the service offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated service offence* to imprisonment for at most four years.

Section 3 - *Petty service offence* (559/2000)

If the service offence, in view of the nature of the duty or other circumstances, is petty when assessed as a whole, the offender shall be sentenced for a *petty service offence* to disciplinary punishment.

Section 4 - *Negligent service offence* (559/2000)

If the service offence referred to in section 1, subsection 1 has been committed through negligence, the offender shall be sentenced for a *negligent service offence* to disciplinary punishment or to imprisonment for at most three months.

Sentry offences

Section 5 - *Sentry offence* (559/2000)

(1) A soldier on sentry duty or in the day detail who leaves his or her post or duties without permission, or a soldier who does not arrive on time in said duties or who otherwise neglects to fulfil or violates the orders given on sentry duty or duty for the day, shall be sentenced for a *sentry offence* to disciplinary punishment or to imprisonment for at most two years.

Section 6 - *Aggravated sentry offence* (559/2000)

If, in the sentry offence, considerable or particularly serious damage or the danger of such damage is caused and the sentry offence is aggravated also when

assessed as a whole, the offender shall be sentenced for an *aggravated sentry offence* to imprisonment for at least four months and at most four years.

Section 7 - Petty sentry offence (559/2000)

If the sentry offence, in view of the nature of the sentry duty or duty for the day or other circumstances, is petty when assessed as a whole, the offender shall be sentenced for a *petty sentry offence* to disciplinary punishment or to imprisonment for at most six months.

Section 8 - Negligent sentry offence (559/2000)

If the sentry offence has been committed through negligence, the offender shall be sentenced for a *negligent sentry offence* to disciplinary punishment or to imprisonment for at most three months.

Absence from duty offences

Section 9 - Absence without leave (559/2000)

A soldier who is absent without leave from the unit or place where he or she is to serve, or who fails to arrive at the assigned time, shall be sentenced for *absence without leave* to disciplinary punishment or to imprisonment for at most six months.

Section 10 - Desertion (559/2000)

A soldier who has been absent without leave, as referred to in section 9, for at least five days, so that the absence has caused or could have caused an essential interruption of the soldier's training or otherwise been of essential detriment to service, shall be sentenced for *desertion* to disciplinary punishment or to imprisonment for at most one year.

Obedience offences

Section 11 - Violent resistance to a superior officer (559/2000)

A soldier who employs violence or the threat of violence in resisting the carrying out of an order given to him or her by a superior officer on duty or a soldier on duty as a sentry, in the day detail, on patrol or on police duty, or who in the said manner forces or attempts to force such a person to do something or refrain from doing something, or who otherwise employs violence against such a person while the latter is on duty or because of an act performed on duty, shall be sentenced for *violent resistance to a superior officer* to disciplinary punishment or to imprisonment for at most two years.

Section 12 - *Aggravated violent resistance to a superior officer* (559/2000)

If, in the violent resistance to a superior officer,

- (1) a firearm, edged weapon or other comparable lethal instrument is used,
or
- (2) the offence is committed in complicity with another soldier,

and the violent resistance to a superior officer is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated violent resistance to a superior officer* to imprisonment for at least four months and at most four years.

Section 13 - *Obstructing a superior officer* (559/2000)

A soldier who, without employing violence or the threat of violence, unlawfully prevents or attempts to prevent a superior officer on duty or a soldier on duty as a sentry, in the day detail, on patrol or on police duty from carrying out a service task or hinders the same, shall be sentenced for *obstructing a superior officer* to a disciplinary punishment or to imprisonment for at most three months.

Section 14 - *Insubordination* (559/2000)

(1) A soldier on duty who refuses to obey an order given to him or her by a superior officer or a soldier on duty as a sentry, in the day detail, on patrol or on police duty, or who intentionally leaves said order unfulfilled or delays in fulfilling it, shall be sentenced for *insubordination* to disciplinary punishment or to imprisonment for at most one year.

(2) No punishment may be imposed for disobeying an order if obeying said order would have resulted in an act that is clearly in violation of duty or service or otherwise clearly in violation of the law. (515/2003)

Section 15 - *Joint insubordination* (559/2000)

If soldiers commit an offence referred to in section 14 upon mutual agreement, each offender shall be sentenced for *joint insubordination* to disciplinary punishment or to imprisonment for at most two years.

Offences by a superior officer

Section 16 - *Abuse of superior position* (559/2000)

(1) A superior officer who

- (1) through abuse of his or her authority causes a subordinate suffering or a health hazard that is unnecessary as regards duty, or treats a subordinate in a humiliating manner, or

- (2) as a disciplinary superior imposes a disciplinary punishment or a disciplinary correction on a person whom he or she knows to be innocent

shall be sentenced for *abuse of superior position* to disciplinary punishment or to imprisonment for at most two years.

(2) Also a superior officer who orders a subordinate to perform work which does not form part of duty or training shall be sentenced for abuse of superior position.

Section 17 - Aggravated abuse of superior position (559/2000)

If, in the abuse of superior position, especially severe suffering or a serious health hazard is caused to the subordinate and the abuse of superior position is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated abuse of superior position* to imprisonment for at least four months and at most four years.

Miscellaneous offences

Section 18 - Conduct unbecoming a soldier (559/2000)

A soldier off duty who appears in a barracks area or another area used by the armed forces or the frontier guards, in a public place or at a public occasion while obviously intoxicated, or who by making noise or through other behaviour causes a disturbance or gives offence, shall be sentenced for *conduct unbecoming a soldier* to disciplinary punishment.

Section 19 - Unlawful political activity (559/2000)

A soldier or a person in military service in the frontier guard, as referred to in section 27, subsection 1, paragraphs (1) and (3) of this chapter, who joins a political party or an association engaged in, or clearly supportive of, party politics, or fails to resign the membership of a party or an association referred to above, shall be sentenced for *unlawful political activity* to disciplinary punishment.

Offences in wartime

Section 20 - Military offence in wartime (559/2000)

(1) If an offence referred to in section 1, subsection 1, section 1, subsection 2(1) or section 9 is committed in wartime, the offender shall be sentenced to disciplinary punishment or to imprisonment for at most two years.

(2) If an offence referred to in section 5, 10, 11, 14 or 15 is committed in wartime, the offender shall be sentenced to imprisonment for at most four years.

(3) If an offence referred to in section 6 or 12 is committed in wartime, the offender shall be sentenced to imprisonment for at most six years.

Section 21 - *Violation of combat duty* (559/2000)

(1) A soldier who

- (1) by violating his or her particular combat duty,
- (2) by failing to fulfil such duty, or
- (3) in another comparable manner endangers the fulfilment of a combat task

shall be sentenced, unless a more severe penalty for the act is provided elsewhere, for *violation of combat duty* to imprisonment for at most four years.

(2) Also a soldier who in wartime commits an offence referred to in section 1, subsection 2(2) for purposes of avoiding duty or not participating in a particular combat task, shall be sentenced for violation of combat duty.

Section 22 - *Desertion* (559/2000)

(1) A soldier who in wartime deserts to the enemy or without a compelling reason surrenders to the enemy shall be sentenced, unless he or she by the same act commits aggravated treason or an attempt thereof, for *desertion* to imprisonment for at least two years and at most ten years.

(2) An attempt is punishable.

Section 23 - *Dangerous military offence* (559/2000)

(1) If an offence referred to in section 20, subsection 2 or 3 or in section 21 is conducive to causing especially grave danger to the unit or its operations or to endangering an especially important site, the offender shall be sentenced for a *dangerous military offence* to imprisonment for at least one year and at most ten years.

(2) An attempt is punishable.

Section 24 - *Conspiracy to commit a dangerous military offence* (559/2000)

If soldiers agree among themselves to commit a dangerous military offence referred to in section 23, each offender shall be sentenced for *conspiracy to commit a dangerous military offence*, the instigator and leader to imprisonment for at most four years and the co-conspirators to disciplinary punishment or to imprisonment for at most one year.

Section 25 - *Escape by a prisoner of war* (559/2000)

A prisoner of war who escapes or attempts to escape shall be sentenced for *escaping by a prisoner of war* to disciplinary punishment.

Section 26 - *Furthering an escape by a prisoner of war* (559/2000)

A prisoner of war who furthers the escape of another prisoner of war shall be sentenced for *furthing an escape by a prisoner of war* to disciplinary punishment.

Supplementary provisions

[section 26(a) has been repealed; 553/2007]

Section 26(b) – *Order of a superior* (515/2003)

(1) A soldier shall be sentenced to punishment for an act that he or she has committed in accordance with the order of a superior officer only if

- (1) he or she has understood that by obeying the order he or she would be breaking the law or his or her duty or service, or
- (2) he or she should have understood the illegality of the order and the act it requires, taking into account the manifest nature of the illegality of the act ordered.

(2) If, however, the act has occurred under circumstances in which the subordinate could not have been reasonably expected to disobey the order, the offender is exempt from punishment.

Scope of application

Section 27 - *Soldiers* (559/2000)

(1) For the purposes of this chapter, *soldier* is defined as follows:

- (1) the regular personnel of the armed forces and the temporary personnel of the armed forces, the latter when appointed to military duties,
- (2) conscripts performing armed or unarmed national service or those performing the service referred to in section 79 of the National Service Act (1483/2007), and those performing the service referred to in the Act on the Voluntary National Service for Women (194/1995), and (1441/2007)
- (2)(a) a person serving in voluntary exercises of the armed forces referred to in section 18 of the Voluntary National Defence Act (556/2007) and trainers and a person in command of artillery exercises referred to in section 21 of said act, and (563/2007)
- (3) cadets being trained for regular service in the armed forces.

(2) In addition, the provisions on soldiers apply, as separately provided by law, also to the military personnel of the frontier guard service and to the personnel undergoing crisis management training, engaged in crisis management exercises

or performing crisis management service referred to in the Military Crisis Management Act (211/2006). (214/2006)

(3) In addition, the provisions of this chapter apply, as separately provided in the Act on Voluntary National Defence, to volunteers participating in armed forces executive assistance duties, as referred to in section 23 of said Act. (563/2007)

Section 28 - *Wartime* (559/2000)

(1) For the purposes of this chapter, *wartime* refers to the time when a state of defence, as referred to in the State of Defence Act (1083/1991), is in effect. The provisions of this chapter pertaining to wartime apply only in the territory where the state of defence is in effect, as provided in section 3 of the State of Defence Act.

(2) In addition to soldiers, in wartime also the following are subject to the provisions of this chapter:

- (1) those serving in the armed forces in offices and functions other than those referred in section 27 and those appointed as officials for a fixed term in the armed forces who have been appointed to other than military duties,
- (2) those serving in the armed forces on the basis of commitment or other than a occasional or short-term employment relationship, in forces or institutions organised on a military basis,
- (3) those serving in public institutions or traffic or communications installations subjected to military command, and
- (4) those who have been ordered into service in the armed forces or installations organised on a military basis and subjected to military command, when this ordering into service took place as decreed for a general labour duty.

(3) Those serving in duties corresponding to those referred in subsection 2 elsewhere than in the armed forces are also subject to the provisions of this chapter in wartime, as specifically provided by law.

Section 29 - *Restrictions on application* (559/2000)

(1) Persons referred to above in section 27 or 28 are subject to military penal provisions during the period that the service or circumstances referred to in these provisions continues, as provided in greater detail by Decree.

(2) When considered expedient in view of the office or nature of the tasks of a person subject to this chapter, it may be provided by Decree that the military penal provisions or a part thereof, as stipulated in the Decree, are not applicable to him or her.

(3) A prisoner of war is subject to the provisions of this chapter governing soldiers, taking into consideration the provisions in sections 25 and 26 and the stipulations in international agreements binding on Finland.

(4) A prisoner of war who has succeeded in escaping to his or her own forces or to a neutral country, but who is then recaptured, may no longer be sentenced for an earlier offence referred to in section 25.

(5) An offence which a prisoner of war has committed during his or her escape or attempted escape only in order to facilitate the escape and which does not involve personal violence is punishable only by disciplinary punishment.

Chapter 46 – Offences connected to import and export (42/2009)

Section 1 - Regulation offence (706/1997)

- (1) A person who violates or attempts to violate a regulatory provision in
- (1) the Act on the Fulfilment of Certain Obligations of Finland as a Member of the United Nations and the European Union, (706/1997)
 - (2) the Act on the Security of the Foreign Trade and Economic Growth of the Nation, (157/1974)
 - (3) the Foreign Exchange Act, (954/1985)
[subsection 4 has implicitly been repealed].
 - (5) the Price Freeze Act, (717/1988)
 - (6) the Emergency Powers Act, (1080/1991)
 - (7) the Act on the Adoption and Application of the Agreement on the International Energy Programme, (1682/1991)
 - (8) the Act on Foreign Trade Administration and the Supervision and Protection Measures Applicable in Certain Situations (1521/1994), (706/1997)
 - (9) an import or export Regulation of the European Union, (706/1997)
 - (10) the Act on the Export Control of Dual-use Goods, (562/1996) or (706/1997)
 - (11) a Regulation, adopted on the basis of Article 60, 301 or 308 of the Treaty establishing the European Community, on the interruption or limitation of capital transfers, payments or other economic relations as regards the Common Foreign and Security Policy of the European Union, (365/2002)

or a regulatory order issued on the basis of one of the above, shall be sentenced for a *regulation offence* to a fine or to imprisonment for at most two years.

[The Emergency Powers Act (1080/1991) has been repealed by the Act of 1552/2011]

Section 2 - Aggravated regulation offence (769/1990)

If in the regulation offence

- (1) considerable financial benefit is sought,
- (2) the offence is in some area or in the entire country conducive to causing considerable danger to the livelihood of the population, the functioning of the national economy or the economic defensive preparedness of the nation, or
- (3) the offence is committed in a particularly methodical manner

and the regulation offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated regulation offence* to imprisonment for at least four months and at most four years.

Section 3 - Petty regulation offence (769/1990)

If the regulation offence, when assessed as a whole, with due consideration to the amount of benefit sought or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for a *petty regulation offence* to a fine.

Section 4 - Smuggling (769/1990)

(1) A person who without the appropriate permission or otherwise in violation of import or export provisions or regulations imports, exports or attempts to import or export goods, the import or export of which is prohibited or requires the permission or inspection of an authority, shall be sentenced for *smuggling* to a fine or to imprisonment for at most two years.

(2) Also a person who intentionally or through gross negligence in violation of the Act on Veterinarian Inspections at the Border (1192/1996) or a provision or an order given in general or in an individual case on its basis imports or intentionally attempts to import or transport, handle or store animals or goods or neglects his or her duty to have animals or goods inspected shall be sentenced for smuggling. (400/2002)

(3) However, violation of a provision or regulation on import or export referred to in section 1 - 3 is not deemed smuggling. (400/2002)

Section 5 - Petty smuggling (769/1990)

If the smuggling, when assessed as a whole, with due consideration to the value or quantity of goods or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty smuggling* to a fine.

Section 6 - Unlawful dealing in imported goods (951/1999)

A person who hides, procures, takes into his or her possession or conveys property, the import of which has involved an offence referred to in section 1 - 5, or chapter 29, section 1 - 3, or in another manner handles such property, although he or she knows that the property was imported in the said manner shall be sentenced for *unlawful dealing in imported goods* to a fine or to imprisonment for at most one year and six months.

(2) Also a person who, in the manner referred to in subsection 1, handles a product that is subject to excise duty and in respect of which an offence referred to in chapter 29, sections 1 through 3 has been committed after it had been imported shall be sentenced for unlawful dealing in imported goods. (641/2009)

Section 6(a) - Petty unlawful dealing in imported goods (951/1999)

(1) If the unlawful dealing in imported goods, in view of the value of the goods in question or the other circumstances of the offence, when assessed as a whole, is to be deemed petty, the offender shall be sentenced for *petty unlawful dealing in imported goods* to a fine.

Section 7 – Customs declaration offence (425/2009)

A person who neglects the reporting obligation or the obligation to provide information provided in customs legislation or in fulfilling such an obligation provides false or incomplete information so that the act is conducive to causing

- (1) a failure to impose a tax, imposing such a tax too low or unduly refunding such a tax,
- (2) setting the security for a customs debt too low, or
- (3) import or export of goods in violation of a provision or condition provided in law or on the basis of law,

shall be sentenced, unless the act is punishable as a tax fraud offence referred to in chapter 29, sections 1 through 3, a regulation or smuggling offence referred to in sections 1 through 4 of the present chapter, or a violation involving failure of notification of currency as referred to in section 9 of the Act on the Control of Currency at the Border of the European Community 653/2007), for a *customs declaration offence* to a fine or to imprisonment for at most one year and six months.

Section 8 – Aggravated customs declaration offence (425/2009)

If in the customs declaration offence

- (1) the act is conducive towards securing considerable economic benefit,

- (2) the offence is committed in a particularly planned manner, or
- (3) the offence is part of the activity of an organized criminal group referred to in chapter 17, section 1(a), subsection 4 or professionally

and the customs declaration offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated customs declaration offence* to imprisonment for at least four months and at most three years.

Section 9 – Petty customs declaration offence (425/2009)

If the customs declaration offence, taking into consideration the pettiness of the danger of unjustified economic benefit or the other circumstances connected with the offence, is to be deemed petty when assessed as a whole, the offender shall be sentenced for a *petty customs declaration offence* to a fine.

Section 10 – False declaration of the origin of an export (425/2009)

(1) A person who provides false information regarding the origin of an export to a Finnish authority or other body entitled to issue a certificate of origin in order to obtain from said authority or body beneficial treatment in customs or in order to obtain a certificate of origin necessary in order to obtain other corresponding beneficial treatment in a foreign state, shall be sentenced for *false declaration of the origin of an export* to a fine or to imprisonment for at most two years.

(2) Also a person who, in exporting goods from Finland to another state, provides the authorities of said state false information on the origin of the goods in order to obtain beneficial treatment in said state in customs or in something comparable thereto shall be sentenced for false declaration of the origin of an export.

Section 11 – Defence supplies export offence (283/2012)

(1) A person who without the authorization referred to in the Defence Supplies Export Act (283/2012)

- (1) exports or transfers from Finland defence supplies,
- (2) mediates between parties for the purpose of entering into a contract on the export or transfer of defence supplies through a third country, or
- (3) transports defence supplies through Finland when the exporter or recipient of the defence supplies is located outside of the European Economic Area

shall be sentenced for a *defence supplies export offence* to a fine or imprisonment for at most four years.

(2) Also a person who

- (1) provides false information or conceals information in order to receive an export permit, transfer permit, consignment permit or transit permit referred to in the Defence Supplies Export Act or

- (2) transfers defence supplies from Finland to within the European Economic Area without having registered at the Ministry of Defence in the manner referred to in section 31 of the Defence Supplies Export Act shall be sentenced for a defence supplies export offence.
- (3) An attempt of the offence referred to in subsection 1 or in subsection 2, paragraph (2) above is punishable.

Section 12 – Failure to file an export supervision report of dual use products (425/2009)

A person who through carelessness neglects to fulfil his or her obligation to provide information as provided in section 4, subsection 4 of the Act on the Export Supervision of Dual Use Products shall be sentenced for *failure to file an export supervision report of dual use products* to a fine or to imprisonment for at most six months.

Section 13 - Corporate criminal liability (425/2009)

The provisions on corporate criminal liability apply to regulation offences, aggravated regulation offences, smuggling, aggravated customs declaration offences and military supplies export offences.

Section 13 - Definitions (425/2009)

- (1) In this chapter, a *tax* refers to a tax referred to in chapter 29, section 9, paragraph 1, with the exception of tax collected in advance.
- (2) In this chapter, *customs legislation* refers to the legislation referred to in article 4, paragraph 2 of Regulation (EC) No. 450/2008 of the European Parliament and of the Council in accordance with articles 186 through 188.

Section 15 – Restrictive provision (425/2009)

- (1) A minor neglect of a reporting obligation or of an obligation to provide information or other minor violation of a procedural provision is not deemed an offence referred to in sections 1 through 5, 7 through 10, and 12 of this chapter.
- (2) A person who is an accomplice in an offence committed in or after the importing of goods shall not be sentenced for the offence referred to in section 6 or 6(a) of this chapter. (641/2009)
- (3) Section 6 or 6(a) of this chapter do not apply to a person living in a joint household with the offender, and who only used or consumed property obtained by the offender for ordinary needs in the joint household.

Chapter 47 - Employment offences (578/1995)

Section 1 - *Work safety offence* (397/2012)

(1) An employer, or a representative thereof, who intentionally or negligently

- (1) violates work safety regulations, or
- (2) causes a defect or fault that is contrary to work safety regulations or makes possible the continuation of a situation contrary to work safety regulations by neglecting to monitor compliance with them in work that he or she supervises, or by neglecting to provide for the financial, organisational or other prerequisites for work safety

shall be sentenced for a *work safety offence* to a fine or to imprisonment for at most one year.

(2) The provisions in chapter 21, section 8 - 11 and section 13 apply to the punishment for negligent homicide, negligent bodily injury and imperilment.

(3) However, an individual incident of a violation of work safety regulations which is insignificant in view of work safety and which is punishable under section 63 of the Work Safety Act (738/2002), section 23 of the Act on Occupational Health Care (1383/2001), section 13 of the Act on Compliance of Certain Technical Devices with Requirements (1016/2004) or section 20 of the Act on the Work and Living Environment and the Provisioning of Food for Persons On Board Vessels (395/2012) is not deemed a work safety offence.

Section 2 - *Working hours offence* (578/1995)

An employer, or a representative thereof, who intentionally or through gross negligence,

- (1) to the detriment of the employee fails to keep working hours or annual leave accounts, keeps them erroneously, alters, conceals or destroys them or renders them impossible to read, or
- (2) proceeds in a manner punishable under the working hours or annual leave legislation despite an exhortation, order or prohibition issued by the work safety authorities

shall be sentenced for a *working hours offence* to a fine or to imprisonment for at most six months.

Section 3 - *Work discrimination* (885/2009)

An employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts a applicant for a job or an employee in an inferior position

- (1) because of race, national or ethnic origin, nationality, colour, language, sex, age, family status, sexual preference, inheritance, disability or state of health, or

- (2) because of religion, political opinion, political or industrial activity or a comparable circumstance

shall be sentenced for *work discrimination* to a fine or to imprisonment for at most six months.

Section 3(a) – *Extortionate work discrimination* (302/2004)

If in the work discrimination an applicant for a job or an employee is placed in a considerably inferior position through the use of the job applicant's or the employee's economic or other distress, dependent position, lack of understanding, thoughtlessness or ignorance, the perpetrator shall, unless a more severe penalty is provided for the act elsewhere in the law, be sentenced for *extortionate work discrimination* to a fine or to imprisonment for at most two years.

Section 4 - *Violation of the rights of an employee representative* (453/2007)

An employer, or a representative thereof, who without a justification based on law or a collective employment or civil service agreement dismisses, otherwise discharges or puts on compulsory unpaid leave an employee representative, a trustee referred to in chapter 13, section 3 of the Employment Contracts Act (55/2001), a work safety trustee or a personnel or employees' representative referred to in the Act on Personnel Representation in Company Administration (725/1990) or in section 8 of the Act on Cooperation in Finnish or Community-wide Companies (335/2007) or a cooperation representative referred to in section 3 of the Act on Cooperation between Employers and Personnel in Municipalities (449/2007) , or puts him or her on part time, shall be sentenced, unless the act is punishable as work discrimination, for *violation of the rights of an employee representative* to a fine.

Section 5 - *Violation of the right to organise* (578/1995)

(1) An employer, a representative thereof or an employee who prevents

- (1) an employee from establishing a lawful industrial or political association or using his or her right to join or belong to it or to participate in its activities, or
- (2) the employees or their industrial organisations from appointing or electing an employee representative, trustee, work safety trustee or personnel representative in group co-operation

shall be sentenced for *violation of the right to organise* to a fine. (72/2001)

(2) Also a person who forces an employee to join or belong to an industrial or political association shall be sentenced for violation of the right to organise.

(3) An attempt is punishable.

Section 6 - Employment agency offence (927/2012)

A person who in violation of the employment agency services payment prohibition provided in chapter 12, section 5, subsection 1 of the Public Employment and Entrepreneur Agency Act (916/2012) charges a fee from individual customers shall be sentenced for *violation of a payment prohibition in employment agency services* to a fine or to imprisonment for at most one year.

Section 6(a) – Unauthorised use of foreign labour (302/2004)

(1) An employer or a representative thereof who hires or employs a foreigner not in possession of the residence work permit or otherwise a permit to work in Finland shall be sentenced for *unauthorised use of foreign labour* to a fine or to imprisonment for at most one year.

(2) Also a contractor or subcontractor or commissioner of work or a representative thereof who neglects to ensure that the foreign employees in the contract or subcontract work that it has awarded a foreign company or the foreign employees placed at its disposal by a foreign company as contracted labour have a residence work permit or other permit to work in Finland, shall be sentenced for unauthorised use of foreign labour.

Section 7 - Allocation of liability (578/1995)

Where this chapter provides for punishment of the conduct of an employer or representative thereof, the person into whose sphere of responsibility the act or negligence belongs shall be sentenced. In the allocation of liability due consideration shall be given to the position of said person, the nature and extent of his or her duties and competence and also otherwise his or her participation in the origin and continuation of the situation that is contrary to law.

Section 8 - Definitions (397/2012)

(1) For the purposes of this chapter

- (1) *employer* refers to a person who commissions work in an employment relationship, a public service relationship or a comparable service relationship in a public corporation, and a person who in reality uses the power of decision of an employer,
- (2) *representative of an employer* refers to a member of a statutory or other decision-making body of a legal person and one who on the behalf of the employer directs or supervises the work,
- (3) *employee* refers to a person who is in an employment relationship, a public service relationship or a comparable service relationship in a public corporation with the employer, and

(4) *work safety regulations* refer to the provisions contained in, or issued on the basis of, the Work Safety Act, the Occupational Health Act, the Act on Compliance of Certain Technical Devices with Requirements, the Act on the Work and Living Environment and the Provisioning of Food for Persons On Board Vessels or another Act governing work safety, and pertaining to work safety or occupational health, to protect the health of others.

(2) The provisions in sections 1 and 7 on the liability of the employer and the representative thereof apply correspondingly to others commissioning work and their representatives as referred to in sections 3 and 4 of the Work Safety Act, to the persons and their representatives referred to in section 7 of the same Act and in section 2 of the Act on Compliance of Certain Technical Devices with Requirements and to the ship-owner and his or her representative referred to in section 4, paragraph 3 of the Act on the Work and Living Environment and the Provisioning of Food for Persons On Board Vessels.

Section 9 - Corporate criminal liability (61/2003)

The provisions on corporate criminal liability apply to work safety offences.

Chapter 48 - Environmental offences (578/1995)

Section 1 - Impairment of the environment (748/2007)

(1) A person who, intentionally or through gross negligence,

(1) introduces, emits or disposes into the environment an object, a substance, radiation or something similar in violation of the law, a provision based on law, a general or a specific order, or without a permit required by law or in violation of permit conditions,

(2) produces, conveys, transports, uses, handles or stores a substance, preparation, mixture, product or object, or operates a device in violation of the Chemical Act, the REACH Regulation, the CLP Regulation, the Plant Protection Regulation or of a provision given on the basis of these, or of the Environmental Protection Act (86/2000), or in violation of Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, Regulation (EC) No 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases, or Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC, or in violation of section 3 or 4 of Regulation (EC) No. 648/2004 of the European Parliament and of the Council on detergents, or in violation of a provision referred to in section 147, subsection 2 of the Waste Act

(646/2011) or a provision or a specific order or prohibition based on the Waste Act, or neglects his or her duty to organise waste management, as provided for in the Waste Act, or (1565/2011)

- (3) imports or exports waste or transports waste through the territory of Finland in violation of the Waste Act or a provision or specific order based on the Waste Act or Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipment of wastes or imports or exports a substance, preparation or object in violation of a Decree issued on the basis of the Environmental Act or in violation of Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, Regulation (EC) No 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases, Regulation (EC) No. 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals, Regulation (EC) No 850/2004 of the European Parliament and of the Council amending Directive 79/117/EEC, Regulation (EC) No. 1102/2008 of the European Parliament and of the Council on the banning of exports of metallic mercury and certain mercury compounds, or exports genetically modified organisms or foodstuffs or feed contained in such organisms in violation of Regulation (EC) 1946/2003 of the European Parliament and the Council on transboundary movements of genetically modified organisms (1107/2011)

so that the act is conducive to causing contamination of the environment, other corresponding environmental despoliation or littering or a health hazard, shall be sentenced for *impairment of the environment* to a fine or to imprisonment for at most two years. (409/2009)

(2) An attempt of an intentional offence referred to in subsection 1, paragraph (3) above is punishable.

(3) Also a person who, intentionally or through gross negligence, in a manner other than those referred to in subsection 1, undertakes to alter the environment in violation of the provisions of the Land Use and Building Act (132/1999), the Water Act (264/1961) or the Land Extraction Act (555/1981), or of the Drainage Rules of the Saimaa/Vuoksi Water System, or of provisions or general or specific orders based on the same, or of a plan or a permit, so that the act is conducive to causing despoliation that is comparable in its severity to contamination of the environment, shall be sentenced for impairment of the environment. (154/1999)

[the Water Act has been repealed by the Act of 587/2011- See also section 34 of the Dam Safety Act (494/2009)]

Section 2 - *Aggravated impairment of the environment* (578/1995)

(1) If, in the impairment of the environment,

- (1) the damage or danger of damage caused to the environment or health is especially serious, with regard to the long duration, wide effect and other circumstances of the realised or imminent damage, or
- (2) the offence is committed in violation of an order or a prohibition of an authority, as issued because of conduct referred to in section 1

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated impairment of the environment* to imprisonment for at least four months and at most six years.

(2) The provision on attempt in section 1 applies correspondingly.

Section 3 - *Environmental infraction* (578/1995)

(1) If the impairment of the environment, when assessed as a whole, with due consideration to the insignificance of the danger or damage caused to the environment or health or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for an *environmental infraction* to a fine or to imprisonment for at most six months.

(2) Also a person who, intentionally or through gross negligence, violates orders based on section 64 of the Environmental Protection Act, shall be sentenced for an environmental infraction. (112/2000)

(3) Also a person who neglects the duty to apply for an environmental permit, as referred to in sections 28 and 29 of the Environmental Protection Act, shall be sentenced for an environmental infraction, unless the act is punishable as impairment of the environment. (112/2000)

(4) Also a person who intentionally or through gross negligence violates section 5 of the Waterway Traffic Act or the prohibitions and restrictions issued on the basis of section 15 or 16 of the Waterway Traffic Act, so that the act is conducive to causing danger to the environment, shall be sentenced for an environmental infraction. (545/1999)

Section 4 - *Negligent impairment of the environment* (112/2000)

A person who, through negligence not to be deemed gross,

- (1) affects the environment in a manner referred to in section 1, subsection 1(1) or subsection 3, or
- (2) violates the Waste Act or the Environmental Protection Act or provisions or orders based thereon in a manner referred to in section 1, subsection 1(2) or 1(3)

so that the damage or danger of damage caused to the environment or health is especially serious, with due consideration to the long duration, wide effect and

other circumstances of the realised or imminent damage, shall be sentenced for *negligent impairment of the environment* to a fine or to imprisonment for at most one year.

Section 5 - *Nature conservation offence* (578/1995)

(1) A person who, intentionally or through gross negligence,

- (1) unlawfully destroys or impairs a natural area, an animal, a plant or another natural object protected by the Nature Conservation Act (1096/1996) or protected, restricted or placed under an injunction based thereon,
- (2) in violation of the Nature Conservation Act or of a provision or order based thereon, removes from its environment, imports or exports an object or transports an object through the territory of Finland, or sells, conveys, purchases or receives an object so removed, imported or exported, or
- (3) in violation of Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulation trade therein, imports, exports or transfers through the territory of Finland an object mentioned in annex A or B of the Regulation without the permit or certificate referred to in the Regulation or in violation of the terms of the permit or certificate, or buys, offers to buy, obtains for commercial purposes, presents in public for commercial purposes, uses with intent of commercial gain, sells, possesses with intent to sell, offers or transports for sale an object referred to in annex A or B of said Regulation,

shall be sentenced for a *nature conservation offence* to a fine or to imprisonment for at most two years. (1073/2010)

(2) Also a person who, intentionally or through gross negligence, uses a Finnish vessel in whaling or defies the import ban provided in section 2 or 2a of the Whale and Arctic Seal Protection Act or the protection provision or the acquisition ban in section 3 of the same Act, shall be sentenced for a nature conservation offence. (1108/1996)

(3) Also a person who, intentionally or through gross negligence, causes damage to organisms native to Antarctica, by violating a prohibition referred to in section 4, subsection 2 of the Act on the Conservation of Antarctic Nature (28/1998) or by acting without a permit or in violation of the conditions in a permit required in the Act, in a manner referred to in section 21, subsection 1, section 23, subsection 1 or section 25, subsection 1 of the Act, shall be sentenced for a nature conservation offence. (29/1998)

(4) However, an act of minor significance with regard to nature conservation is not deemed a nature conservation offence. (29/1998)

(5) An attempt of an intentional offence is punishable. (29/1998)

Section 6 - *Building protection offence* (578/1995)

(1) A person who, intentionally or through gross negligence, without the permit required by law, demolishes, destroys, impairs or covers an object of a built environment, which

- (1) is protected by the Land Use and Building Act or an order based thereon, or (154/1999)
- (2) is protected or subjected to an endangerment prohibition on the basis of the Heritage Protection Act (500/2010)

shall be sentenced for a *building protection offence* to a fine or to imprisonment for at most two years.

(2) Also a person who, intentionally or through gross negligence, demolishes, destroys or impairs an immovable relic or a wreck of a vessel or a part thereof, as referred to in the Act on Archaeological Remains (295/1963), without a permit or in violation of permit conditions, shall be sentenced for a building protection offence.

(3) Also a person who, intentionally or through gross negligence, damages, moves or destroys a historical place or relic referred to in section 4, subsection 1(4) of the Act on the Protection of Antarctic Nature (28/1998), shall be sentenced for a building protection offence. (29/1998)

(4) An attempt of an intentional offence is punishable. (29/1998)

Section 7 - *Allocation of liability* (578/1995)

Where this chapter provides for punishment of conduct, the person into whose sphere of responsibility the act or negligence belongs shall be sentenced. In the allocation of liability due consideration shall be given to the position of said person, the nature and extent of his or her duties and competence and also otherwise his or her participation in the origin and continuation of the situation that is contrary to law.

[section 8 has been repealed by the Act of 297/2003]

Section 9 - *Corporate criminal liability* (578/1995)

The provisions on corporate criminal liability apply to the offences referred to in this chapter.

Section 10 - *Environmental offence committed by a foreign vessel within the economic zone* (1680/2009)

Only a fine may be imposed for an act punishable under sections 1 through 4 of this chapter committed within the Finnish economic zone by a foreign vessel referred to in chapter 13, section 3) of the Maritime Traffic Environmental Protection Act.

Chapter 48(a) – Natural resources offences (515/2002)

Section 1 – *Hunting offence*

A person who intentionally or through gross negligence unlawfully

- (1) hunts using a trap or trapping method that is prohibited by the Hunting Act (615/1993) or in violation of the restriction provided in the Hunting Act on the use of a motor vehicle,
- (2) hunts in violation of the Hunting Act or a provision or an order given on its basis protecting game, prohibiting or restricting hunting or establishing a limit, or without a hunting permit, an elk hunting permit or an exceptional permit, or (232/2011)
- (3) when hunting, endangers or harms a person or the property of another or violates a hunting prohibition or restriction that has been issued for general safety,

shall be sentenced for a *hunting offence* to a fine or to imprisonment for at most two years.

Section 1(a) – *Aggravated hunting offence* (232/2011)

If in a hunting offence

- (1) the offence is committed in a particularly brutal or cruel manner,
- (2) the object of the offence is a large amount of game,
- (3) considerable economic offence is sought,
- (4) the offence is committed in a particularly planned manner or
- (5) a wolverine, lynx, bear, deer, otter or wolf is killed or injured

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated hunting offence* to imprisonment for at least four months and at most four years.

Section 2 – *Fishing offence*

(1) A person who intentionally or through gross negligence

- (1) when fishing uses explosives or pressure that has otherwise been caused or a firearm or electrical current,
- (2) fishes to a considerable extent in violation of the Fishing Act or a provision or an order given in general or in an individual case on its

basis regarding the protection of fish or crayfish, fishing tackle, fishing, a prohibition of or restriction on fishing, or the minimum size of fish or crayfish,

- (3) fishes with fishing tackle or with a method of fishing or during a season when no fishing is allowed in violation of a regulation on common fishing policy issued by the European Community on the basis of article 37 of the Treaty on the EEC or in decisions or orders issued on their basis, or
- (4) unlawfully in violation of the Fishing Act introduces or transfers to a water area a species of fish or crayfish or their stock that have not previously been found there, so that the act is conducive to endangering or harming the stock of fish or the piscary,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *fishing offence* to a fine or to imprisonment for at most two years.

(2) An attempt at an intentional offence is punishable.

Section 3 – Forestry offence

(1) A person who intentionally or through gross negligence

- (1) fells a forest in violation of a provision or order on improvement cutting or regeneration cutting, issued on the basis of section 5, subsection 1 or section 5(a), subsection 1 or section 5, subsection 2 or section 5(a), subsection 2 of the Forest Act (1093/1996), or
- (2) violates provisions of the Forest Act or a provision or order issued on its basis pertaining to protected forest areas or protected areas,

shall be sentenced for a *forestry offence* to a fine or to imprisonment for at most two years. (823/2010)

(2) Also a person who intentionally, through a silvicultural or forest use measure, in violation of the Forest Act or a provision or order issued on its basis or without the permit required by law or in violation of the terms of a permit, harms a living environment that is in its natural state or similar to its natural state that is clearly distinguishable from its surrounding area and that is particularly important from the point of view of the biodiversity of the natural forest, so that the act is conducive to endangering the preservation of the typical features of said living environment,

shall be sentenced for a forestry offence.

Section 3(a) – Unlawful exploitation of mineral resources in the Antarctic (1021/2010)

(1) A person who deliberately or through gross negligence explores or utilizes a mineral deposit in the Antarctic region referred to in section 3, subsection 1, paragraph 5 of the Act on the Protection of the Antarctic Environment other than as part of scientific research, shall be sentenced for *unlawful exploitation of mineral resources in the Antarctic* to a fine or to imprisonment for at most two years.

(2) Also a person who intentionally prospects for mineral deposits in the Antarctic region other than as part of scientific research shall be sentenced for unlawful exploitation of mineral resources in the Antarctic.

Section 4 – Concealing of poached game

(1) A person who hides, obtains, transports, conveys or markets game that has been obtained through a hunting offence or fishing offence, even though he or she knows that it had been obtained in this manner, shall be sentenced for *concealing of poached game* to a fine or to imprisonment for at most one year. (232/2011)

(2) A person who is an accomplice in the offence through which the poached game was obtained shall not be sentenced for the offence referred to above in subsection 1. Section 1, subsection 1 also does not apply to a person who lives in a joint household with the offender and who only uses or consumes game that the offender had obtained for the ordinary needs of the joint household.

Section 4(a) – Aggravated concealing of poached game (232/2011)

If in the concealing of poached game

- (1) the object of the offence is a large amount of game,
- (2) considerable economic offence is sought,
- (3) the offence is committed in a particularly planned manner or
- (4) the object of the offence is a wolverine, lynx, bear, deer, otter tai wolf

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated concealing of poached game* to a fine or to imprisonment for at most three years.

Section 5 - Right to bring charges

(1) If the fishing offence, hunting offence or concealing of poached game violates the rights only of a private individual, the public prosecutor may not bring charges unless the injured party has reported the offence for the bringing of charges. (441/2011)

(2) The provisions in chapter 1 on the bringing of charges and conviction for an offence committed outside Finland and directed at Finland apply also to a fishing offence referred to in section 2 of this chapter when it has been committed outside the territorial waters and economic zone of Finland. (1067/2004)

Section 6 – Hunting prohibition

(1) A person convicted of an aggravated hunting offence shall be subjected at the same time to a hunting prohibition for at least three and at most ten years. The court may, however, waive the prohibition if there are particular weighty reasons for this. A person to be sentenced for a hunting offence who through his or her actions has demonstrated manifest heedlessness of the provisions on hunting, may be prohibited from hunting for at least one and at most five years. At the same time he or she shall be ordered to surrender his or her hunting card to the game management association. A hunting prohibition is ordered on the request of the prosecutor. (232/2011)

(2) While prohibited from hunting, a person may not hunt or serve as the hunting manager referred to in section 28 of the Hunting Act. Also a person who in accordance with chapter 3, section 4, subsection 2 or chapter 6, section 12, paragraphs 4 or 5 of this law is not punished may be prohibited from hunting. (232/2011)

(3) The prohibition is in force regardless of an appeal until the matter has been decided in a legally final manner.

Section 6(a) – Corporate criminal liability (232/2011)

The provisions on corporate criminal liability apply to an aggravated hunting offence.

Section 7 – Fishing offence committed by a foreign vessel in the economic zone and concealing the illegal catch from a fishing offence (1161/2005)

The only penalty for a fishing offence committed by a foreign vessel in the Finnish economic zone and for the concealing of the illegal catch from a fishing offence is a fine, unless otherwise provided on the basis of an international agreement binding on Finland.

Chapter 49 - Violation of certain incorporeal rights (578/1995)

Section 1 - Copyright offence (822/2005)

(1) A person who for profit and in violation of the Copyright Act (404/1961) and in a manner conducive to causing considerable detriment or damage to the person holding a right, violates the right of another to

- (1) a literary or artistic work,
- (2) the performance of a literary or artistic work or of national heritage,
- (3) a record or other device on which sound has been recorded,

- (4) a film or other device on which moving images have been recorded,
- (5) a television or radio broadcast,
- (6) a register, table, program or another similar work referred to in the Copyright Act and containing the compilation of a considerable amount of information, or a database the compilation, verification or presentation of which has required considerable effort, or
- (7) a photograph

shall be sentenced for a *copyright offence* to a fine or to imprisonment for at most two years.

(2) Also a person who for profit and in a manner conducive to causing considerable detriment or damage to the person holding a right, imports for the purpose of dissemination among the public or for transport through Finland to a third state a sample or a copy produced abroad of a work or photograph, a record, film or other device on which sound or moving pictures have been recorded or a register, table, program or another similar work containing the compilation of a considerable amount of information, or a database the compilation, verification or presentation of which has required considerable effort, as referred to in subsection 1, while knowing that it has been produced or copied in circumstances under which said production or copying would in Finland be punishable under subsection 1 or under section 56a of the Copyright Act, shall be sentenced for a copyright offence.

(3) Also a person who uses a computer network or computer system to violate the right of another to the objects of protection referred to in subsection 1 so that the act is conducive to causing considerable detriment or damage to the holder of the right that has been violated, shall be sentenced for a copyright offence.

Section 2 - *Intellectual property offence* (1281/2009)

A person who in violation of the Trademark Act (7/1964), the Patents Act (550/1967), the Registered Designs Act (221/1971), the Act on the Protection of Semiconductor Topographies (32/1991), the Utility Models Act (800/1991) or the Plant Variety Rights Act (1279/2009) and in a manner conducive to causing considerable financial loss to a person holding a right, breaches

- (1) the right to a trademark,
- (2) the exclusive right conferred by a patent,
- (3) the right to a registered design,
- (4) the right to a semiconductor topography,
- (5) the right to a utility model, or
- (6) a plant variety right

shall be sentenced for an *intellectual property offence* to a fine or to imprisonment for at most two years.

Section 3 – Circumvention of technical protection (822/2005)

A person who in violation of the prohibition in section 50a of the Copyright Act and so that the act is conducive to causing considerable detriment or damage circumvents an effective technical measure protecting a work, shall be sentenced for *circumvention of technical protection* to a fine or to imprisonment for at most one year.

Section 4 – Circumvention of technical protection offence (822/2005)

A person who in violation of the prohibition in section 50b of the Copyright Act and so that the act is conducive to causing considerable detriment or damage, produces or imports for dissemination among the public, sells, rents, advertises for sale or rent or keeps in his or her possession for commercial use devices, products or parts that render it possible or make it easier to circumvent an effective technical measure protecting a work, or offers services making circumvention possible or easier, shall be sentenced for *a circumvention of technical protection offence* to a fine or to imprisonment for at most one year.

Section 5 – Offence violating electronic docket information on rights (822/2005)

A person who in violation of the prohibition in section 50 c of the Copyright Act and so that the act is conducive to causing considerable detriment or damage,

- (1) deleted or alters electronic docket information on rights which identify a work, author or other holder of rights or which are consist of data on the terms of use of the work, or
- (2) disseminates among the public or imports for dissemination among the public copies of a work or conveys to the public a work so that the data referred to in paragraph (1) have been deleted or altered without permission,

and the perpetrator knows that his act causes, makes possible, conceals or facilitates the violation shall be sentenced for an *offence violating electronic docket information on rights* to a fine or to imprisonment for at most one year.

Section 6- Right to bring charges (441/2011)

The public prosecutor may not bring charges for offences referred to in sections 1 – 3 or 5 of this chapter, unless the complainant reports it for the bringing of charges or unless a very important public interest requires that charges be brought.

Section 7 - Corporate criminal liability (540/2007)

The provisions on corporate criminal liability apply to a copyright offence.

Chapter 50 - Narcotics offences (1304/1993)

Section 1 – Narcotics offence (374/2008)

A person who unlawfully

- (1) produces or attempts to produce a narcotic substance or cultivates or attempts to cultivate a coca plant, khat (*Catha edulis*) or Psilositybe mushrooms,
- (2) cultivates or attempts to cultivate opium poppy, hemp or cactus plants containing mescaline for use as a narcotic substance or the raw material for a narcotic substance or for use in the production or manufacture of a narcotic substance,
- (3) imports or attempts to import or exports or attempts to export a narcotic substance, or transports it or has it transported or attempts to transport or attempts to have it transported,
- (4) sells, supplies, conveys or otherwise distributes or attempts to distribute a narcotic substance, or
- (5) possesses or attempts to obtain a narcotic substance,

shall be sentenced for a *narcotics offence* to a fine or to imprisonment for at most two years.

Section 2 - Aggravated narcotics offence (1304/1993)

If in the narcotics offence

- (1) the object of the offence is a very dangerous narcotic substance or a large quantity of narcotic substance,
- (2) considerable financial benefit is sought,
- (3) the offender acts as a member of a group organised for the extensive commission of such an offence,
- (4) a serious danger is caused to the life or health of several people or
- (5) the narcotic substance is distributed to minors or in an otherwise unscrupulous manner

and the narcotics offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated narcotics offence* to imprisonment for at least one and at most ten years.

Section 2(a) - Unlawful use of narcotics (654/2001)

A person who unlawfully uses or for personal use possesses or attempts to obtain a small amount of a narcotic substance shall be sentenced for *unlawful use of narcotics* to a fine or to imprisonment for at most six months.

Section 3 - Preparation of a narcotics offence (1304/1993)

(1) A person who, in order to commit an offence referred to in section 1, paragraphs (1)-(4), produces, imports, obtains or receives an implement, equipment or material suitable for the commission of such an offence, shall be sentenced for *preparation of a narcotics offence* to a fine or to imprisonment for at most two years. (374/2008)

(2) An attempt is punishable. (928/2006)

Section 4 - Abetting a narcotics offence (1304/1993)

(1) A person who

(1) for the unlawful production, cultivation, import or export of a narcotic substance produces, transports, conveys or supplies implements, equipment or materials with the knowledge that they will be so used, or

(2) by lending assets or by another means of financing abets a narcotics offence or the preparation thereof or the activity referred to in paragraph (1) with the knowledge that the financing will be so used,

shall be sentenced, unless the act is punishable as complicity to a narcotics offence or an aggravated narcotics offence, for *abetting a narcotics offence* to a fine or to imprisonment for at most two years.

(2) An attempt to abet a narcotics offence referred to above in subsection 1(1) is punishable. (928/2006)

Section 4(a) – Abetting an aggravated narcotics offence (928/2006)

(1) If in the abetting of the narcotics offence the offender is acting as a member of a criminal group organized particularly for the extensive commission of narcotics offences and

(1) the instrument, supply or substance that is the object of the offence is intended for the production, cultivation, import or export of a very dangerous narcotic or of a considerable amount of narcotics or

(2) considerable financial benefit is sought in the abetting of an aggravated narcotics offence or in the offence being abetted

and the abetting of the narcotics offences is aggravated also when assessed as a whole, the offender shall be sentenced for *abetting an aggravated narcotics offence* to imprisonment for at least four months and at most six years.

(2) An attempt to abet an aggravated narcotics offence committed in the manner referred to above in section 4, subsection 1(1) is punishable.

Section 5 - Definitions (1304/1993)

(1) For the purposes of this chapter, *narcotic substance* refers to a narcotic substance as referred to in the Narcotic Substances Act. (374/2008).

(2) For the purposes of this chapter, *very dangerous narcotic substance* refers to a narcotic substance, when its use may cause death by improper dosage, serious damage to health even when short-term, or heavy withdrawal symptoms.

Section 6 - Forfeiture (875/2001)

(1) The following shall be ordered forfeit to the State:

- (1) the instruments, supplies or substances used in the commission of an offence referred to in this chapter or obtained for that purpose, and
- (2) the assets referred to in section 4, subsection 2, even if the act is punishable as a narcotics offence or an aggravated narcotics offence; the forfeiture shall be ordered on the provider of the finance, the recipient of the finance or jointly or severally on both of them.

(2) In other respects, the provisions in chapter 10 apply.

Section 7 - Waiver of measures (654/2001)

In addition to the provisions in the Criminal Procedure Act (689/2001) and the provisions elsewhere in this Code, the charges or penalty for the use of narcotic substances or another offence pertaining to the use of narcotic substances may be waived, if the offence, when assessed as a whole, is to be deemed petty with due consideration to the amount and type of the substance, the situation where it is used and the other circumstances. The charges and penalty may be waived also if the perpetrator has sought treatment approved by the Ministry of Social Affairs and Health.

Section 8 – Corporate criminal liability (928/2006)

The provisions on corporate criminal liability apply to a narcotics offence, an aggravated narcotics offence, preparation of a narcotics offence, abetting a narcotics offence and abetting an aggravated narcotics offence.

Chapter 50(a). Alcohol offences (641/2009)

Section 1 – Alcohol offence

(1) A person who in violation of the Alcohol Act or of a provision issued on its basis

- (1) produces alcoholic drink or spirits,
- (2) imports alcoholic drink or spirits,

- (3) sells, supplies or otherwise provides to another alcoholic drink or spirits,
- (4) possesses or transports spirits,
- (5) possesses or transports alcoholic drink for purposes of sale, or
- (6) possesses or transports unlawfully produced or imported alcoholic drinks,

shall be on sentenced for an *alcohol offence* to a fine or to imprisonment for at most two years.

(2) Attempt of the offence referred to above in paragraphs 1 through 3 is punishable.

Section 2 – Aggravated alcohol offence

(1) If in the alcohol offence

- (1) the object of the offence is a considerable amount of alcoholic drink or spirits,
- (2) considerable economic benefit is sought,
- (3) the offender acts as a member of a group organized specifically for the extensive commission of such an offence, or
- (4) alcoholic drink or spirits are disseminated in an unscrupulous manner among minors or by using the dependent position of another

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated alcohol offence* to imprisonment for at least four months and at most four years.

(2) What is provided in section 1 regarded an attempt applied correspondingly to an attempt.

Section 3 – Petty alcohol offence

If the alcohol offence, taking into consideration the small amount of the alcoholic drink or spirits or the other circumstances connected with the offence, is to be deemed petty when assessed as a whole, the offender shall be sentenced for a *petty alcohol offence* to a fine.

Section 4 – Definitions

(1) In this chapter, the terms “*alcoholic drink*” and “*spirits*” are the terms “alcoholic drinks” and “spirits” referred to in the Alcohol Act.

(2) What is provided in section 1, subsection 1, paragraph 1 regarding the unauthorized production of alcoholic drink or spirits applies also to the further processing or bottling of spirits or unlicensed alcoholic drink produced elsewhere.

Section 5 – Corporate criminal liability

The provisions on corporate criminal liability apply to the offences referred to in sections 1 and 2 of this chapter.

Chapter 51 - Security markets offences (753/2012)

Section 1 – Abuse of insider information (753/2012)

(1) A person who in order to obtain financial benefit for himself or herself or someone else, intentionally or through gross negligence, takes advantage of insider information relating to a security that is traded in a regulated market

- (1) by conveying or acquiring such a security on his or her own behalf or on behalf of someone else, or
- (2) by providing direct or indirect advice to someone else acquiring or conveying such a security,

shall be sentenced for *abuse of insider information* to a fine or to imprisonment for a most two years.

(2) Also a person who in the manner referred to in subsection 1 utilizes inside information related to securities subject to multilateral trade in such trade shall be sentenced for abuse of insider information.

(3) What is provided in subsection 1 applies also to a security, the value of which is determined on the basis of securities referred to in subsection 1.

(4) An attempt of an intentional offence is punishable.

Section 2 - Aggravated abuse of insider information (753/2012)

(1) If, in the abuse of insider information,

- (1) particularly great profit or considerable personal benefit is sought,
- (2) the offender commits the offence by abusing his or her particularly responsible position as an employee or representative of a securities registry, settlement organisation, securities broker, securities exchange, the issuer of the security or a corporation belonging to the same group, or on commission by one of the above, or
- (3) the offence is committed in a particularly methodical manner,

and the abuse of insider information is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated abuse of insider information* to imprisonment for at least four months and at most four years.

(2) An attempt is punishable.

Section 3 – Market price distortion (753/2012)

(1) A person who in order to obtain financial benefit for himself or herself or for another distorts the market price of securities that are traded in a regulated market or traded in Finland in multilateral trade, shall be sentenced for *market price distortion* to a fine or to imprisonment for at most two years.

(2) What is provided in subsection 1 shall also apply to a transaction or other action involving a security other than one referred to in subsection 1, if this distorts the securities market referred to in subsection 1.

Section 4 - Aggravated market price distortion (753/2012)

If in the market price distortion

- (1) extensive financial loss is caused, or
- (2) the offence is conducive to considerably weakening the credibility of the functioning of the security markets,

and the market price distortion is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated market price distortion* to imprisonment for at least four months and at most four years.

Section 5 - Security markets information offence (753/2012)

A person who intentionally or through gross negligence

- (1) in the professional marketing of or trade in securities provides false or misleading information pertaining to a security, or
- (2) fails to provide appropriate information pertaining to a security, as required by the Securities Markets Act (495/1989), which is conducive to essentially affecting the value of the said security, or when fulfilling the duty of information provided in the Securities Markets Act provides false or misleading information pertaining to the security,

shall be sentenced for a *security market information offence* to a fine or to imprisonment for at most two years.

Section 6 – Definitions (753/2012)

(1) For the purposes of this chapter *securities* refers to securities that are subject to the Securities Market Act.

(2) For the purposes of this chapter *financial instrument* refers to securities and to other financial instruments referred to in chapter 1, section 10 of the Investment Services Act (747/2012).

(3) The provisions in this chapter on securities and financial instruments apply also to securities and financial instruments that have been acquired in a regulated market or in multilateral trade in Finland.

(4) For the purposes of this chapter, *insider information* refers to insider information referred to in chapter 12, section 2 of the Securities Market Act.

(5) For the purposes of this chapter, *market price distortion* refers to market price distortion referred to in chapter 14, section 3 of the Securities Market Act.

(6) The provisions in this chapter on the conveyance or acquisition of financial instruments apply also to the conclusion of a derivative contract. Sections 1 and 2 of this chapter also apply to a derivative contract, regardless of whether the contract calls for the conveyance of the underlying assets or for a settlement in lieu of the conveyance.

(7) For the purpose of this chapter *regulated markets* refers to the regulated market referred to in chapter 1, section 2, subparagraph 6 of the Trade in Financial Instruments Act (748/2012) .

(8) For the purposes of this chapter *multilateral trade* refers to the multilateral trade referred to in chapter 1, section 2, paragraph 1, subparagraph 7 of the Trade in Financial Instruments Act.

Section 7 – Restrictive provision (753/2012)

Sections 1 through 4 of this chapter do not apply to public trade in securities where in accordance with regulations issued on the basis of article 8 of Directive 2003/6/EC of the European Parliament and of the Council as regards insider trading and market manipulation (abuse of markets)

- (1) the issuer obtains his or her own shares,
- (2) an investment service company or financial institution stabilizes the price of financial instruments.

Section 8 – Corporate criminal liability (753/2012)

The provisions on corporate criminal liability apply to the offences referred to in this chapter.