

# General Penal Code No. 19, February 12, 1940

*1 March 2004*

**Entered into force on 12 August 1940.** Amended by Act 47/1941 (entered into force on 30 June 1941), Act 36/1944 (entered into force on 24 August 1944), Act 101/1950 (entered into force on 31 December 1950), Act 100/1951 (entered into force on 20 March 1951), Act 22/1955 (entered into force on 23 May 1955), Act 20/1956 (entered into force on 24 April 1956), Act 21/1957 (entered into force on 3 September 1957), Act 31/1961 (entered into force on 2 May 1961), Act 8/1962 (entered into force on 28 September 1962), Act 17/1962 (entered into force on 4 May 1962), Act 69/1964 (entered into force on 15 January 1965), Act 41/1973 (entered into force on 24 May 1973), Act 96/1973 (entered into force on 31 December 1973), Act 64/1974 (entered into force on 11 June 1974), Act 16/1976 (entered into force on 10 May 1976), Act 24/1976 (entered into force on 28 May 1976), Act 101/1976 (entered into force on 29 December 1976), Act 34/1980 (entered into force on 9 June 1980), Act 52/1980 (entered into force on 16 June 1980), Act 20/1981 (entered into force on 1 October 1981), Act 69/1981 (entered into force on 18 June 1981), Act 13/1984 (entered into force on 1 July 1984), Act 42/1985 (entered into force on 1 July 1985), Act 48/1988 (entered into force on 1 January 1989), Act 16/1990 (entered into force on 6 April 1990), Act 19/1991 (entered into force on 1 July 1992 except para. 1 and 3, Art. 29, which entered into force on 17 April 1991), Act 21/1991 (entered into force on 1 July 1992), Act 92/1991 (entered into force on 1 July 1992 except Art. 103 which entered into force on 9 January 1992), Act 40/1992 (entered into force on 10 June 1992), Act 39/1993 (entered into force on 7 May 1993); EEA Agreement: IX Annex Directive 91/308/EEC, Act 50/1993 (entered into force on 1 July 1993), Act 72/1993 (entered into force on 27 May 1993), Act 133/1993 (entered into force on 1 January 1994; Annex Directive 64/221 EEC, VII Annex Directive 67/43/EEC, V Annex Directive 68/360/EEC and 72/194/EEC, VIII Annex Directive 73/148/EEC, 75/34/EEC and 75/35/EEC, VII Annex Directive 77/249/EEC and 89/48/EEC, VIII Annex Directive 90/364/EEC, 90/365/EEC and 90/366/EEC), Act 39/1995 (entered into force on 1 January 1995), Act 71/1995 (entered into force on 13 March 1995), Act 142/1995 (entered into force on 29 December 1995), Act 84/1996 (entered into force on 1 July 1997), Act 90/1996 (entered into force on 1 July 1997), Act 126/1996 (entered into force on 1 January 1997), Act 135/1996 (entered into force 30 December 1996), Act 10/1997 (entered into force on 26 March 1997), Act 57/1997 (entered into force on 1 July 1997), Act 30/1998 (entered into force on 29 April 1998), Act 63/1998 (entered into force on 18 June 1998), Act 82/1998 (entered into force on 1 October 1998), Act 140/1998 (entered into force on 30 December 1998), Act 147/1998 (entered into force on 30 December 1998), Act 24/1999 (entered into force on 30 March 1999), Act 122/1999 (entered into force on 30 December 1999), Act 15/2000 (entered into force on 28 April 2000), Act 39/2000 (entered into force on 26 May 2000), Act 94/2000 (entered into force on 6 June 2000), Act 25/2001 (entered into force on 16 May 2001), Act 32/2001 (entered into force on 16 May 2001), Act 44/2001 (entered into force on 13 June 2001), Act 14/2002 (entered into force on 3 April 2002), Act 56/2002 (entered into force on 14 May 2002), Act 70/2002 (entered into force on 17 May 2002), Act 99/2002 (entered into force on 31 May 2002), Act 40/2003 (entered into force on 3 April 2003), Act 54/2003 (entered into force on 7 April 2003) and Act 125/2003 (entered into force on 30 December 2003).

## **Chapter I. Conditions for Authority of Penalties, Sphere of Application of Penal Law ? <sup>1)</sup> et al.**

<sup>1)</sup>Act 72/1993, Art. 1.

**Art. 1** A person shall not be subjected to penalties unless found guilty of behaviour deemed punishable by Law, or totally analogous to such conduct.

[Penalties can only be imposed in accordance with Chapter VII of the present Act if provided for in the conditions referred to in para. 1.] <sup>1)</sup>

<sup>1)</sup> *Act 31/1961, Art. 1.*

**Art. 2** If a criminal statute has been amended from the time an act is committed until Judgment is rendered, the Judgment shall be based on the new statute, both regarding the criminality of the act and the penalty imposed. A penalty may, however, never be imposed unless provided for by Law at the time of commission and cannot be ordered heavier than it would have been under that Law. If a criminal provision has been invalidated for reasons unrelated to a change in the legislator's assessment of the criminality of an act, the Judgment shall be based on the Law in force at the time of commission.

If an act ceases to be punishable for reasons other than those stated above, the penalty ordered as a result of the act shall be cancelled to the extent it has not already been enforced. Any other results of an act's criminality under the older Law shall also be cancelled, except an order to pay legal costs. In such a case the question whether the penalty ordered shall be cancelled, or reduced if the Judgment has also been rendered with respect to other offences, may be referred to the Court that rendered the Judgment at the District level, or a Court in the home venue of the offender. Appeal can be lodged against the conclusion of the District Court.

[**Art. 2 a.** Penalties provided for on account of offences according to Chapter VII of this Act cannot be ordered unless provided for in the conditions referred to in Art. 1 at the time of commission and the principles provided for in Art. 2 shall be observed when determining those penalties.] <sup>1)</sup>

<sup>1)</sup> *Act 31/1961, Art. 2.*

**Art. 3** When criminal legislation provides for increased penalties or other sanctions on account of a repeated offence, the penalty determined in accordance with older legislation shall have such effect as provided for therein, as if it had been imposed in accordance with the newer legislation.

**Art. 4** Penalties shall be imposed in accordance with the Icelandic Penal Code on account of the following:-

1. Offences committed within the Icelandic State. If an offence is committed by a person employed on board, or a passenger of, a foreign ship or aircraft travelling here, against a person travelling with that craft or against interests closely linked to the craft, penalty shall, however, only be imposed if the Minister of Justice has ordered investigation and prosecution.

2. Offences committed on board Icelandic ships or Icelandic aircraft, irrespective of a craft's position at the time of commission. If an offence has been committed in a place subject to the criminal jurisdiction of another State under International Law, by a person neither permanently employed on board the craft nor a passenger thereon, penalty shall not be imposed in Iceland unless this is provided for in Articles 5 or 6.

[3. Offences against Art. 264 committed within the Icelandic State, even if the original offence from which the gain has been derived, was committed abroad and irrespective of who caused it] <sup>1)</sup>.

<sup>1)</sup> *Act 10/1997, Art. 1.*

**Art. 5** Penalties shall be imposed in accordance with the Icelandic Penal Code on account of offences committed by Icelandic citizens or residents of Iceland:-

1. If the offence was committed in a place outside the criminal jurisdiction of other States under International Law, provided that it was also punishable under the Law of the offender's home State;

2. If the offence was committed in a place under the criminal jurisdiction of another State under International Law, provided it was also punishable under the Law of that State.

[The provisions of the first para. may be applied to an act committed by a Danish, Finnish, Norwegian or Swedish citizen or resident there and who stays in Iceland.] <sup>1)</sup>

<sup>1)</sup> *Act 101/1976, Art. 2.*

**Art. 6** Penalties shall also be imposed in accordance with the Icelandic Penal Code on account of the following offences, even if these have been committed outside the Icelandic State and irrespective of who the offender is:-

1. Offences against the independence of the Icelandic State, its security, Constitution and public authorities; offences committed in violation of duty to the Icelandic State and offences against interests protected by Icelandic Law on account of close relationship to the Icelandic State.

2. Offences in violation of a duty on the part of the perpetrator to be performed abroad according to Icelandic Law and also offences in violation of a duty of employment on board an Icelandic craft.

3. Offences against the interests of Icelandic citizens or persons resident in Iceland, if committed outside the criminal jurisdiction of other States under International Law. <sup>1)</sup>

[4. For violations of para. 2, 3 and 4 of Art. 165 and also for homicide, bodily harm, deprivation of freedom and other acts of violence committed in connection with violations of these provisions and for conduct to which the international Convention of 23 September 1971 for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation and a Protocol thereto of 24 February 1988 applies. Legal

action under this clause shall, however, only be taken if ordered by the Minister of Justice.]<sup>2)</sup>

[5. For conduct to which the Convention of 14 December 1973 on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, applies.]<sup>3)</sup>

[6. For conduct to which Article 1 of the European Convention of 27 January 1977 on the Suppression of Terrorism applies. Legal action under this clause shall, however, only be taken if ordered by the Minister of Justice.]<sup>4)</sup>

[7. For conduct to which the International Convention of 18 December 1979 against the Taking of Hostages applies.]<sup>5)</sup> Legal action under this clause shall, however, only be taken if ordered by the Minister of Justice.]<sup>6)</sup>

[8. For incorrect sworn testimony before the Court of the EFTA States, provided the Court has required prosecution.]<sup>7)</sup>

[9. For conduct to which the Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment applies. Legal action under this clause shall, however, only be taken if ordered by the Minister of Justice.]<sup>8)</sup>

[10. For conduct described in the Convention of 21 November 1997 on Combating Bribery of Foreign Public Officials in International Business Transactions. ]<sup>9)</sup>

[11. For conduct to which the Comprehensive Nuclear-Test-Ban Treaty of 10 September 1996 applies.]<sup>10)</sup>

[12. For conduct to which the Convention on the Safety of the United Nations and Associated Personnel of 9 December 1994 applies.]<sup>11)</sup>

[13. For conduct specified in the Convention to Prevent Illegal Activities Against Safety in Sailing at Sea of 10 March 1988.

14. For conduct specified in Protocol on Preventing Illegal Activities Against Seabed Fixed Constructions on the Continental Shelf of 10 March 1988.

15. For conduct specified in a Convention on the Custody of Nuclear Reactor Substances of 3 March 1980.]<sup>12)</sup>

[[16.]<sup>13)</sup> For conduct specified in the International Convention on Preventing Terrorist Explosions (Bombings) of 15 December 1997.

[17.]<sup>13)</sup> For conduct specified in the International Convention on Preventing the Financing of Terrorism Activities of 9 December 1999.]<sup>14)</sup>

[18. For conduct specified in an Agreement in the field of Criminal Law on Corruption of 27 January 1999.] <sup>15)</sup>

<sup>1)</sup> Act 72/1993, Art. 2. <sup>2)</sup> Act 16/1990, Art. 1. <sup>3)</sup> Act 24/1976, Art. 1. <sup>4)</sup> Act 52/1980, Art. 1. <sup>5)</sup> Act 72/1993, Art. 3. <sup>6)</sup> Act 69/1981, Art. 1. <sup>7)</sup> Act 133/1993, Art. 3. <sup>8)</sup> Act 142/1995, Art. 1. <sup>9)</sup> Act 147/1998, Art. 1. <sup>10)</sup> Act 25/2001, Art. 6. <sup>11)</sup> Act 44/2001, Art. 1. <sup>12)</sup> Act 70/2002, Art. 1. <sup>13)</sup> In the Government Gazette these clauses are given the numbers 13 and 14, but will be Nos. 16 and 17, cf. amendments of the Article by means of Art. 1 of Act 70/2002. <sup>14)</sup> Act No. 99/2002, Art. 1. <sup>15)</sup> Act 125/2003, Art. 1.

**Art. 7** If the penalty to be ordered is under Law to some extent contingent upon the consequences of an act, the act shall be deemed also to have been committed at the place where the consequences occur or are intended to occur.

**Art. 8** When criminal action is brought before an Icelandic Court the penalty to be imposed and other consequences of the offence shall be determined in accordance with Icelandic Law.

The penalty imposed on account of an offence subject to prosecution according to Art. 5 shall not exceed the maximum provided for by the Law of the offender's home State, cf. clause 1, or by the Law of the State of commission, cf. clause 2.

? <sup>1)</sup>

<sup>1)</sup> Act 72/1993, Art. 4

[**Art. 8 a.** A person who has been sentenced in a State where his/her offence was committed, cf. Art. 5, para.1, clause 2, or in a State being party to the Convention on the International Validity of Criminal Judgments of 28 May 1970 [or international agreements applying to the Schengen co-operation]<sup>1)</sup> shall not be indicted or sentenced in Iceland, or any sentence enforced against such person on account of the offence in respect of which Judgment was rendered in that State, if

1. the person was acquitted;
2. the sanctions ordered have already been enforced, these are being enforced, have been cancelled or abandoned in accordance with the Law of the State where the Judgment was rendered;
3. the person has been found guilty without a penalty or other sanctions having been ordered.

The provisions of the para.1 shall not apply to offences to which the provisions of Art. 4 and clause 1 of Art. 6 apply, except if criminal action has been initiated in the other State upon the request of Icelandic authorities.]<sup>2)</sup>

<sup>1)</sup> *Act 15/2000, Art. 1.* <sup>2)</sup> *Act 72/1993, Art. 5.*

[**Art. 8 b** If criminal action is brought in Iceland on account of an offence for which a person has already been subjected to sanctions in another State, the sanctions determined in Iceland shall be correspondingly reduced or, as applicable, cancelled to the extent the sanctions may already have been enforced in that State.]<sup>1)</sup>

<sup>1)</sup> *Act 72/1993, Art. 6.*

**Art. 9 ?**<sup>1)</sup>

<sup>1)</sup> *Act 13/1984, Art. 28.*

**Art. 10** If the Icelandic State has obtained extradition of a person from another State for the purpose of imposing a penalty, that person can only be sentenced for offences committed prior to extradition on account of which this takes place, if the foreign State has imposed such condition and the penalty cannot be ordered heavier than stipulated.

**Art. 11** The provisions of Articles 4 - 6 of this Act ?<sup>1)</sup> shall be applied taking into account the limitations resulting from International Law.

<sup>1)</sup> *Act 42/1985, Art. 1.*

## **Chapter II. General Conditions for Imposition of Penalties.**

**Art. 12** Any act committed in self-defence shall not be punishable to the extent that the act was necessary in defence against an unlawful attack already commenced or imminent, or in order to avert such attack, provided that means of defence employed are not obviously more dangerous than warranted by the attack and the damage to be expected in its consequence.

A person who has exceeded the limits of permitted self-defence as a result of having been so frightened or startled that he or she could not exercise full restraint, shall not be punished.

**Art. 13** Any act necessarily performed for the purpose of protecting lawful interests against imminent danger shall not be punishable, even if abridgement has resulted to interests deemed to be of significantly less importance.

**Art. 14** A person shall not be punished on account of an act committed before he or she attained the age of 15 years.

**Art. 15** A person who was, at the time an act was committed, totally unable to control his/her actions on account of mental disease, retardation or deterioration, or on account of impaired consciousness or other similar condition, shall not be punished.

**Art. 16** A mentally deranged person, such as on account of retardation, deterioration, sexual abnormality or other disturbance, without this condition being as serious as defined in Art. 15, shall be punished if punishment is, under the circumstances and after medical opinion has been sought, deemed likely to reap results.

If an institution for persons mentioned in this Article comes into being, a Criminal Judgment may provide that the offender may serve his/her [punishment] <sup>1)</sup> there.

<sup>1)</sup> *Act 82/1998, Art. 1.*

**Art. 17** A penalty shall be ordered although an offence has been committed under the heavy influence of alcohol or other drugs. A penalty shall, however, not be ordered if the offender was completely unconscious, unless he or she knew in advance, or had full reason to expect, that the offence would be committed under such influence or that the offence would follow from this his/her condition.

**Art. 18** A person shall only be made criminally responsible under this Act if his/her offence was intentionally or negligently committed. A penalty shall not be ordered on account of a negligently committed offence unless expressly provided for in the Act.

**Art. 19** If the criminality of an act, or an increased penalty on account of an offence, is in this Act made subject to the condition that certain consequences result from its commission, that condition shall not be deemed fulfilled unless the consequences are at least ascribed to the defendant's negligence or deemed to have resulted from the

defendant's failure to avert as far as possible the danger caused by the act, immediately when the defendant became aware of it.

## **[Chapter II A. Criminal Liability of Legal Persons.]<sup>1)</sup>**

<sup>1)</sup> *Act 140/1998, Art. 1.*

**[Art. 19 a.** A legal person shall be ordered to pay a fine if this is provided for by Law.]<sup>1)</sup>

<sup>1)</sup> *Act 140/1998, Art. 1.*

**[Art. 19 b.** Provisions of Law on the criminal liability of legal persons shall, subject to any limitations provided for therein, apply to any entity who while not being a natural person is capable of enjoying rights and bearing duties under Icelandic Law, including public limited liability Companies, private limited liability Companies, Companies with mixed liability of owners, European Interest Groupings, partnership Companies, co-operative societies, public associations, independent foundations, administrative authorities, institutes and Municipalities.]<sup>1)</sup>

<sup>1)</sup> *Act 140/1998, Art. 1.*

**[Art. 19 c.** Subject to provisions in Law, a legal person can only be made criminally liable if its spokesman, employee or other person acting on its behalf has committed a criminal and unlawful act in the course of its business. Penalties shall be imposed even if the identity of this legal person has not been established. Administrative authorities can only be made criminally liable if a criminal and an unlawful act has been committed in the course of an operation deemed comparable to the operations of private entities.]<sup>1)</sup>

<sup>1)</sup> *Act 140/1998, Art. 1.*

## **Chapter III. Attempt and Participation.**

**Art. 20** Any person who has resolved to commit an act punishable under this Act and has clearly demonstrated this resolve by an act aimed at commission or designed as such is, if the offence has not been completed, guilty of an attempted offence. For an attempted offence, a lower penalty may be ordered than for a completed offence. This shall, in particular, be done in cases where the attempt indicates that the offender is less dangerous and his/her resolution not as firm as that of persons who complete such offences.



If the attempt could not have led to a completion of the offence because of the interests threatened or the act itself, a penalty may be cancelled.

**Art. 21** Penalty shall not be ordered on account of an attempted offence if the offender of his/her own accord abandons his/her intention to commit the offence before it has been completed, provided the commission of the offence has not been thwarted or an impediment or other fortuitous occurrence have prevented the offender's design from being achieved and the offender has, in addition, if he/she has by his/her act caused or expected a danger of completion, prevented its completion or taken measures that would have prevented it, if completion had not been thwarted for other reasons without his/her knowledge or proved impossible.

**Art. 22** Any person who in word or deed provides aid in the commission of a punishable act defined in this Act, or takes, by persuasion, exhortation or otherwise a part in committing such act, shall be punished as provided for in the provision applying to the offence.

If the role of a participant in the commission of an offence is of minor nature, or if it involves the strengthening of another person's resolve already formed, if the offence has not been completed, or if the planned participation has failed, penalty may be ordered which is lower than that prescribed in the applicable provision.

In a situation defined in para. 2 and also when a person has become a participant in the commission of an offence by inadvertence penalty may be cancelled if the act comes under a penal provision providing for a penalty not heavier than [up to 1 year';;s imprisonment.] <sup>1)</sup>.

If an offence has been completed, a person who aids the offender himself/herself or any other person in maintaining an unlawful situation created by the offence, or enjoys any profits created thereby shall be punished in accordance with the provisions of this Article subject to any other statutory provisions which may apply to his/her act.

<sup>1)</sup> Act 82/1998, Art. 2.

**Art. 23** An accessory shall not be subjected to penalties if he or she does in the manner stated in Art. 21 avert the offence or takes measures that would have prevented the offence if its commission had not been thwarted for other reasons without the accessory's knowledge, failed or proved impossible.

## **Chapter IV. Rules of Indictment.**

**Art. 24** Every punishable act shall be subject to official indictment, unless otherwise expressly provided for by Law.

**Art. 25** If official prosecution authorities do not initiate litigation on account of an offence, or if such authorities shall only prosecute if a claim is made to that effect, only the victim may initiate litigation or make the claim.

If a victim is a minor, his/her legal guardian according to Law shall take the victim's place. If deemed necessary, a special guardian may be appointed for this purpose.

If a victim is deceased or if an act committed against a deceased person is punishable, the husband or wife of the deceased, his or her parents, children, adopted children, [grandchildren] <sup>1)</sup> and siblings are entitled to initiate litigation or request official prosecution.

<sup>1)</sup> *Act 39/2000, Art. 1.*

**Art. 26** In case an act is only punishable if the victim requests official prosecution, official investigation shall not be commenced until the claim has been submitted. If an act has been committed against more than one person a claim submitted by one of the victims shall suffice and if litigation is not to be initiated by a public authority each victim may initiate civil litigation.

If two or more persons are entitled, under para. 2 or 3 of Art. 25, to make a claim for official prosecution, but the persons concerned do not agree on whether to make such claim, the official prosecution authority shall decide whether to prosecute.

**Art. 27** A claim for official prosecution shall not be granted if any person who may be jointly responsible for the act is exempted, except if the official prosecution authority may grant its approval. If it appears, after a claim has been submitted that more persons are guilty than has previously been known, the person making the claim shall be asked whether punishment of those persons is also claimed.

**Art. 28** If punishment shall only be ordered upon a claim for punishment made in private litigation, criminal liability shall be dropped if the victim abandons his or her right to prosecute or abandons a commenced prosecution, or otherwise relinquishes this right prior to Judgment of the Case being decided before a District Court.

?<sup>1)</sup>

A person who has revoked a claim for prosecution cannot later make that claim, unless approved by the official prosecution authority.

<sup>1)</sup>*Act 19/1991, Art. 194.*

**Art. 29** The right to request official prosecution or to initiate civil litigation shall be dropped if the claim is not made or the litigation initiated before 6 months have passed from the time the person possessing authority obtained knowledge of the offender. If a victim has died before the expiry of this period a person succeeding the victim can always make a request for prosecution or initiate civil litigation during the three months following the victim's death, although the period would else have expired by then. If the offenders are more than one and the respite to claim official prosecution against any one of them has expired, a claim for official prosecution against the others shall be subject to approval by the prosecution authority.

If civil litigation has not resulted in adjudication of a claim for punishment, a new litigation may be initiated until the period of six months has expired. A request for official prosecution may also be made or civil litigation initiated during the three months following cancellation of a Case.

**Art. 30.** ?<sup>1)</sup>

<sup>1)</sup> *Act 19/1991, Art. 194.*

## **Chapter V. On the Penalties.**

**Art. 31** [Penalties in accordance with this Act are imprisonment and fines. Imprisonment shall be specified in days, months or years. A day shall mean 24 hours, a month 30 days and a year 360 days.]<sup>1)</sup>

<sup>1)</sup>*Act 82/1998, Art. 3.*

**Art. 32** ?<sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 4.*

**Art. 33** ?<sup>1)</sup>

<sup>1)</sup> *Act 48/1988, Art. 31.*

**Art. 34** Imprisonment may be imposed for life or for a certain period not shorter than 30 days and not longer than 16 years.

Where imprisonment is provided for this refers to imprisonment for a certain period, unless otherwise expressly stipulated.

**Art. 35 - Art. 39** ?<sup>1)</sup>

<sup>1)</sup> *Act 48/1988, Art. 31.*

**Art. 40** [When a prisoner has served two-third of the sentence imposed the Prison and Probation Administration may decide to release the prisoner on probation.

Release on probation may, however, be granted in special situations when half a sentence has been served.

Release on probation shall not be granted if this is deemed inadvisable with a view to a prisoner's situation, it being certain that the prisoner has a suitable place at which to stay and employment or other circumstances by which the prisoner's support is ensured. A declaration shall be obtained from the prisoner to the effect that he/she is willing to obey the conditions laid down for release on probation.

A prisoner released on probation shall be handed a certificate stating the conditions laid down for the release and the consequences of failure to meet the conditions.

Release on probation shall not be granted in cases when a part of a sentence is unconditional and a part conditional. The same applies when a prisoner serves a term of imprisonment in lieu of a fine.] <sup>1) 2)</sup>

<sup>1)</sup> *Act 24/1999, Art. 1.* <sup>2)</sup> *Regulations 29/1993.*

**Art. 41** [The period of release on probation shall be up to 3 years. If the term of imprisonment to be served is longer than 3 years the period may be determined for up to 5 years.

Release on probation shall be granted on the condition that the prisoner does not commit another offence during the period of the release. The condition may furthermore be laid down that the prisoner be subject to supervision and control by the Prison and Probation Administration or another party as the Administration may decide, during a part of the period of release or the entire period. Release on probation may also be made subject to some or all of the conditions provided for in para. 3 of Art. 57. A condition of commitment to an institution can, however, not exceed the period of the sentence.

The Prison and Probation Administration make the decisions in accordance with para. 1 and 2 and can, with a view to changed circumstances, revoke the conditions in part or in full.] <sup>1) 2)</sup>

<sup>1)</sup> Act 24/1999, Art. 2. <sup>2)</sup> Regulations 29/1993.

**Art. 42** [If a person commits a new offence after release on probation and a criminal investigation is commenced by the police against that person as a suspect before the probation period has expired, the Court dealing with the Case shall impose a penalty for that offence jointly with regard to the sentence not served, in accordance with the provisions of Art. 60, assessing a sentence of imprisonment under the old Judgment in the same manner as a conditional sentence.

If a person in other respects fails to meet the conditions laid down the Prison and Probation Administration may decide whether to change the conditions and to extend a period of probation and/or supervision up to its lawful maximum, or decide that the party serve the period remaining of his/her sentence.

If a decision is not made to have a party serve a period remaining of his/her sentence, cf. para. 1 and 2, the sentence shall be deemed served in full at the point of time when the person was granted release on probation.

If a decision is made to have a party serve a period remaining of his/her sentence, cf. para. 2, a period of release on probation may be granted anew even if the conditions laid down in para. 1 and 2 of Art. 40 are not fulfilled. In this instance the provisions of Art. 41 governing the length of the period of release on probation shall apply with a reduction by the period of release on probation previously enjoyed.

If a party who has served a part of a sentence of imprisonment is conditionally pardoned it is permissible to make him/her subject to the conditions provided for in para. 1 – 4.] <sup>1) 2)</sup>

<sup>1)</sup> Act 24/1999, Art. 3. <sup>2)</sup> Regulations 29/1993.

**Art. 43** ?<sup>1)</sup>

<sup>1)</sup> *Act 48/1988, Art. 31.*

**Art. 44** ?<sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 7.*

**Art. 45 – Art. 48** ?<sup>1)</sup>

<sup>1)</sup> *Act 48/1988, Art. 31.*

**Art. 49** [Fines shall accrue to the State Treasury, unless otherwise decided by Law.

Fines may be imposed and also [imprisonment], <sup>1)</sup> to which the offence is subject when a defendant has obtained for himself/herself or others, a financial advantage by means of his/her offence or when this has been his/her design.] <sup>2)</sup>

<sup>1)</sup> *Act 82/1998, Art. 8.* <sup>2)</sup> *Act 101/1976, Art. 4.*

**Art. 50** ?<sup>1)</sup>

<sup>1)</sup> *Act 39/2000, Art. 2.*

**Art. 51** [[When the amount of a fine is decided regard shall, as applicable, be had for an offender's income and property, earnings, support obligations and other factors affecting his/her ability to pay and the financial gain or savings resulting from the offence or aimed at by its commission.] <sup>1)</sup>

A penalty alternative to fine cf. Art. 54 shall be imposed without regard for the offender's ability to pay as provided for in para. 1] <sup>2)</sup>

<sup>1)</sup> *Act 140/1998, Art. 2.* <sup>2)</sup> *Act 101/1976, Art. 6.*

**Art. 52** A time limit for payment, not exceeding 6 months, shall be provided for in a Judgment, Settlement or Court Order imposing a fine.

Chiefs of Police undertake the collection of fines. They may allow payment by instalments. [A period for payment longer than 1 year from when an imposition of fine is received for collection shall, however, not be granted.] <sup>1)</sup>

If a fine has not been duly paid, the fine or the amount remaining thereof shall immediately be collected by means of distraint, if possible, except if the Chief of Police consider that its collection would be significantly detrimental to the situation of the offender or persons dependent on his/her support. If not, the Chief of Police shall file a petition for distraint ?<sup>2)</sup>

A fine cannot be claimed from an offender's death estate, except if this is expressly permitted by Law, nor can a fine be collected from any other person than the offender himself/herself.

[An offender who has been ordered to pay a fine cannot claim refund or compensation from any other person on account of its payment.] <sup>3)</sup>

<sup>1)</sup> Act 57/1997, Art. 1. <sup>2)</sup> Act 19/1991, Art. 194. <sup>3)</sup> Act 140/1998, Art. 3.

**Art. 53** [If a fine is not paid it shall be replaced by ?<sup>1)</sup> imprisonment, unless the conduct was not culpable, in which case a reserve penalty shall not be ordered. [If a fine is imposed upon a legal person, no reserve penalty shall be ordered.] <sup>2)</sup> ] <sup>3)</sup>

<sup>1)</sup> Act 82/1998, Art. 9. <sup>2)</sup> Act 140/1998, Art. 4. <sup>3)</sup> Act 101/1976, Art. 7.

**Art. 54** [When a fine is specified the Court shall, in a Judgment, Decree or Settlement determine the alternative period of imprisonment, not being shorter than 2 days and not longer than 1 year.] <sup>1)</sup>

If a fine has been paid in part, the [Chief of Police] <sup>2)</sup> in charge of enforcing sentences of fine shall determine a corresponding reduction of the period of reserve penalty, however not below the above minimum and an amount of fine corresponding to a part of a day shall be served by an entire day.

[ ?<sup>1)</sup>

[The penalty alternative to fines in the amount of up to ISK 100,000, which have not been imposed in Court and which an offender shall pay in accordance with a Settlement in writing concluded with a Chief of Police, shall be imprisonment as provided for in the following table:]<sup>1)</sup>

Fine	Alternative imprisonment
ISK 9,999	2 days
ISK 10,000– 19,999	4 days

ISK 20,000– 29,999	6 days
ISK 30,000– 39,999	8 days
ISK 40,000– 49,999	10 days
ISK 50,000– 59,999	12 days
ISK 60,000– 69,999	14 days
ISK 70,000– 79,999	16 days
ISK 80,000– 89,999	18 days
ISK 90,000–100,000	20 days

A Settlement concluded with a Chief of Police shall state the legal basis for reserve penalty and the duration of [imprisonment] <sup>1)</sup> and the offender's acceptance of the alternative penalty and any other sanctions, shall be secured in writing.] <sup>3)</sup>

<sup>1)</sup> Act 82/1998, Art. 10. <sup>2)</sup> Act 92/1991, Art. 23. <sup>3)</sup> Act 57/1997, Art. 2.

**Art. 55** [Fines and other duties imposed in a manner not provided for in Art. 54 shall be served by imprisonment.

Daily fines shall be served by imprisonment for the period a District Commissioner will decide. Any reference of such a decision to a Court of Law shall be subject to the provisions of the Enforcement Act governing authority to refer to decisions made by a District Commissioner during enforcement proceedings.

Imprisonment as an alternative to fines and duties under this Article shall be determined for a period no shorter than 2 days and no longer than 1 year. If such a payment has been made in part the period of imprisonment shall be reduced correspondingly, however not below 2 days. Indebtedness corresponding to a part of a day will be served by an entire day.] <sup>1)</sup>

<sup>1)</sup> Act 82/1998, Art. 11.

## **Chapter VI. [On Conditionally Suspended Indictment and Suspended Sentences.] <sup>1)</sup>**

<sup>1)</sup> Act 22/1955, Art. 2.



**Art. 56** [When a person has confessed an offence, [a Prosecutor] <sup>1)</sup> may suspend, for a specified period, the issue of an indictment on account of that offence, as follows:-

1. On account of offences committed by young persons of the age of 15 - 21 years.
2. When the situation of the offender is such that supervision or other measures under para. 3, Art. 57, may be considered more likely to have more durable result than a penalty, provided the offence is not such as to necessitate prosecution with a view to public interest.

The period of conditional suspension may not be shorter than 1 year and no longer than 5 years. Generally this period shall be laid down as 2 - 3 years. [The Prosecutor] <sup>1)</sup> shall, in each case, specify the point in time at which the period of suspension commences. When indictment is suspended, the conditions provided for in para. 3, Art. 57, may be laid down as deemed suitable. The conditions may be altered during the period of suspension, including by an extension of the period, however no longer than a total of 5 years.

[The Case of a person may be resumed if police investigation commences against him/her as a suspect prior to the end of the period of suspension on account of a new offence committed during the period of suspension or before a Case was suspended and also if he/she fails to a significant effect to heed the conditions laid down.] <sup>2)</sup>

When [an investigator] <sup>3)</sup> considers that indictment may be suspended under this Article he/she shall refer the matter to [the Prosecutor] <sup>1)</sup> with his/her proposals.

In case the issue of indictment is suspended in accordance with the provisions of this Article [the Prosecutor] <sup>1)</sup> shall meticulously explain the conditions to the offender and clarify for him/her the consequences of a failure to heed these.] <sup>4)</sup>

<sup>1)</sup> Act 84/1996, Art. 12. <sup>2)</sup> Act 24/1999, Art. 4. <sup>3)</sup> Act 19/1991, Art. 195. <sup>4)</sup> Act 2/1955, Art. 3.

**Art. 57** [A Judgment may decide that a decision on the following may be suspended:-

- a. Determination of penalty.

- b. Enforcement of penalty.

The conditional period may not be shorter than 1 year and no longer than 5 years. The period generally determined shall be 2 - 3 years. The time at which the period commences shall be laid down by Judgment on each occasion.

Suspension shall be made subject to the condition that the party does not commit a new offence during the period of the suspension, cf. Art. 60. Suspension may also be made subject to the following conditions:-

1. That the person be subject to the supervision of individual persons, an association or institution. A person shall generally be subject to such supervision if conditions are laid down for him/her in accordance with the provisions of clauses 2 - 5 below.

2. That the person obeys the instructions of the supervisor concerning place of stay, education, employment, interrelation with other persons and use of leisure hours.

3. That the person does not during the conditional period use alcohol or narcotics.

4. That the person accepts commitment to an institution for a specified period if deemed necessary for up to 18 months if rehabilitation from alcohol or drug use is needed or alternatively for up to 1 year.

5. That the person accepts limitations to his/her right of use of his/her income or other control of financial affairs.

6. That the person makes as far as possible financial compensation for damage caused by his/her offence.

?<sup>1)</sup>

The Judge shall meticulously explain to the convicted person the conditions laid down and clarify for him/her the consequences of a failure to heed these. [If a convicted person was not present when a Judgment of the District Court was pronounced, the Judge may entrust to police with the explanation of conditions and consequences of a failure to heed these, at the time the Judgment is served.] <sup>2)</sup> ] <sup>3)</sup>

<sup>1)</sup> Act 101/1976, Art. 8. <sup>2)</sup> Act 39/2000, Art. 3. <sup>3)</sup> Act 22/1955, Art. 4.

**[Art. 57 a.** [A Judgment may provide that up to 3 months of a prison sentence shall be served unconditionally, while conditionally suspending the remainder of a sentence.]<sup>1)</sup>

A fine may be ordered jointly with a conditionally suspended sentence, even if a fine is not provided for as a result of the offence involved.] <sup>2)</sup>

<sup>1)</sup> Act 82/1998, Art. 12. <sup>2)</sup> Act 101/1976, Art. 9.

**Art. 58** [When the condition of supervision is laid down, the Prison and Probation Administration shall exercise the supervision or delegate supervision to another party.

The Administration may, on its own accord or upon the request of a party, change instructions provided in accordance with para. 3, clauses 2, 5 and 6, Art. 57.

In case a party has been subjected to the condition of commitment to an institution according to para. 3, clause 4, Art. 57, the Prison and Probation Administration may

revoke the condition in whole or in part by reason of changed circumstances after having received the recommendations of a person in charge of an institution, if applicable.] <sup>1)</sup>

<sup>1)</sup> *Act 24/1999, Art. 5.*

**Art. 59** [[If a party fails to a significant effect to heed the conditions imposed or instructions given in accordance with para. 3, clauses 1 - 6, Art. 57, the Prosecutor may request the Judge to re-open the Case, provided the conditional period is not over when the police commences investigation of the failure of the person concerned.] <sup>1)</sup>

If a person denies having failed to heed a breach of conditions, or maintains that he/she was unable to heed these by reason of factors outside his/her power, he/she may request judicial determination of the matter. A Decree under this paragraph shall be subject to summary appeal upon the request of [the Prosecutor] <sup>2)</sup> or the party in question. Although conditions have been violated the Judge may, in a formal Decree, decide that the conditional suspension shall remain unaltered, with the conditions modified as applicable, including the duration of the conditional period, provided the maximum period laid down in para. 2, Art. 57, is observed. [A Prosecutor] <sup>2)</sup> may lodge a summary appeal against such a Decree.

If a penalty has not already been ordered the Judge may impose a penalty, either conditionally suspended or unconditional.

If a penalty has already been specified by Judgment the Judge shall rule that it shall be enforced, provided a conditional period is not granted under para. 3 of this Article.] <sup>3)</sup>

<sup>1)</sup> *Act 24/1999, Art. 6.* <sup>2)</sup> *Act 84/1996, Art. 12.* <sup>3)</sup> *Act 22/1955, Art. 6.*

**Art. 60** [[If police investigation is commenced against a suspected person prior to the end of a conditional period, Courts may pronounce an unconditional sentence on account of that offence separately, while leaving the conditional sentence unaltered.] <sup>1)</sup> This shall chiefly be considered if the new offence has not been committed intentionally, or if the penalty on its account is limited to fines. Alternatively the Judge will consider both Cases and pronounce a Judgment on account of both offences. The resulting sentence may be conditionally suspended. If a penalty is ordered its determination shall be specified in accordance with the rules of Art. 77 if the new offence has been committed after the Judgment of the District Court was rendered, but under the rules of Art. 78 if the offence was committed prior to that time.] <sup>2)</sup>

<sup>1)</sup> *Act 24/1999, Art. 7.* <sup>2)</sup> *Act 22/1955, Art. 7.*

**Art. 61** [When a penalty is not ordered or if it is cancelled subject to the provisions of this Chapter, the sentence shall not have repetitive effect.

?<sup>1)</sup> ] <sup>2)</sup>

<sup>1)</sup> *Act 17/1962, Art. 5.* <sup>2)</sup> *Act 22/1955, Art. 8.*

## **Chapter VII. On Security Measures, Deprivation of Civil Rights and Confiscation of Assets**

**Art. 62** If a person is acquitted under the provisions of Art. 15 or a Court finds, in accordance with the provisions of Art. 16, that a penalty would not reap result, a Judgment may, if necessary with a view to judicial security, provide for measures to be taken in order to prevent danger ensuing from the person in question. If it may be assumed that more moderate measures, such as bail, prohibition against stay in particular places, or deprivation of legal rights will not be successful, it may be ordered that the person be committed to a suitable institution. The Supreme Court shall then appoint for the person a supervisor who shall control that his/her stay at the institution will not be longer than necessary. The Minister of Justice may when necessary seek the determination of the District Court where the institution is located and after medical opinion has been obtained as to whether the measures in question shall still be deemed necessary. The supervisor may likewise make such a request when a year has passed as of the Judgment or the District Court's last decision or at an earlier stage, if the Minister of Justice approves a new submission of the Case to the Court referred to above. The decision of the District Court may be subject to summary appeal as provided for in criminal Cases.

**Art. 63** If a person's condition as defined in Articles 15 or 16 has become chronic after the commission of a punishable act, but before a final Judgment is rendered in his/her Case, the Court shall decide whether a penalty shall be ordered or cancelled. If the conditions referred to in Art. 62 are deemed to apply, the Judgment may provide that the measures referred to therein shall be applied instead of a penalty or until enforcement of the penalty is considered possible.

**Art. 64** ?. <sup>1)</sup>

<sup>1)</sup> *Act 31/1961, Art. 4.*

**Art. 65** [If deemed apparent with a view to the circumstances of a case and after medical opinion has been obtained that an offender who has committed an offence under the influence of alcohol cannot control his/her craving, Judgment may provide for his/her commitment for cure to a suitable institution.] <sup>1)</sup> Judgment shall then provide for a stay at the institution for up to 18 months, or up to 3 years in repeated cases. The Minister of Justice decides, having obtained the recommendations of the management of the institution and the doctor in question, whether the person may be released from the institution before the aforementioned maximum period has expired, on the assumption that he/she has been cured.

<sup>1)</sup> *Act 31/1961, Art. 5.*

**Art. 66** If a person intimidates another person or threatens him/her with death, arson or other harm and a penalty can either not be imposed or is not deemed to provide adequate security, the prosecution authorities can, upon the request of the party concerned, or without such a request if deemed necessary with a view to judicial security, take the initiative to have a Court Order issued on measures to prevent the threat from being carried out, including bail by the person making the threat, or the placing of that person in custody. A Court may cancel the measures if these are no longer deemed needed in view of changed circumstances.

If the prosecution authority so requests, the matter may always be referred to a Court decision anew. The person against whom a Court Order is directed can, when 6 months have passed since a Judgment or the latest Court decision was rendered or at an earlier date with the approval of the prosecution authority, request that the matter be officially referred to a Court anew.

Court decisions rendered in accordance with this Article may be subject to summary appeal as provided for in criminal Cases.

**Art. 67** If a person has been sentenced to [imprisonment] <sup>1)</sup> and it is deemed highly likely with a view to the nature of his/her offence, his/her mental condition and his/her previous conduct, that he/she will commit an offence as a habitual offender or for professional purposes and consequently poses a danger to his/her environment, the Judgment sentencing him/her, or a later Judgment rendered upon request of the prosecution authorities, may provide that security measures as provided for in Art. 66 shall be applied when sentence has been served. Such measures may be discontinued as provided for in Art. 66.

<sup>1)</sup> *Act 82/1998, Art. 13.*

**Art. 68** [In case a civil servant commits an offence he/she may, in a criminal litigation against him/her, be deprived of authority to exercise his/her public functions if he/she is no longer deemed worthy or suited.

A person convicted of an offence may, in criminal litigation against him/her, be deprived of authority he/she has acquired to pursue an occupation for which an official licence, authorization, appointment or examination is required, provided the offence indicates that there is considerable danger that the guilty person will commit an offence in his/her position or occupation. In case of a grave offence a person can also be deprived of the aforementioned right if he/she is no longer considered worthy of pursuing the occupation or enjoying the rights.

A person may be deprived of the rights referred to in para. 2 for a specified period of up to five years or for life.

Special provisions in Law providing for deprivation of rights referred to in para. 1 and 2 shall remain in effect.

Deprivation of rights is counted as of the point in time provided for in a Judgment and, at the latest as of the time Judgment is served.

In case an Icelandic citizen or a person resident in this Country is deprived of rights abroad by a Judgment rendered on account of a punishable act, the prosecution authorities may initiate criminal litigation against him/her for deprivation of rights. The same applies if a person has been sentenced abroad, even if deprivation of rights has not been ordered. Decision on the above deprivation of rights is subject to Icelandic Law.]<sup>1)</sup>

<sup>1)</sup> *Act 31/1961, Art. 6.*

[**Art. 68 a.** In case a person is denied a public office or an official occupational licence as he or she has committed a punishable act, the administrative rejection may be referred to the Courts in accordance with the rules of criminal procedure. The resolution of the District Court shall be subject to summary appeal to the Supreme Court.

If a person has been deprived of rights permanently by a Judgment in a criminal Case that person may, when 5 years have passed from the time Judgment was rendered, refer to the Courts, in accordance with the rules on criminal procedure as to whether deprivation of rights shall be cancelled. The resolution of the District Court shall be subject to summary appeal to the Supreme Court. Special provisions in Law providing for cancellation of such deprivation shall remain in effect.]<sup>1)</sup>

<sup>1)</sup> *Act 31/1961, Art. 7.*

**Art. 69** Confiscation by Judgment is allowed in respect of:-

1. Objects originating from an offence or used for its commission, except if these be in the ownership of a person not implicated in the offence in any manner.
2. Objects which may be assumed to be intended for a criminal purpose, provided this is deemed necessary having regard for judicial security.
  
3. Objects or proceeds acquired by a criminal offence to which no party has a lawful claim or a monetary amount corresponding to such proceeds [or objects purchased for such gain. If full proof of the value of the proceeds cannot be adduced, the Judge may assess the amount thereof.] <sup>1)</sup>

Subject to statute provisions providing for a different arrangement, the confiscated property shall accrue to the State Treasury. If anyone has suffered loss by reason of the offence he/she shall, however, have priority to the value if compensation cannot be obtained by other means.

If an association is dissolved by Judgment its assets shall be confiscated to the State Treasury and public authorities shall then take its books and records for safekeeping.

<sup>1)</sup> *Act 10/1997, Art. 2.*

## **Chapter VIII. Factors Influencing Determination of Penalty**

**Art. 70** When imposing a penalty the following factors shall in particular be taken into account:-

1. The importance of the interests affected by the offence.
2. The extent of damage caused by the offence.
3. The danger ensuing from the commission of the offence, in particular when considering the time, place and method of commission.
4. The age of the offender.
5. The recent behaviour of the offender.
6. The strength and degree of the offender's resolve.
7. The motive of the offender.
8. The offender's conduct following upon the commission of the offence.
  
- [9. Whether the offender has provided information on the involvement of other parties to the offence.] <sup>1)</sup>

If an offence has been committed by more than one person acting together, this shall generally be viewed as an aggravating factor of penalty.

<sup>1)</sup> *Act 39/2000, Art. 4.*

**Art. 71** When the Law provides for or authorizes an increased penalty or alternative sanctions in case of a repeated offence, such provisions shall not be applied unless the offender has, prior to the commission of the latter offence, been found guilty in this Country, or sentenced on account of an offence having repetitive effects concerning that offence or on account of an attempt to commit such offence or as an accomplice in the commission of such offence and if the offender had, in addition, attained the age of 18 years when the former offence was committed.

The Courts may decide that criminal sentences pronounced abroad shall have repetitive effects as if these had been pronounced in this Country.

Repetitive effects shall lapse if 5 years have passed as of the enforcement of the former sentence, or from the time when the former sentence was cancelled or its enforcement abandoned, until the later offence was committed. If the former sentence imposed fines the period shall, however, be counted as of the date when a final Judgment was rendered or the payment of a fine was accepted.

**Art. 72** If a person commits one or more offences habitually or professionally the penalty ordered may be increased by an addition of up to one half thereof. If this is repeated the penalty ordered may be doubled.

**Art. 73** If a prisoner who is serving a sentence or is kept in custody for other reasons is found guilty of an offence against Articles 106, ?,<sup>1)</sup> 126, 127, 164, 211, 217, 218, 225, 226, 233 or para 2. Art. 257, the penalty ordered may exceed the limits provided for in these provisions, however not beyond double the penalty provided for therein. In such cases a penalty lower than [imprisonment]<sup>2)</sup> shall not be ordered. ?]<sup>2)</sup>

The provisions of the first sentence of the immediate preceding paragraph may also be applied if a person who has served a prison sentence has committed an offence referred to therein against the officers or personnel of the penal institution where he/she served his/her sentence or an offence against the institution and its property and also if a person who has served a prison sentence commits a violation of the provisions of Art. 111 in relation to prisoners serving a sentence in the penal institution where his/her sentence was served.



If a person who has been sentenced to prison for life and has not been pardoned commits a new offence in the prison or outside the prison, the Judgment in his/her Case shall decide the penalty that would have been ordered if the former penalty had not been imprisonment for life. Sanctions under Art. 47 can also be ordered in such a case and the period under para. 3 of that Article may be doubled.

<sup>1)</sup> Act 71/1995, Art. 1. <sup>2)</sup> Act 82/1998, Art. 14.

**Art. 74** The penalty provided for by Law in consequence of an offence may be reduced below the minimum provided for therein, in the following circumstances:-

1. When a person has exceeded the limits of permissible self-defence or defence of other lawful interests.
2. When an offence has been committed by a person then under 18 years of age, if full penalty is deemed unnecessary or harmful with a view to the offender's youth. The penalty ordered in Cases of persons who have not attained this age may never exceed 8 years in prison.
3. When the offender, by reason of excusable ignorance or misunderstanding of the Law prohibiting an act, believed his/her act not to constitute an offence.
4. When a person has committed an offence in a mental state of great anger or mental agitation evoked by the victim by unlawful assault or grave insult.
5. If a person relents to the commission of an offence as a result of dependence upon another person.
6. If a person has committed an offence as a consequence of duress which is not of such a nature as to make his/her act not punishable in any respect.
7. If the offender has on his/her own accord, after the completion of his/her offence, averted the danger resulting therefrom.
8. If the offender has of his/her own accord made full compensation for the damage caused by the act and also when the offender has, on his/her own accord, endeavoured to prevent the harmful effects of the offence or to make compensation for it as far as possible.
9. If a person informs of his/her offence on his/her own accord and freely provides an account of all the relevant facts.

In cases referred to in para. 1 - 8 above it may be decided that penalty can be cancelled in full.

**Art. 75** If a person has committed an offence in a state of high mental agitation, by reason of other brief mental imbalance or if his/her offence is not deemed nearly as punishable as usual for similar offences, the penalty may be reduced and even cancelled if the penalty on account of that offence does not exceed [1 year in prison].<sup>1)</sup> If the offender's condition is of his/her own making as a result of the use of alcohol the above provisions shall only be taken into consideration in cases of mitigating circumstances and if the offender has not been previously found guilty of the same or similar offence or of a violation of para. 1 or 2 of Art. 123.

...<sup>2)</sup>

<sup>1)</sup> Act 82/1998, Art. 15. <sup>2)</sup> Act 22/1955, Art. 9.

**Art. 76** If an offender has been remanded in custody for a reason not pertaining to his/her conduct during the proceedings or the investigation of his/her Case, the Judgment shall provide that his/her custody shall replace the penalty in part or in full.

**Art. 77** If it is discovered while a particular criminal Case is in progress that the suspect has committed more than one offence, the penalty on account thereof shall be imposed jointly, taking into account all offences, but if the penalty on account of the most serious offence is imprisonment for life, no further penalty shall be imposed on account of the other offences.

The penalty shall generally be ordered within the limits of the penal provision applying to the offences in question and if the offences do not come under the same penal provision the penalty ordered shall be within the limits of the penal provision applying to the most serious offence. The penalty may, however, be increased by an addition of up to one half thereof according to the facts of the Case. Nevertheless the Courts may, when a person is sentenced simultaneously on account of a grave offence and an insignificant offence by comparison, apply even the lowest penalty provided for on account of the graver offence.

...<sup>1)</sup>

When a sentence is pronounced on account of two or more offences jointly with [imprisonment]<sup>1)</sup> provided for on account of one or some offences and fines on account of others, the Court may impose fines jointly with [imprisonment.]<sup>1)</sup>

<sup>1)</sup> Act 82/1998, Art. 16.

**Art. 78** If a person who has been sentenced on account on one or more offences is found guilty of having committed other offences before the Judgment in his/her Case was rendered, an additional penalty shall be imposed corresponding to the increase in penalty that would have been ordered if a Judgment relating to all the offences had been rendered in the previous Case. [Then imprisonment of a duration shorter than 30 days may be ordered.]<sup>1)</sup>

?.<sup>2)</sup>

<sup>1)</sup> Act 82/1998, Art. 17. <sup>2)</sup> Act 48/1988, Art. 31.

**Art. 79** [Where the Law allows an increased penalty on account of an offence, the limits provided for in Art. 34 shall not prevent sentences of imprisonment for a period of up to 20 years.]<sup>1)</sup>

<sup>1)</sup> Act 82/1998, Art. 18.

## **Chapter IX. [Limitations of Criminal Liability, Cancellation of Sanctions and Restoration of Civil Rights.]<sup>1)</sup>**

<sup>1)</sup> Act 20/1981, Art. 3.

**Art. 80** [Criminal liability shall be time-limited as provided for in Articles 81 and 82. This also applies to offences against special penal statutes, except if a different order is provided for therein.]<sup>1)</sup>

<sup>1)</sup> Act 20/1981, Art. 4.

**Art. 81** [Criminal liability shall be limited as follows:-

1. To 2 years if the prescribed penalty does not exceed 1 year in prison, or if the penalty deemed applicable does not exceed fines.
2. To 5 years if the prescribed penalty does not exceed 4 years in prison.
3. 10 years if the prescribed penalty does not exceed 10 years in prison.
4. [15 years, if the maximum penalty prescribed exceeds imprisonment for a definite period longer than 10 years.]<sup>1)</sup>

[Criminal liability for offences involving evasion of customs duties, taxes or other charges payable to public authorities is never shorter than 5 years.]<sup>1)</sup>

If a person is guilty of conduct punishable under more than one penal provision, the limitation period shall be based on the provision for the heaviest penalty.]<sup>2)</sup>  
[Criminal liability of a legal person shall be limited to 5 years.]<sup>3)</sup>

<sup>1)</sup> Act 63/1998, Art. 1. <sup>2)</sup> Act 20/1981, Art. 5. <sup>3)</sup> Act 39/2000, Art. 5.

**Art. 82** [Time limitation shall be counted as of the day when a punishable offence or inactivity ended. [Time limitation periods on account of violations against the provisions of Articles 194-202 shall, however, only begin on the day when the victim reached the age of 14 years.]<sup>1)</sup>

In case the criminality of an act depends partially or totally on a certain consequence resulting from the act, the limitation shall not begin until the consequence is revealed. Likewise, if criminal liability depends on the occurrence of a certain event after an act has been carried out, the time limitation shall only begin when the event has occurred.

If an offence is committed on board an Icelandic vessel or aircraft outside Icelandic [jurisdiction]<sup>1)</sup>, the time limitation shall only begin when the vessel or aircraft has arrived at an Icelandic port. The period shall, however, begin no later than 1 year after the commission of the offence.

[A time limitation shall be severed when a criminal investigator commences investigation against a suspected person. In Cases which police may under Law conclude by Settlement, the time limitation shall be severed when the police charges a person with an offence and notifies him/her of an offer of Settlement. In other cases where an administrative authority is authorized by Law to determine a penalty on account of an offence, the time limitation shall be severed when the administrative authority charges the person with such an offence. [In case a time limitation is severed vis-à-vis a spokesman of a legal person, the employee of a legal person or another person working under the auspices of the legal person, the period shall also be severed with respect to the legal person. The severance of a time limitation vis-à-vis a legal person shall not lead to severance of time limitation with respect to a person representing the legal person, an employee of the legal person or others under his/her auspices.]<sup>2)</sup> ]<sup>1)</sup>

[An investigation as provided for in the para. 4 shall not sever a time limitation if the Investigator discontinues the investigation, a Prosecutor decides not to prosecute the suspected party, or if a Prosecutor revokes an indictment. This shall also apply if investigation is suspended for an indefinite period. In case a criminal investigation is suspended by reason of a suspect's evasion this will sever the time limitation, but the time during which the investigation was conducted shall not be included therein. If a Case is dismissed from the District Court and measures are not taken to amend the flaws in the Case preparation within 6 months as of the day when the Case was dismissed, the prior investigation already conducted shall not sever the time limitation.]<sup>1)</sup>

If criminal liability has expired in accordance with the above, penalties cannot be ordered on account of the act and the sanctions provided for in Articles 62 – 67 cannot be ordered. The same shall apply to confiscation of assets and deprivation of rights as provided for in para. 2, Art. 148, and para. 2, Art. 241. The time limitation relating to confiscation shall not be shorter than 5 years; however, the time limitation relating to confiscation as provided for in para. 1, clause 3, Art. 69 and in comparable special criminal provisions, shall be 10 years, if a different measure is not provided for therein.]<sup>3)</sup>

<sup>1)</sup> Act 63/1998, Art. 2. <sup>2)</sup> Act 140/1998, Art. 5. <sup>3)</sup> Act 20/1981, Art. 6.

**Art. 83** [[Imprisonment]<sup>1)</sup> or institutional commitment ordered by Judgment shall be cancelled if its enforcement has not begun within the following periods:-

1. 5 years, if the penalty ordered is ?<sup>1)</sup> imprisonment for up to 1 year, or if commitment to an institution has been ordered as provided for in Art. 65.
2. 10 years, if the penalty ordered is imprisonment exceeding 1 year and up to 4 years, which shall also apply to sanctions under Articles 62, 66 and 67 ordered by Judgment.
3. 15 years, if the penalty ordered is imprisonment for more than 4 years and a maximum of 8 years.
4. 20 years, if a time-limited period of imprisonment is ordered for a period exceeding 8 years.

The above time limitation shall begin when a sentence becomes enforceable as generally provided for in Law.

The period of a conditionally suspended sentence or a period during which a person is committed to [prison]<sup>1)</sup> or other institution as provided for in another Judgment shall not be counted as a time limitation. The same applies to conditional pardon; however, time limitation shall not be extended any further than corresponding to the conditional period. A time limitation shall be severed when the enforcement of a sentence is commenced. In case a prisoner has served a part of a Judgment involving [imprisonment]<sup>1)</sup> or commitment to an institution, having been granted release on probation or conditional pardon and a decision is taken to have him/her serve the remainder of [imprisonment]<sup>1)</sup> or institutional commitment, the time limitation to the enforcement of his/her sentence and other sanctions ordered shall be counted from the time when the decision was made. If the enforcement of a sentence or other sanctions under para.1 is suspended for reasons other than those referred to in this paragraph, the time limitation shall be counted from the time when the suspension commenced.]<sup>2)</sup>

<sup>1)</sup> Act 82/1998, Art. 19. <sup>2)</sup> Act 20/1981, Art. 7.

**Art. 83 a.** A fine ordered by Judgment, Decree or Settlement shall not be enforceable after 3 years have passed from the date the Judgment, Decree or Settlement first became enforceable. If the fine amounts to ISK 60,000 or thereover this period shall, however, be 5 years.] <sup>1)</sup>

[If the payment of a fine has been secured by distraint or another similar means within a time limitation as provided for in para. 1, the period shall be extended by 2 years.] <sup>1)</sup>

A penalty alternative to fine, cf. Art. 53, is dropped under the provisions of [para. 1 and 2] <sup>1)</sup>, unless enforcement has commenced prior to the time limits provided for therein.

Confiscation provided for by Judgment, Decree or Settlement shall be annulled when 5 years have been passed from the time when the confiscation could be enforced. A time limitation of 10 years may, however, be provided for by Judgment. The provision of the para. 2 also applies to confiscation.

The period during which enforcement is suspended due to a Judgment providing for a conditional suspension or due to a conditional pardon shall not be included in a time limitation.] <sup>2)</sup>

<sup>1)</sup> *Act 63/1998, Art. 3.* <sup>2)</sup> *Act 20/1981, Art. 8.*

[**Art. 83 b.** A Judgment, Decree or Settlement providing for penalties or other sanctions under Chapter VII cannot be enforced following the death of the sentenced person, cf. however, para. 2, except if expressly provided for in Law.

In case a Judgment, Decree or Settlement providing for confiscation has not been enforced in part or in full upon the death of a sentenced person, the Prosecutor General can require the Judge of the District Court in the offender's last venue to order by Decree the enforcement of the confiscation, provided the confiscation results from the offender's gain from an offence or relate to objects originating from the offence. The Judge may, however, alter the provision on confiscation by substituting confiscation of a specific sum for confiscation of an object. The heirs of the deceased can appeal against the judicial decision as provided for in the [Code of Criminal Procedure] <sup>1)</sup>.

The provisions of a Judgment rendered with respect to para. 2, Art. 148 and para. 2, Art. 241, can be enforced after the death of a sentenced person.] <sup>2)</sup>

<sup>1)</sup> *Act 92/1991, Art. 23.* <sup>2)</sup> *Act 20/1981, Art. 9.*

**Art. 84** ?<sup>1)</sup> In case a person has been sentenced for the first time on account of an offence with the consequence that the offender's civil rights are affected and the penalty ordered does not exceed 1 year in [prison,] <sup>2)</sup> that person shall, when 5 years have passed from the time the sentence was served in full, completed due to time limitations or abandoned,

he/she may enjoy all rights granted through restoration of civil rights, provided the person has not been indicted during the period on account of an offence subject to a heavier penalty than fines.

<sup>1)</sup> *Act 22/1955, Art. 9.* <sup>2)</sup> *Act 82/1998, Art. 20.*

**Art. 85** When 2 years have passed of the period referred to in para. 2 of Art. 84 and subject to the other conditions provided for therein, [the President] <sup>1)</sup> can grant restoration of civil rights to a person whose conduct has been good during the period.

[The President] <sup>1)</sup> can also grant restoration of rights to a person when at least 5 years have passed since his/her sentence was served in full due to time limitations or abandoned, if the applicant provides accepted and valid evidence of good conduct during this period.

[Restoration of civil rights can be granted in special situations, even if the period of a sentence is shorter than provided for in para. 2 and even if the time passed is not longer than provided for in para. 1] <sup>2)</sup>.

<sup>1)</sup> *Act 100/1951, Art. 4.* <sup>2)</sup> *Act 36/1944, Art. 1.*

## **Chapter X. High Treason**

**Art. 86** Anyone becoming guilty of an act aimed at an attempt by means of force, threat of force, other compulsion or treachery to bring the Icelandic State or part thereof under foreign rule or else to take some part of the State out of its administration, shall be subject to imprisonment for no less than 4 years or for life.

**Art. 87** In case a person establish an alliance with the Government of a foreign State for the purpose of engaging in hostile undertakings or hostilities with the Icelandic State or its allies without the act being subject to Art. 86, this will be subject to imprisonment for no less than 2 years or for life. In case this be done for the purpose of inducing a foreign State to infringe the Icelandic State's right of self-determination in another manner, this will be subject to imprisonment for up to 8 years.

**Art. 88** [Anyone who does officially in speech or in writing recommend or support the idea that a foreign State embark upon hostile undertakings with the Icelandic State or intervene in its affairs and anyone causing danger of such intervention by means of

insults, bodily assault, damage to property and other acts which are likely to cause such hazard, shall be subject to? <sup>1)</sup> imprisonment for up to 6 years. In case a violation be deemed very insignificant fines may be imposed as penalty.] <sup>2)</sup>.

<sup>1)</sup>Act 82/1998, Art. 21. <sup>2)</sup> Act 47/1941, Art. 1.

**Art. 89** In case an Icelandic citizen does in hostilities carry arms against the Icelandic State or its allies, this will be subject to imprisonment for no less than 2 years. The same penalty shall be applied to anyone who does during hostilities or impending war render enemies of the Icelandic State aid in word or in deed or weakens the power of resistance of the Icelandic State or its allies.

**Art. 90** In case a person does during hostilities or while war is impending violate an agreement or obligation which concerns arrangements made by the Icelandic State on account of hostilities or danger of war, he/she shall be subject to ? <sup>1)</sup> imprisonment for up to 3 years.<sup>1)</sup>

In case a person has done so through gross negligence he/she shall be punished by means of fines or [imprisonment for up to 1 year.]<sup>1)</sup>

<sup>1)</sup> Act 82/1998, Art. 22.

**Art. 91** Anyone who makes known, reports or does in another manner disclose to persons not concerned secret agreements, contemplations or resolutions of the State relating to matters on which its fortune or rights against other States depend or which are of major financial or commercial importance for the Icelandic nation in relation to foreign countries, shall be subject to imprisonment for up to 16 years.

The same punishment shall be applied to anyone falsifying, destroying or concealing a document or other articles on which the State's fortune or rights against other States depend.

The same punishment shall furthermore be applied to anyone who has been charged by the Icelandic State with negotiating or deciding something which another State and if he/she forfeits the interests of the Icelandic State in the course of that commission.

In case the act referred to in para. 1 and para. 2 above have been committed by inadvertence, the penalty shall be ? <sup>1)</sup> imprisonment for up to 3 years, or fines if special mitigating circumstances are at hand.<sup>1)</sup>



<sup>1)</sup> *Act 82/1998, Art. 23.*

**Art. 92** Anyone who deliberately or by inadvertence makes known, describes or explains to persons not concerned secret military defence arrangements made by the Icelandic State shall be subject to ? <sup>1)</sup> imprisonment for up to 10 years, or fines in case of merely minor offence.

The same punishment shall be applied to anyone who deliberately or by inadvertence endangers the position of neutrality of the Icelandic State, assists a foreign State in infringing its neutrality, or violates a prohibition which the State has laid down for the protection of its neutrality.

<sup>1)</sup> *Act 82/1998, Art. 24.*

**Art. 93** In case a person contribute to espionage for a foreign State or foreign political parties being directed against something within the Icelandic State or which may directly or indirectly take place there, this will be subject to ?<sup>1)</sup> imprisonment for up to 5 years.

<sup>1)</sup> *Act 82/1998, Art. 25.*

**Art. 94** If an act subject to penalty contained in Chapter XXIII, XXIV or XXV of the present Act is directed against the Head of a foreign State or its diplomats in this Country, the penalty applicable to the offence may be increased by adding to it up to one-half thereof.

**Art. 95** [Anyone who officially disgraces a foreign nation or a foreign State, its superior official, Head of State, flag or other recognized symbol of nationality, the flag of the United Nations or the flag of the Council of Europe, shall be subject to fines, [or imprisonment for up to 2 years. In case of gross offence the penalty may be imprisonment for up to 6 years.] <sup>1)</sup> ]<sup>2)</sup>

[The same punishment shall be applied to anyone who officially disgraces or otherwise utters abusive language, other insults in word or in deed, or defamatory imputations to other employees of a foreign State who are present in this Country.] <sup>3)</sup>

[The same punishment shall be applied to anyone who threatens or applies force against a diplomat of a foreign State in this Country or breaks into or causes damage in a diplomatic area or threatens such an act.] <sup>4)</sup>

<sup>1)</sup>Act 82/1998, Art. 26. <sup>2)</sup> Act 101/1976, Art. 10. <sup>3)</sup> Act 47/1941, Art. 2. <sup>4)</sup> Act 56/2002, Art. 1.

**Art. 96** <sup>1)</sup>

<sup>1)</sup> Act 82/1998, Art. 27.

**Art. 97** Lawsuits arising out of offences referred to in the present Chapter shall be brought only provided the Minister of Justice has instructed this and all of these shall be handled as criminal Cases.

## **Chapter XI. Offences against the Constitution of the State and its Supreme Administration**

**Art. 98** In case a person arouse or direct rebellion with the object of changing the Constitution of the State this will be subject to imprisonment for no less than 3 years or for life.

Anyone participating in such a rebellion and anyone becoming guilty of an act which is aimed at changing the constitutional arrangement in an illegal manner shall be subject to imprisonment for up to 8 years.

**Art. 99** In case a person do anything which is aimed at destroying the life of [the President]<sup>1)</sup> or [a person in whom the power of the President is vested] <sup>1)</sup> this will be subject to imprisonment for no less than 6 years.

<sup>1)</sup>Act 100/1951, Art. 1.

**Art. 100** Anyone assaulting the Althingi (Legislative Assembly) so as to endanger the Althingi's independence, gives a command relating thereto or abides by such command shall be subject to imprisonment for no less than 1 year and the penalty may become life imprisonment in case of gross offence.

Anyone similarly committing an offence against [the President]<sup>1)</sup> or [a person in whom the power of the President is vested] <sup>1)</sup>, the Ministries, the High Court of the State or the Supreme Court shall be subject to the selfsame penalty.

<sup>1)</sup>Act 100/1951, Art. 1.

[**Art. 100 a.** For acts of terrorism the penalty shall be up to life imprisonment for anyone who for the purpose of causing the public considerable fear or in an illegal manner forces Icelandic or foreign authorities or an international establishment to do or omit something with the object of weakening or damaging the Constitution or the political, economic or sociological foundations of the State or an international establishment, commits one or more of the following offences when the act in the light of its nature or having regard for circumstances at the time and place it is committed can seriously damage a State or an international establishment:-

1. homicide as per Art. 211,
2. physical assault as per Art. 218,
3. deprivation of freedom as per Art. 226,
4. upsets traffic safety as per para. 1, Art. 168,

disturbs public transport equipment et al. as per para. 1, Art. 176 or causes gross damage to properties as per para. 2, Art. 257 and if these violations are committed in such a manner as to endanger human lives or to cause extensive financial loss,

5. hijacking aircraft as per para. 2, Art. 165 or assaults persons present at airport intended for international air traffic as per para. 3, Art. 165,

6. arson as per para. 2, Art. 164 causing explosion, spreading of damaging gases, water flood, shipwreck, railway-, automobile or aircraft accident or accidents of other such vehicles or transport equipment as per para 1, Art. 165, causing general shortage of drinking water or introducing damaging substances to water wells, or water piping as per para. 1, Art. 170 or introducing toxic or other hazardous substances to articles intended for sale or general use as per para. 1, Art. 171.

The same penalty shall apply to a person who for the same purpose threatens to commit the violations listed in para. 1] <sup>1)</sup>

<sup>1)</sup> Act 99/2002, Art. 2.

[**Art. 100 b.** Anyone who directly or indirectly supports a person, an association or a group committing or having the purpose of committing acts of terrorism as per Art. 100 a. by contributing funds or granting other financial support, procuring or gathering funds or making funds available in another manner shall be subject to imprisonment for up to 10 years.] <sup>1)</sup>

<sup>1)</sup> *Act 99/2002, Art. 2.*

**[Art. 100 c.** Anyone who by means of his/her word or deed, persuasions, encouragement or in another manner supports punishable activities or a joint aim of an association or a group having committed one or more violations of Art. 100 a. or Art. 100 b. with the activities or the aims comprising the commission of one or more such violations shall be subject to imprisonment for up to 6 years.] <sup>1)</sup>

<sup>1)</sup> *Act 99/2002, Art. 2.*

**Art. 101** In case an act to which penalty is applied in Chapter XXIII, XXIV or XXV of the present Act is performed against [the President]<sup>1)</sup> or [a person in whom the power of the President is vested] <sup>1)</sup> and the offence be not subject to Art. 99 or 100 the penalty to which the offence is subject will be increased, but not more, however, than that it shall be doubled ? <sup>2)</sup>

[In case such an act be aimed at the President's next-of-kin so that it may be opined that the offence be aimed at his/her home, penalty may be increased to such an extent that up to half thereof be added thereto.] <sup>3)</sup>

<sup>1)</sup> *Act 100/1951, Art. 1.* <sup>2)</sup> *Act 82/1998, Art. 28.* <sup>3)</sup> *Act 100/1951, Art. 2.*

**Art. 102** Anyone endeavouring to prevent [the election of a President] <sup>1)</sup>, the holding of elections to the Althingi, Municipal or County Councils or other official posts and anyone who corrupts or destroys the outcome of such election shall be subject to up to 4 years imprisonment.

[ The same penalty] <sup>2)</sup> shall be applied if such an act as is referred to above is aimed at legally authorized casting of votes on official issues.

<sup>1)</sup> *Act 100/1951, Art. 3.* <sup>2)</sup> *Act 82/1998, Art. 29.*

**Art. 103** A person who becomes guilty of the following when elections referred to in the former paragraph of Art. 102 are held shall be subject to up to 2 years ? <sup>1)</sup> imprisonment or fines in case of a minor offence:-

1. Acquires for himself or for another an illegal opportunity of participating in voting.

2. Attempts by means of illegal coercion, deprivation of freedom or by taking advantage of a position of superiority to induce a person to cast a vote in a particular way or to abstain from voting.

3. Causes in a fraudulent manner a person to abstain from voting although it has been his/her intention to do so or causes his/her vote to be rendered invalid or to have another effect than that intended by the voter.

4. Pays, promises to pay or offers a person money or other profit for the purpose of inducing him/her to cast his/her vote in a specific way or to abstain from voting.

5. Accepts, requires to obtain or gets a promise of money or other profit in order to cast his/her vote in a specific manner or to abstain from voting.

<sup>1)</sup> *Act 82/1998, Art. 30.*

**Art. 104 ?** <sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 31.*

**Art. 105** Lawsuits on account of offences referred to in Art. 99 and 101 shall be brought only provided the Minister of Justice has instructed this and all of these will be dealt with as criminal cases.

## **Chapter XII. Offences against the Authorities**

**Art. 106** Anyone who by means of violence or threats of violence assaults a civil servant who is engaged in discharging his/her duty or acting on account thereof and anyone likewise endeavouring to obstruct the performance of such work or to compel the employee to undertake some act in his/her official capacity or function shall be subject to ?<sup>1)</sup> imprisonment for up to 6 years. [Fines may be applied in case of a minor offence.] <sup>2)</sup>

In case a person does in another manner obstruct a civil servant in the discharging of his/her duty this will be subject to fines ?<sup>1)</sup> or imprisonment for up to 2 years.

Those whom a Judge or an authority calls upon for assistance in the discharging of an official duty shall be on equal footing with the aforementioned employees.

<sup>1)</sup> *Act 82/1998, Art. 32.* <sup>2)</sup> *Act 101/1976, Art. 11.*

**Art. 107** In case an act referred to in Art. 106 has been performed by an assembly the initiators or leaders of the riot shall be subject to a proportionately heavier penalty in which case up to 8 years imprisonment may be applied. Other participants in the riot who have exerted violence or have not obeyed the orders of an authority having called upon the assembly to disperse shall be subject to penalty in accordance with the instructions contained in Art. 106.

**Art. 108** [Anyone causing another person or his/her close relatives or others connected to him/her physical violence, illegal force or threat as per Art. 233 due to his/her reporting to the police or a Court of Law shall be subject to imprisonment for up to 6 years or fines in case of mitigating circumstances.] <sup>1)</sup>

<sup>1)</sup>Act 39/2000, Art. 6.

**Art. 109** [Any person who gives, promises or offers a public official a gift or other undue advantage, for the official himself or other persons, in order to have him act or refrain from acting in connection with his official duties, shall be imprisoned for up to 3 years, or be fined if there are extenuating circumstances.

The same punishment shall apply to any person who adopts such conduct towards a foreign public official, an official of an international organisation, a member of the assembly of such an organisation or the public legislative assembly of a foreign state, a judge who is a member of an international court, or an employee of such a court, in order to have him act or refrain from acting in connection with his official duties.

The same punishment shall furthermore apply to any person who adopts such conduct towards a person who asserts or confirms that he is able to exert an improper influence on the decision-making of any person referred to in the first or second paragraph of this Article, with the intention of having him exert such influence.

Furthermore, the same punishment shall apply to any person who asserts or confirms that he is able to exert an improper influence on the decision-making of any person referred to in the first or second paragraph of this Article and who demands, accepts, or accepts the promise of, a gift or other undue advantage, for himself or others, irrespective of whether the influence is exerted and whether it leads to the intended result.]<sup>1)</sup>

<sup>1)</sup>Act No. 125/2003, Art. 2.

**Art. 110** In case prisoners who are in [prison] <sup>1)</sup> have agreed to co-operate in escaping this will be subject to up to 3 years <sup>2)</sup> imprisonment.

<sup>1)</sup> Act 82/1998, Art. 34. <sup>2)</sup> Act 42/1985, Art. 9.

**Art. 111** Anyone who sets free a person who has been arrested, imprisoned or officially detained and anyone who encourages or aids such a person in freeing himself/herself shall be subject to ? <sup>1)</sup> up to 2 years imprisonment or fines in case of mitigating circumstances.

Anyone unlawfully establishing contact with an arrested person, prisoner or one officially detained shall be subject to fines or up to 6 months [imprisonment.] <sup>1)</sup>

<sup>1)</sup>Act 82/1998, Art. 35.

**Art. 112** Anyone who assists a person being pursued in respect of an offence in evading arrest or penalty by hiding him/her, aiding him/her in fleeing or escaping or in giving incorrect information about his/her identity shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year.

It is subject to the selfsame penalty to obstruct the investigation of an offence by destroying, altering or withholding objects which may grant knowledge in the course of the investigation or by disturbing the traces of an offence.

In case anyone has committed an act which is described in the present Article for the purpose of shielding himself/herself or his/her closest relatives from pursuit or penalty this shall not be subject to penalty.

<sup>1)</sup>Act 82/1998, Art. 36.

**Art. 113** In case a person remove or destroy a seal or sign which has been affixed under an official arrangement this will be subject to fines ? <sup>1)</sup> or imprisonment of up to 6 months.

Anyone removing or damaging an announcement which has been mounted by the authorities shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 3 months.

<sup>1)</sup>Act 82/1998, Art. 36.

**Art. 114** Anyone recruiting persons within the Icelandic State for foreign military service shall be subject to ? <sup>1)</sup> imprisonment for up to 2 years.

<sup>1)</sup>Act 82/1998, Art. 37.

**Art. 115** Anyone officially reporting without authority or deliberately incorrectly on the proceedings of the elections and ballots referred to in Art. 102 or that which has occurred at meetings or in the work of official assemblies, Committees, authorities or Courts of Law shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 6 months.

<sup>1)</sup>Act 82/1998, Art. 38.

**Art. 116** Anyone assuming some official power to which he/she is not entitled shall be subject to fines or [imprisonment for up to 1 year] <sup>1)</sup> or, in case of gross offence, up to 2 years imprisonment.

<sup>1)</sup>Act 82/1998, Art. 39.

**Art. 117** Anyone deliberately or inadvertently using officially or for an unlawful purpose a symbol, badge or uniform reserved for Icelandic or foreign authorities or soldiers or a symbol, badge or uniform which so closely resembles the foregoing that a mistake thereof is risked shall be subject to fines.

### **Chapter XIII. Offences against Public Peace and General Order**

**Art. 118** In case a person instigate riot for the purpose of exerting or threatening violence this will be subject to imprisonment for up to 3 years ? <sup>1)</sup>

The same penalty shall apply to those who have become the ringleaders of such riot after this had commenced.

Other participants in the riot who have exerted violence or who have not obeyed the commands of an authority having called upon the assembly to disperse shall be subject to relatively more lenient penalty and participants who have not exerted violence may be sentenced to pay fines.

In case any offence being the aim of the riot has been committed a heavier penalty shall be applied having regard for the participation of each individual according to the foregoing and then up to 6 years imprisonment may be adjudged, unless the offence be by its nature subject to a heavier penalty.

<sup>1)</sup>Act 82/1998, Art. 40.



**Art. 119** In case rioting has occurred without the provisions of Art. 118 applying thereto and the assembly has been ordered by the authorities in a lawful manner to disperse those participants who do not obey the order although they be aware thereof shall be subject to penalty consisting of fines or up to 3 months [imprisonment.] <sup>1)</sup>

<sup>1)</sup>Act 82/1998, Art. 41.

**Art. 120** In case a person groundlessly alarm policemen, fire brigade, rescue squads or other auxiliary force by calling for help without reason or abusing fire or other danger alarms this will be subject to fines or [imprisonment] <sup>1)</sup> for up to 3 months.

<sup>1)</sup>Act 82/1998, Art. 42.

[**Art. 120 a.** [In case a person grant deliberately incorrect information or disclose deliberately incorrect announcements which are liable to arouse fear of life, health or welfare of humans or about matters pertaining to the safety of air traffic or safety of an airport this will be subject to fines ?<sup>1)</sup> or imprisonment for up to 3 years. The same penalty is applicable to the spreading of such a rumour contrary to one's better conscience.] <sup>2)</sup> ] <sup>3)</sup>

<sup>1)</sup>Act 82/1998, Art. 43. <sup>2)</sup> Act 16/1990, Art. 2. <sup>3)</sup> Act 41/1973, Art. 2.

**Art. 121** Anyone who publicly incites others to perform acts which are subject to penalty shall be liable to up to 2 years ?<sup>1)</sup> imprisonment or fines in case of mitigating circumstances, unless his/her offence be subject to heavier penalty under Law.

Anyone officially and clearly approving of any of the offences referred to in Chapter X or XI of the present Act shall be subject to fines ?<sup>1)</sup> or imprisonment for up to 1 year.

<sup>1)</sup>Act 82/1998, Art. 44.

**Art. 122** Anyone preventing the holding of a lawful assembly shall be subject to fines or [imprisonment for up to 1 year] <sup>1)</sup> or imprisonment for up to 2 years in case of major offences, particularly so if violence or threatening behaviour has been practised.

In case any person disturb the peace of assembly at legally prescribed meetings concerning official affairs by means of clamour or overbearing behaviour, this will be subject to fines or [imprisonment]<sup>1)</sup> for up to 3 months.

The selfsame penalty shall be applied to a person who similarly interrupts an official divine service or other ecclesiastical ceremonies or disturbs the sanctity of funerals.

<sup>1)</sup>Act 82/1998, Art. 45.

**Art. 123** Anyone who deliberately or through gross inadvertence becomes intoxicated and in that condition endangers other persons or considerable monetary values shall be subject to fines ?<sup>1)</sup> or imprisonment for up to 6 months, particularly so in case of a reiterated offence or a gross violation in other respects.

?<sup>2)</sup>

<sup>1)</sup>Act 82/1998, Art. 46. <sup>2)</sup> Act 101/1976, Art. 1.

**Art. 124** In case anyone disturbs the sanctity of cemeteries or becomes guilty of indecorous treatment of a corpse this will be subject to fines ?<sup>1)</sup> or imprisonment for up to 6 months.

The same penalty shall be applied to the indecorous treatment of objects belonging to churches and to be used for ecclesiastical ceremonies.

<sup>1)</sup> Act 82/1998, Art. 47.

**Art. 125** Anyone officially ridiculing or insulting the dogmas or worship of a lawfully existing religious community in this Country shall be subject to fines or [imprisonment for up to 3 months.]<sup>1)</sup> Lawsuits shall not be brought except upon the instructions of the Public Prosecutor.

<sup>1)</sup> Act 82/1998, Art. 48.

**Art. 126** In case a person has obtained knowledge to the effect that any of the offences referred to in Art. 86, 87, 89, 91, 98, 99 or 100 of the present Act or another offence which endangers human life or welfare or important public values be contemplated or has been commenced and he/she does not make his/her best endeavours to prevent the

offence or its consequences, including if necessary by notifying the authorities of his/her knowledge, he/she shall, if the offence is committed or attempted thereafter, be subject to ? <sup>1)</sup> imprisonment for up to 3 years or fines in case extensive mitigating circumstances be at hand. But if he/she has omitted this due to the fact that he/she could not do it without endangering the life, health or welfare of himself/herself or his/her closest relatives, he/she shall not be punished.

<sup>1)</sup> *Act 82/1998, Art. 49.*

**Art. 127** Anyone who does not heed the call of an authority for assistance to prevent an offence or another misfortune endangering the life, health or welfare of people, although he/she could have rendered the assistance without causing himself/herself or considerable interests hazard shall be subject to fines or [imprisonment] <sup>1)</sup> for up to 3 months. <sup>1)</sup> *Act 82/1998, Art. 50.*

#### **Chapter XIV. Offences while Exercising a Public Office**

**Art. 128** If a public official demands, accepts or accepts the promise of, a gift or other undue advantage, for himself or others, in connection with the execution of his work, he shall be punished ... <sup>1)</sup> by up to 6 years' ; imprisonment, or by a fine if there are extenuating circumstances. [The same punishment shall apply to a foreign public official, an official of an international organisation, a member of the assembly of such an organisation or the public legislative assembly of a foreign state, a judge who is a member of an international court, or an employee of such a court, who demands, accepts, or accepts the promise of, a gift or other undue advantage, for himself or others, in connection with the execution of his work.]<sup>2)</sup>

<sup>1)</sup>*Act No. 82/1998, Art. 51.* <sup>2)</sup>*Act No. 125/2003, Art. 3.*

**Art. 129** In case a civil servant demands or takes for his/her personal gain or that of another taxes or dues [including service charges] <sup>1)</sup> which a payer is not owing this will be subject to imprisonment for up to 6 years, provided that a heavier penalty does not apply to the act under other provisions of the Act. A relatively more lenient penalty shall be applied if the guilty party has at the outset accepted the charge in the belief that this were owing by the payer, but retains it thereafter for the purpose of gain after he/she established what was correct ?<sup>2)</sup>

<sup>1)</sup> *Act 54/2003, Art. 1.* <sup>2)</sup> *Act 82/1998, Art.52.*

**Art. 130** In case a person invested with jurisdiction or other official power to decree legal administration becomes guilty of injustice in deciding or dealing with an issue for the purpose of obtaining an unjust conclusion, he/she shall be subject to imprisonment for up to 6 years.

In case the act has entailed the loss of welfare for any person or if it has been intended to do so, the penalty shall be imprisonment for no less than 2 years and up to 16 years.

**Art. 131** In case a Judge or another civil servant who is intended to maintain the State's punitive power applies an unlawful method to inducing a person to confess or talk, undertakes unlawful arrest, imprisonment or [search] <sup>1)</sup> or effects illegal seizure of documents or other objects, this is subject to fines <sup>2)</sup> or imprisonment for up to 3 years.

<sup>1)</sup> Act 54/2003, Art. 2. <sup>2)</sup> Act 82/1998, Art. 53.

**Art. 132** [In case a civil servant mentioned in Art. 130 or 131 does not deliberately or through gross inadvertence heed lawful methods upon the proceedings or resolution of a Case, arrest, retention, search, imprisonment or the implementation of penalty or the application of other similar solution, he/she shall be subject to fines or imprisonment for up to 1 year, unless his/her violation be subject to heavier penalty under Law] <sup>1)</sup>

<sup>1)</sup> Act 54/2003, Art. 3.

**Art. 133** [In case a civil servant who is to look after prisoners, including an accused person, who has been deprived of freedom, or who undertakes the execution of penal Judgments, lets a prisoner or an accused person get away, obstructs the execution of Judgment, protects a person from serving a penalty or causes penalty to be executed in an alternative or milder manner than ordered this is subject to imprisonment for up to 3 years or fines in case of minor offence. ] <sup>1)</sup>

<sup>1)</sup> Act 54/2003, Art. 4.

**Art. 134** In case a civil servant abuse his/her position to compel a person to do, suffer or omit something, he shall be subject to <sup>1)</sup> imprisonment for up to 3 years.

<sup>1)</sup> Act 82/1998, Art. 56.

**Art. 135** In case a civil servant participate in a violation of official duty or function committed by his/her subordinate official or endeavours to induce him/her to commit such an offence, he/she shall be subject to the penalty applying to that offence, but this shall, however, be increased by adding up to half of it.

**Art. 136** A civil servant revealing anything which is to be treated as a secret and of which he/she has learned in the course of his/her work or which pertains to his/her office or function shall be subject to ? <sup>1)</sup> imprisonment for up to 1 year. In case he/she has done this for the purpose of obtaining unlawful gain for himself/herself or others or if he/she uses such knowledge with that end in view, imprisonment for up to 3 years may be applied.

The same penalty shall be applied to a person having left official service and who thereafter tells of or abuses in the aforementioned manner knowledge he/she has obtained in his/her position and which is to be kept secret.

<sup>1)</sup> *Act 82/1998, Art. 57*

**Art. 137** In case a civil servant handling [post or telecommunication service] <sup>1)</sup> does without permission tear open, destroy or conceal letters or consignments delivered for forwarding by mail or destroys, maltreats or omits messages received for service this will be subject to ? <sup>2)</sup> imprisonment for up to 3 years. [The same applies to an employee of a legal person who has obtained an official licence for postal service or to undertake telecommunications on the basis of such a licence or a contractor performing mail or telecommunication service on a legal person's responsibility.] <sup>1)</sup>

<sup>1)</sup> *Act 54/2003, Art. 5.* <sup>2)</sup> *Act 82/1998, Art. 58.*

**Art. 138** In case a civil servant has been guilty of a violation of Penal Laws by means of an act which must be considered to represent abuse of his/her position and such an offence is not subject to specific penalty as a breach while discharging official duties or functions, he/she shall be subject to the penalty applicable to that offence, but this shall, however, be increased by adding up to half thereof to it.

**Art. 139** In case a civil servant has in instances other than those described above abused his/her position for his/her own gain or that of another or for the purpose of doing anything which turns against the rights of individual persons or of the public authorities, this will be subject to fines ? <sup>1)</sup> or imprisonment for up to 2 years.

<sup>1)</sup> *Act 82/1998, Art. 59.*

**Art. 140** A civil servant who refuses or deliberately omits doing that which he/she is instructed to do in a lawful manner shall be subject to fines [or imprisonment for up to 1 year.] <sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 60.*

**Art. 141** A civil servant who becomes guilty of major or reiterated negligence or carelessness in his/her work shall be subject to fines or [imprisonment for up to 1 year.] <sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 61.*

[**Art. 141 a.** A civil servant under Articles 128, 129, 134, 135, 138, 139, 140 and 141 is considered to be a person who on account of his/her position or authority in Law may make or influence decisions concerning the rights and duties of individuals or legal persons or arrange or influence the arrangement of official interests.] <sup>1)</sup>

<sup>1)</sup> *Act 54/2003, Art. 6.*

## **Chapter XV. False Testimony and False Accusations**

**Art. 142** [Anyone who reports something falsely before a Court of Law or an authority entitled to administer oaths shall be subject to imprisonment for up to 4 years. In case the report has been given on oath the penalty shall be increased.

In case items of the report not pertaining to the matter being investigated be incorrect, fines or [imprisonment for up to 1 year may be applied.] <sup>1)</sup> ]<sup>2)</sup>

<sup>1)</sup> *Act 82/1998, Art. 62.* <sup>2)</sup> *Act 101/1976, Art. 12.*

**Art. 143** A Defendant in a criminal Case shall not be subject to penalty although he/she report facts of the Case incorrectly. Neither shall a person having described events incorrectly on account of the fact that correct information relating thereto could have caused him/her penal liability in such a Case or having had reason for assuming that this be so.

[In case a person has given false testimony before a Court of Law or an authority referred to in para. 1, Art. 142 relating to items he/she was not permitted to disclose or authorized

to refuse to report on, penalty may be reduced and even cancelled if mitigating circumstances apply] <sup>1)</sup>

<sup>1)</sup> *Act 101/1976, Art. 13.*

**Art. 144** In case a person has through gross inadvertence become guilty of an act which would be subject to penalty under Art. 142 or para. 2, Art. 143 if intentional, this is subject to fines or [imprisonment of up to 6 months.] <sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 63.*

**Art. 145** [In case a person has, without his/her offence being subject to the provisions of Art. 142, given a public authority incorrect information on his/her word of honour or in another corresponding manner where such a method is offered or permitted, this will be subject to fines or [imprisonment of up to 1 year.] <sup>1)</sup> but to imprisonment of up to 2 years in case of gross offence.] <sup>2)</sup>

<sup>1)</sup> *Act 82/1998, Art. 64.* <sup>2)</sup> *Act 101/1976, Art. 14.*

**Art. 146** In case a person does in another respect grant a public authority incorrect details relating to matters about which he/she is in duty bound to grant information, he/she shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 4 months.

The provisions of para. 1, Art. 143 enter the question here as applicable.

<sup>1)</sup> *Act 82/1998, Art. 65.*

**Art. 147** In case a person does else present an incorrect written declaration or gives a certificate in writing on something about which he/she has no knowledge and this is intended for use in Lawsuits, other matters pertaining to the authorities or arbitration cases, he/she shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 4 months.

<sup>1)</sup> *Act 82/1998, Art. 66.*

**Art. 148** Anyone who by means of false accusation, false testimony, misrepresentation or the withholding of documentation, the acquisition of false documentation or in another

manner attempts to cause an innocent person to be charged with or convicted of an act which is subject to penalty shall be subject to ? <sup>1)</sup> imprisonment for up to 10 years. Upon fixing the penalty regard shall be had for the severity of the penalty applied to the offence which the party concerned is said or indicated to have committed ? <sup>2)</sup> In case an offence has had or been intended to result in the loss of welfare for any person, penalty shall consist of imprisonment for no less than 2 years and up to 16 years.

At the request of the injured party a Judgment may prescribe that the findings of a Court of Law and such part of the premises therefore as the Court consider suitable shall be published through the agency of the authorities in one or more public papers or publications.

<sup>1)</sup> Act 82/1998, Art. 67, <sup>2)</sup> Act 101/1976, Art. 15.

**Art. 149** Anyone who becomes guilty of disclosing incorrectly to an authority that a punishable act has been committed and anyone lodging false charges with [the President] <sup>1)</sup>, the Althingi, Courts of Law or an authority shall be subject to fines or [imprisonment for up to 1 year.]<sup>2)</sup>

<sup>1)</sup> Act 100/1951, Art. 4. <sup>2)</sup> Act 82/1998, Art. 68.

## **Chapter XVI. Counterfeit of Money and other Offences respecting Legal Tender**

**Art. 150** Anyone counterfeiting money for the purpose of putting it into circulation as legal tender and anyone acquiring counterfeit money for himself or others with the selfsame end in view shall be subject to imprisonment for up to 12 years.

In case counterfeiting be performed in such a manner as to reduce the specific value of legal tender the penalty shall consist of imprisonment for up to 4 years.

**Art. 151** Anyone handing out money which he/she knows to be counterfeit shall be subject to the selfsame penalty as if he/she forged it himself/herself. In case he/she has believed the money to be genuine at the time he/she received it, [imprisonment for up to 1 year] <sup>1)</sup> or fines may be applied.

<sup>1)</sup> Act 82/1998, Art. 69.



**Art. 152** Anyone handing out money which he/she suspects of being counterfeit shall be subject to ? <sup>1)</sup> imprisonment for up to 2 years. In case he/she has believed the money to be genuine at the time he/she received it, fines may be applied and penalty may even be dropped in mitigating circumstances.

<sup>1)</sup> *Act 82/1998, Art. 70.*

**Art. 153** It is subject to fines to fabricate, import or distribute objects which, by their form or appearance, bear a striking resemblance to money or bonds intended for general circulation.

**Art. 154** Anyone who, acting without authority contained in Laws, fabricates, imports or hands out bonds payable to bearer and which may be used for the purpose of circulating as legal tender, irrespective of whether this be among the general public or within a specific group, or which may be expected to be used thus, shall be subject to fines or [imprisonment] <sup>1)</sup> for up to 3 months. The provisions of the present Article do not apply to foreign banknotes.

<sup>1)</sup> *Act 82/1998, Art. 71.*

## **Chapter XVII. Falsification of Documents and other Offences pertaining to Visible Evidence**

**Art. 155** Anyone making use of a false document for the purpose of deception in legal dealings shall be subject to imprisonment for up to 8 years. It shall particularly contribute to a heavier penalty if the document is used in an official capacity, as a trading bond or a Last Will and Testament.

[The same penalty applies to the use of falsified documentation stored in a computerized form in order to deceive thereby in legal dealings.] <sup>1)</sup>

In case there has been a question of a minor amount only or if there are mitigating circumstances in other respects and particularly so if the offender has not intended to cause loss to others, [imprisonment for up to 1 year] <sup>2)</sup> or fines may be applied.

<sup>1)</sup> *Act 30/1998, Art. 1.* <sup>2)</sup> *Act 82/1998, Art. 72.*

**Art. 156** A person using a document bearing an authentic signature for the purpose of deceit in legal dealings shall be subject to the penalty referred to in Art. 155, provided that the issuing party has been cheated into signing the document in the belief that it were another one or a document containing another subject.

**Art. 157** In case a person use an authentic document as if it related to a person other than the one to whom it actually pertains or in another manner contrary to that which was intended and if this is done for the purpose of deception in legal dealings, he/she shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 6 months.

[The provisions of para. 1 also apply to the use of genuine documentation stored in a computerized form.] <sup>2)</sup>

<sup>1)</sup> Act 82/1998, Art. 73. <sup>2)</sup> Act 30/1998, Art. 2.

**Art. 158** In case a person specify something incorrectly in an official document or in a book or in other kinds of instruments or books which he/she is in duty bound to publish or work or if a person specify something incorrectly in a document or book which he/she publishes or keeps in work the discharging of which requires official legalization and this is done for the purpose of deception in legal dealings, this will be subject to ? <sup>1)</sup> imprisonment for up to 3 years or fines in cases of mitigating circumstances.

The same penalty will be applicable to the use of thus incorrect documentation in legal dealings as if this were correct in substance.

[The provisions of para. 1 and 2 also apply to misrepresentation and use of information and data stored in computerized form.] <sup>2)</sup>

<sup>1)</sup> Act 82/1998, Art. 74. <sup>2)</sup> Act 30/1998, Art. 3.

**Art. 159** In case an official stamp or mark has been affixed on an article and intended to evidence its genuineness or origin, quality, type or quantity and this has been done without authority or by means of falsification, the person using the article for the purpose of deceiving others thereby in transactions shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 3 years.

A person who for the selfsame deceitful purpose causes this type of official stamp or mark to be affixed on articles which are not suited for the purpose or who uses such articles shall be subject to the selfsame penalty.

In case a person use for the same purpose articles nr to which a private stamp or mark has been incorrectly fixed or another mark which is intended to indicate some item concerning the article which is of importance in transactions, he/she will be subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year.

The aforementioned penalty shall also be applied to a person who, intending to deceive in business, uses articles after a stamp, mark or another distinctive feature which had lawfully been affixed thereto has been removed or misrepresented.

<sup>1)</sup> *Act 82/1998, Art. 75.*

**Art. 160** In case a person employ in his/her trade incorrect measuring equipment or weighing equipment for the purpose of deceiving others in business, this is subject to imprisonment for up to 2 years ? <sup>1)</sup> In case of a major offence and also if a person is repeatedly guilty of such an offence, penalty may be rendered heavier up to 6 years imprisonment.

<sup>1)</sup> *Act 82/1998, Art. 76.*

**Art. 161** Anyone using forged postage stamps, stamps or other such marks which are used to evidence payment of official dues shall be subject to imprisonment for up to 8 years. A relatively more lenient penalty shall be applied to a person using a stamp or a postage stamp which has previously been used and after the mark relating to the use has been removed.

It is subject to fines to fabricate, import or distribute articles the type and finish of which strongly resembles stamps, postage stamps or other marks denoting payment.

**Art. 162** Anyone misrepresenting evidence or presenting false evidence for the purpose of influencing the conclusion of a Lawsuit shall be subject to imprisonment for up to 2 years. [In case of mitigating circumstances, provided that the offence be not subject to a more severe penalty under Law, fines or imprisonment for up to 1 year may be applied.]<sup>1)</sup>

Anyone destroying evidence, withholding or rendering it entirely or to some extent useless in order to impair or forfeit the rights of others shall be subject to imprisonment for up to 2 years ? <sup>1)</sup>

In case a person has committed an act referred to in para. 1 or 2 in respect of documentation which might have become of consequence relating to his/her guilt in a criminal Lawsuit, this act shall not be subject to penalty.

<sup>1)</sup> *Act 82/1998, Art. 77.*

**Art. 163** Anyone who, with intent to deceive, incorrectly places, shifts, removes, misrepresents or destroys boundary-stones or other signs intended to show the delineation of the rights to real estate, including water-rights, shall be subject to imprisonment for up to 3 years ? <sup>1)</sup> or fines in case of a minor offence.

<sup>1)</sup> *Act 82/1998, Art. 78.*

### **Chapter XVIII. Offences Causing Danger to the Public**

**Art. 164** In case a person cause the outbreak of fire (arson) which may entail danger to the public, this will be subject to imprisonment for no less than 6 months.

The penalty shall, however, be no less than 2 years imprisonment in case the person responsible for the act has foreseen that human life would obviously have been endangered thereby or that the fire would result in obvious danger of extensive destruction of the property of other persons.

**Art. 165** A person who causes loss to the life, body or property of others by starting an explosion, the spreading of noxious gases, flood, shipwreck, railway-, automobile or aircraft-accident or disaster to other such transport equipment shall be subject to imprisonment.

[In case a person on board an aircraft exerts violence or threatens violence or another unlawful method to gain control of the aircraft or interfere in another unlawful manner with its control and flight, this will be subject to imprisonment for no less than 2 years. Penalty may be less in case entirely special circumstances apply? <sup>1)</sup> ]<sup>2)</sup> [The same applies to interference with the control of a vessel or seabed constructions on the continental shelf.] <sup>3)</sup>

[The same penalty as in para. 2 of the present Article shall be applied to a person who does by means of violence or the threat of violence assault persons who are present at an airport intended for international flight traffic, provided that the act cause or be apt to cause public hazard.

The provisions of Art. 166, 167 and 169 also apply to violations of para. 2 and 3.]<sup>4)</sup>

<sup>1)</sup> Act 16/1990, Art. 3. <sup>2)</sup> Act 41/1973, Art. 3. <sup>3)</sup> Act 70/2002, Art. 2 <sup>4)</sup> Act 16/1990, Art. 4.

**Art. 166** In case an act described in Art. 164 and 165 has been committed for the purpose of starting a revolution, mass robberies or other such disturbances of social polity or general order, penalty of imprisonment for no less than 4 years shall be applied.

**Art. 167** In case an offence referred to in Art. 164 and 165 is committed through inadvertence, this will be subject to fines ?<sup>1)</sup> or imprisonment for up to 3 years.

<sup>1)</sup> Act 82/1998, Art. 79.

**Art. 168** In case a person disturb the safety of railway coaches, vessels, aircraft, automobiles or other such transport equipment or the safety of traffic on highways without his/her act being punishable under Art. 165, he/she shall be subject to imprisonment ?<sup>1)</sup> for up to 6 years.

[The same applies if the safety of seabed constructions on the continental shelf is deranged.]<sup>2)</sup>

If a violation has been committed inadvertently, this will be subject to fines or [imprisonment for up to 1 year.]<sup>1)</sup>

<sup>1)</sup> Act 82/1998, Art. 80. <sup>2)</sup> Act 70/2002, Art. 3.

**Art. 169** A person omitting to do all in his/her power to give a warning of or prevent a fire, explosion, spreading of noxious gases, flood, shipwreck, other traffic accidents or such disaster which endangers humans or great values shall be subject to fines or imprisonment for up to one year, provided he/she has been able to do so without endangering his/her essential interests or those of others.

<sup>1)</sup> Act 82/1998, Art. 81.

[**Art. 169 a.** Anyone illegally accepting, having in his/her custody, using, moving, altering, discharging or distributing nuclear substances and thereby endangering human lives, health and assets shall be subject to imprisonment for up to 6 years.

If a violation under para. 1, entails public hazard this shall be subject to up to 16 years imprisonment.]<sup>1)</sup>

<sup>1)</sup> *Act 70/2002, Art. 4.*

**Art. 170.** Anyone endangering the life or health of humans by causing a general shortage of drinking water or introducing harmful substances into water wells or water installations shall be subject to imprisonment for up to 12 years.

In case an offence be committed through inadvertence, this will be subject to fines ?<sup>1)</sup> or imprisonment for up to one year.

<sup>1)</sup> *Act 82/1998, Art. 82.*

**Art. 171.** In case a person has introduced toxic or other hazardous substances to objects which are intended for sale or public use so that human health be endangered by customary use thereof, this will be subject to imprisonment for up to 10 years.

The same penalty is applicable if such objects which are corrupted and harmful to human health through customary use are subjected to treatment which is intended to conceal their harmfulness.

The same penalty is furthermore applicable to offer for sale or work in another manner for the distribution of objects which are corrupted in the aforementioned manner if this their harmfulness is concealed.

In case the offence be committed through inadvertence this is subject to fines ?<sup>2)</sup> or imprisonment for up to 1 year.

<sup>2)</sup> *Act 82/1998, Art. 83.*

**Art. 172** In case a person, without his/her offence being subject to Art. 171, offers for sale or works for the distribution of consumer goods, being hazardous for human health on account of spoilage or for other reasons, or objects which are similarly hazardous through customary use and he/she conceals this harmfulness thereof, this will be subject to imprisonment for up to 6 years or [fines or imprisonment for up to 1 year],<sup>1)</sup> in case of mitigating circumstances.

In case an offence be committed through inadvertence this is subject to fines or ?<sup>1)</sup> [imprisonment for up to 1 year. ]<sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 84.*

**Art. 173** In case a person offer for sale or work for the distribution of objects as pharmaceuticals or preventatives against diseases which he/she knows to be unsuitable for the purpose and that their use accordingly endanger human life or health, this is subject to imprisonment for up to 6 years ? <sup>1)</sup>

In case an offence be committed through inadvertence, this is subject to fines or [imprisonment for up to 1 year.] <sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 85.*

[**Art. 173 a.** Anyone who contrary to the provisions of Laws respecting Dependence Producing Substances (euphoretics), furnishes many people with dependence producing substances or delivers these against considerable payment or in another particularly punishable manner shall be subject to imprisonment for up to [12 years.]<sup>1)</sup>

The same penalty shall be inflicted upon a person who, contrary to the provisions of the named Laws, produces, prepares, imports, exports, purchases, delivers, receives or has in his/her keeping dependence producing substances for the purpose of delivering these in the manner described in para. 1.]<sup>2)</sup>

<sup>1)</sup> *Act 32/2001, Art. 1.* <sup>2)</sup> *Act 64/1974, Art. 1.*

[**Art. 173 b.** ? <sup>1)</sup> ]<sup>2)</sup>

<sup>1)</sup> *Act 10/1997, Art. 3.* <sup>2)</sup> *Act 39/1993, Art. 1.*

**Art. 174** If the life or health of domestic animals is endangered in the manner referred to in Art. 170 – 173 this is subject to ? <sup>1)</sup> imprisonment for up to 2 years or fines in case of mitigating circumstances.

<sup>1)</sup> *Act 82/1998, Art. 86.*

**Art. 175** Anyone who brings about the danger that a contagious disease originate or spread among the public by violating legal instructions respecting protection against contagious diseases or precautionary rulings by the authorities relating thereto shall be subject to ? <sup>1)</sup> imprisonment for up to 3 years. The penalty may, however, become

imprisonment for up to 6 years in case of a disease which the authorities have made special arrangements to obstruct or prevent from reaching this Country.

Anyone bringing about in the aforementioned manner the danger that domestic animal or plant diseases originate or spread shall be subject to ? <sup>1)</sup> imprisonment for up to 3 years or fines in case of mitigating circumstances.

In case an offence in accordance with the present Article be committed through inadvertence, this will be subject to fines ? <sup>1)</sup> or imprisonment for up to 6 months.

<sup>1)</sup> *Act 82/1998, Art. 87.*

## **Chapter XIX. Miscellaneous Offences against Public Interests**

**Art. 176** In case a person cause by means of an unlawful act considerable disturbance of the operation of public means of communications, official mail, telephone or broadcasting operations or the operation of stations or power plants from which the public receive water, gas, electricity, heat, or other necessities, this is subject to ? <sup>1)</sup> imprisonment for up to 3 years or fines in case of mitigating circumstances.

In case an offence be committed through inadvertence, this is subject to fines or [imprisonment] <sup>1)</sup> for up to 6 months.

<sup>1)</sup> *Act 82/1998, Art. 88.*

**Art. 177** Anyone who removes, destroys or causes damage to official memorials or objects which are intended for public use or for decorative purposes or objects which belong to public museums or which are specially protected shall be subject to ? <sup>1)</sup> imprisonment for up to 3 years or fines in case of mitigating circumstances.

<sup>1)</sup> *Act 82/1998, Art. 89.*

**Art. 178** Anyone forging or copying goods or offering such goods for sale for the purpose of deceiving others in business shall be subject to imprisonment for up to 2 years ? <sup>1)</sup> or fines.

<sup>1)</sup> *Act 82/1998, Art. 90.*



**Art. 179** [A person shall be subject to imprisonment for up to 4 years if he/she becomes guilty of a major violation of legal provisions concerning environmental protection by means of the following:-

1. Pollutes air, earth, ocean or a lake district so as to cause considerable loss to the environment or causing impending danger of such a loss.
2. Retains or discharges offal or harmful substances so as to cause considerable loss to the environment or impending danger of such a loss.
3. Causes considerable disturbance to earth so that the land changes permanent appearance or spoils remarkable features of nature.] <sup>1)</sup>

<sup>1)</sup> *Act 122/1999, Art. 1.*

## **Chapter XX. Violations of Rules respecting Maintenance and Employment Practice**

**Art. 180** [Anyone who in the course of business or service practice refuses delivery of goods or services to a person in equal measure to others on the basis of the nationality of the latter, colour, race, religion or sexual inclination shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 6 months.

The same penalty shall apply to refusing a person admittance to an official place of gathering or other places open to the public.] <sup>2)</sup>

<sup>1)</sup> *Act 82/1998, Art. 91,* <sup>2)</sup> *Act 135/1996, Art. 1.*

**Art. 181** In case a Chief of Police deem there to be reason for assuming that a person does not earn his/her living in a lawful manner the latter shall be in duty bound to explain from which source he/she derive his/her upkeep and substantiate this. In case he/she does not do so or if he/she earns his/her upkeep by unlawful means, such as by means of the sale of prohibited goods, gambling ? <sup>1)</sup> he/she shall be punished with up to 2 years imprisonment, provided that a heavier penalty be not applicable under another Act.

<sup>1)</sup> *Act 40/1992, Art. 16.*

**Art. 182 ?** <sup>1)</sup>

<sup>1)</sup> *Act 101/1976, Art. 1.*

**Art. 183** A person who makes a profession of gambling or betting or of inducing others to participate therein shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year in case of a major offence.

It shall be decided by means of Judgment whether gain from gambling or betting shall be returned or whether it shall be confiscated.

<sup>1)</sup> *Act 82/1998, Art. 92.*

**Art. 184** Anyone who directly or indirectly acquires earnings by letting gambling or betting be performed in accommodation which is under his/her control shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year.

<sup>1)</sup> *Act 82/1998, Art. 93.*

**Art. 185** In case a person does for professional purposes make use of false pretences or fraud to induce anyone to emigrate he/she shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year.

<sup>1)</sup> *Act 82/1998, Art. 94.*

**Art. 186** In case a person engage without permission in work for the discharging of which an official permit or approval is required he/she shall be subject to fines or [imprisonment] <sup>1)</sup> for up to 1 year if a specific penalty is not prescribed for the offence in other Laws.

In case an association has been temporarily dissolved by means of an official measure or finally by means of Judgment those continuing the association or enrolling thereafter shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year.

<sup>1)</sup> *Act 82/1998, Art. 95.*

**Art. 187** In case a person has obtained an official permit for some private activity or operation which may not be engaged in without such a licence and he/she subsequently violates duties toward the authorities attaching to such a permit he/she shall be subject to

finer or [imprisonment for up to 6 months], <sup>1)</sup> provided a specific penalty is not laid down in respect of the offence in other Laws.

<sup>1)</sup> *Act 82/1998, Art. 96.*

## **Chapter XXI. Offences against Family Relationships**

**Art. 188** In case a married man or a married woman marries another woman or another man, this is subject to imprisonment for up to 3 years or, if the other party was unaware of the former marriage, imprisonment for up to 6 years.

In case the offence be committed through gross inadvertence, this is subject to ? <sup>1)</sup> imprisonment for up to 1 year.

An unmarried man or an unmarried woman who marries a married woman or a married man shall be subject to ? <sup>1)</sup> imprisonment for up to 1 year.

In case a marriage shall not be subject to annulment fines may be adjudged ? <sup>1)</sup> or penalty may even be dropped.

<sup>1)</sup> *Act 82/1998, Art. 97.*

**Art. 189** Anyone entering into wedlock which shall be annulled on account of the parties';; relationship shall be subject to ? <sup>1)</sup> imprisonment for up to 2 years.

<sup>1)</sup> *Act 82/1998, Art. 98.*

**Art. 190 ? <sup>1)</sup>**

<sup>1)</sup> *Act 40/1992, Art. 16.*

**Art. 191** In case anyone does by means of gross negligence or insults offend his wife or her husband, an own or another';;s child or a youth of less than 18 years of age whose custody or foster he/she has or a person who is directly related or in affinity upward, this is subject to ? <sup>1)</sup> imprisonment for up to 2 years.

A person who through obstinacy neglects his/her sustenance duty or duty to pay maintenance toward any of the aforementioned parties who could thereby be rendered destitute shall be subject to [imprisonment for up to 1 year] or fines.

It may be decided that guilt in accordance with the present Article shall be cancelled if the party who was wronged so desires.

<sup>1)</sup> *Act 82/1998, Art. 99.*

**Art. 192** Anyone misrepresenting evidence of a child's paternity or maternity by means of an incorrect or unsatisfactory report to the authority being the recipient of notifications of births shall be subject to [imprisonment for up to 1 year] <sup>1)</sup> or fines.

Penalty may be cancelled when the situation is such that a child whom a married woman has conceived out of wedlock has been given notification of as a child of wedlock and her husband has approved thereof.

<sup>1)</sup> *Act 82/1998, Art. 100..*

**Art. 193** Anyone depriving parents or other correct parties of the control or custody of a child who is a minor or contributes to evading such control or custody shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 16 years or for life.

<sup>1)</sup> *Act 82/1998, Art. 101.*

## **Chapter XXII. [Sexual Offences] <sup>1)</sup>**

<sup>1)</sup> *Act 40/1992, Art. 1.*

**Art. 194** [Anyone who by means of violence or threats of violence forces a person to have carnal intercourse or other sexual intimacy shall be subject to imprisonment for no less than 1 year and up to 16 years. Violence is considered to include the deprivation of independence by means of confinement, pharmaceuticals or in other comparable ways.] <sup>1)</sup>

<sup>1)</sup> *Act 40/1992, Art. 2.*

**Art. 195** [Anyone who by another kind of unlawful compulsion forces a person to have carnal intercourse or other sexual intimacy shall be subject to imprisonment for up to 6 years.] <sup>1)</sup>

<sup>1)</sup> *Act 40/1992, Art. 3.*

**Art. 196** [Anyone who avails himself/herself of mental disease or other spiritual shortcomings of a person for the purpose of having carnal intercourse or other sexual intimacy or if the latter's condition is in other respects such that he/she cannot resist the act or understand its meaning shall be subject to imprisonment for up to 6 years.] <sup>1)</sup>

<sup>1)</sup> *Act 40/1992, Art. 4.*

**Art. 197** [In case a supervisor or an employee of a prison, a mental hospital, a nursing home, a pedagogic home or other such institutions has carnal intercourse or other sexual intimacy with a resident at the institution this will be subject to imprisonment for up to 4 years.] <sup>1)</sup>

<sup>1)</sup> *Act 40/1992, Art. 5.*

**Art. 198** [Anyone having carnal intercourse or other sexual intimacy with a person out of wedlock or unformalized co-habitation by gravely abusing his/her position as the latter is dependent upon him/her financially, in his/her employment or as his/her client in confidential relationship, shall be subject to imprisonment for up to 3 years or, if the person is younger than 18 years, for up to 6 years ?.] <sup>1)</sup> <sup>2)</sup>

[Other sexual harassment than that specified in para. 1 is subject to imprisonment for up to 2 years.] <sup>1)</sup>

<sup>1)</sup> *Act 40/2003, Art. 1.* <sup>2)</sup> *Act 40/1992, Art. 6.*

**Art. 199** [Anyone who has carnal intercourse or other sexual intimacy with a person who incorrectly believes that the intercourse be occurring in wedlock or informal co-habitation or if he/she is erroneously thinking that he/she shall be intimate with somebody else shall be subject to imprisonment for up to 6 years.

It is subject to the same penalty if carnal intercourse or other sexual intimacy occurs because of the deception that there be a case of medical or other scientific treatment. ] <sup>1)</sup>

<sup>1)</sup> *Act 40/1992, Art. 7.*

**Art. 200** [Anyone who has carnal intercourse or other sexual intimacy with his/her child or another descendant shall be subject to imprisonment for up to [8 years] <sup>1)</sup> or up to [12 years] <sup>1)</sup> imprisonment if the child is younger than 16 years.

Other sexual harassment against one's child or another descendant than that specified in para. 1 will be subject to up to 2 years imprisonment or up to 4 years imprisonment if the child is younger than 16 years.

Carnal intercourse or other sexual intimacy between siblings will be subject to up to 4 years imprisonment. In case either sibling or both have not reached 18 years of age at the time the act occurred it may be decided that penalty be dropped as it pertains to them.]<sup>2)</sup>

<sup>1)</sup> *Act 40/2003, Art. 2.* <sup>2)</sup> *Act 40/1992, Art. 8.*

**Art. 201** [Anyone who has carnal intercourse or other sexual intimacy with a child or youth younger than 18 years of age, being his/her adopted child, step-child, foster child, co-habitation child or a youngster who has been entrusted to him/her for teaching or upbringing, shall be subject to [8 years] <sup>1)</sup> imprisonment and up to [12 years] <sup>1)</sup> imprisonment if the child is younger than 16 years.

Other sexual harassment than that specified in para. 1 is subject to imprisonment for up to 2 years and up to 4 years imprisonment if the child is younger than 16 years.]<sup>2)</sup>

<sup>1)</sup> *Act 40/2003, Art. 3.* <sup>2)</sup> *Act 40/1992, Art. 9.*

**Art. 202** [Anyone who has carnal intercourse or other sexual intimacy with a child younger than 14 years shall be subject to imprisonment for up to 12 years ? <sup>1)</sup>

[Other sexual harassment than that specified in para. 1 is subject to imprisonment for up to 4 years.]<sup>1)</sup>

Anyone who by means of deception, gifts or in another manner allures a youth [younger than 18 years] <sup>1)</sup> to have carnal intercourse or other sexual intimacy shall be subject to imprisonment for up to 4 years. ]<sup>2)</sup>

<sup>1)</sup> *Act 40/2003, Art. 4.* <sup>2)</sup> *Act 40/1992, Art. 10.*

**Art. 203 ?** <sup>1)</sup>

<sup>1)</sup> *Act 40/1992, Art. 16.*

**Art. 204** [In case an offence under Art. 201 or Art. 202 has been committed by inadvertence concerning the age of the person sustaining the violation a relatively more lenient penalty shall be applied, but this may not be reduced [below minimum imprisonment.] <sup>1)</sup> ]<sup>2)</sup>

<sup>1)</sup> *Act 82/1998, Art. 102.* <sup>2)</sup> *Act 40/1992, Art. 11.*

**Art. 205** [Penalty under Art. 194 – 199, 202 and 204 may be dropped if a man and a woman between whom the sexual intimacy has occurred have later entered into wedlock or embarked upon informal co-habitation or if they were married at the time or in informal co-habitation, having thereafter embarked upon continued co-habitation.]<sup>1)</sup>

<sup>1)</sup> *Act 40/1992, Art. 12.*

**Art. 206** [Anyone engaging in prostitution for own upkeep shall be subject to imprisonment for up to 2 years.

Anyone having his/her employment or upkeep from the unchasteness of others shall be subject to imprisonment for up to 4 years.

It is subject to the same penalty to allure, encourage or assist youths under the age of 18 years to sustain themselves by means of unchasteness.

It is also subject to the same penalty to support that any person move away from this Country or to it for the purpose of his/her deriving his/her upkeep from unchasteness if the party concerned is younger than 21 years or he/she is unaware of this purpose of the trip.

Anyone supporting by means of alluring, encouraging or intimidation that others have carnal intercourse or other sexual intimacy against payment or making unchasteness a source of earnings, such as by the leasing of accommodation or other means, shall be subject to imprisonment for up to 4 years, but fines or [imprisonment for up to 1 year] <sup>1)</sup> in case of mitigating circumstances. ]<sup>2)</sup>

[Any person who pays, or promises to pay or render consideration of another type, for prostitution shall be fined or imprisoned for up to 1 year.

Any person who pays, or promises to pay or render consideration of another type, for prostitution involving a child under the age of 18 years shall be fined or imprisoned for up to 2 years.]<sup>3)</sup>

<sup>1)</sup> Act 82/1998, Art. 103 <sup>2)</sup> Act 40/1992, Art. 13 <sup>3)</sup> x/2009, Art. 2

**Art. 207 ?** <sup>1)</sup>

<sup>1)</sup> Act 40/1992, Art. 16.

**Art. 208** [In case a person who has been subject to penalty under Art. 206 has previously been sentenced for violation of that Article or he/she has previously been sentenced to imprisonment for an enrichment violation penalty may be rendered heavier by adding to it up to half thereof.] <sup>1)</sup>

<sup>1)</sup> Act 40/1992, Art. 14.

**Art. 209** [Anyone who by means of lustful activity hurts people's sense of modesty or becomes a public scandal shall be subject to imprisonment for up to 4 years, but [imprisonment for up to 6 months] <sup>1)</sup> or fines in case of a minor offence.] <sup>2)</sup>

<sup>1)</sup> Act 82/1998, Art. 104. <sup>2)</sup> Act 40/1992, Art. 15.

**Art. 210** If pornography is published in print the person responsible for the publication thereof under the Printing Act shall be subject to fines <sup>1)</sup> or imprisonment for up to 6 months.

It is subject to the same penalty to make or import for distribution purposes, sell, hand out or distribute in another manner pornographic publications, pornographic illustrations or other such articles or to have these officially on view and also to hold a public lecture or play which is similarly immoral. [When such material shows children in a sexual or pornographic manner the penalty may, however, be imprisonment for up to 2 years.] <sup>2)</sup>

It is furthermore subject to the selfsame penalty to deliver to youths less than 18 years of age pornographic publications, pornographic illustrations or other such articles.

[Anyone importing or keeping in his/her custody photographs, films or comparable articles showing children in a sexual or pornographic manner shall be subject to fines [or



imprisonment for up to 2 years if the violation is of a major character.]<sup>3)</sup> It is subject to the same penalty to import or have in one's custody photographs, films or comparable articles showing children in sexual activities with animals or using articles in a pornographic manner.]<sup>2)</sup>

<sup>1)</sup> Act 82/1998, Art. 105. <sup>2)</sup> Act 39/2000, Art. 7. <sup>3)</sup> Act 14/2002, Art. 2.

## **Chapter XXIII. Manslaughter and Bodily Injuries**

**Art. 211** Anyone who takes the life of another person shall be subject to imprisonment for no less than 5 years or for life.

**Art. 212** In case a mother puts her child to death during birth or forthwith after it is born and she may be assumed to have done so owing to distress, fear of scandal or due to a debilitated or confused frame of mind which she has developed at the time of the birth, this will be subject to imprisonment for up to 6 years.

In case there is a question of a mere attempt and the child has not suffered any loss, penalty may be cancelled.

**Art. 213** Anyone who takes the life of another person at his/her urgent request shall be subject to imprisonment for up to 3 years ?<sup>1)</sup>

<sup>1)</sup> Act 82/1998, Art. 106.

**Art. 214** In case a person be conducive to another person's committing suicide he/she shall be subject to [imprisonment for up to 1 year]<sup>1)</sup> or fines. In case this be done for a selfish purpose the penalty shall be imprisonment for up to 3 years.

<sup>1)</sup> Act 82/1998, Art. 107.

**Art. 215** In case a person's death be caused through the inadvertence of another, this will be subject to fines ?<sup>1)</sup> or imprisonment for up to 6 years.

<sup>1)</sup> Act 82/1998, Art. 108.

**Art. 216** A woman who takes the life of her foetus shall be subject <sup>1)</sup> to imprisonment for up to 2 years. In case of especially extensive mitigating circumstances it may be decided that penalty be cancelled. A Lawsuit shall not be brought if 2 years have passed since the time an offence was committed. An unusable attempt is not subject to penalty.

Anyone who with a mother's consent takes the life of her foetus or renders her assistance in effecting an abortion shall be subject to imprisonment for up to 4 years. In case of a major offence and particularly so if the act is committed for the purpose of gain or it results in the death or extensive loss of health of the mother, up to 8 years imprisonment shall be applied. In case the act has been committed without the mother's approval, the penalty shall be imprisonment for no less than 2 years and up to 12 years.

<sup>1)</sup> *Act 82/1998, Art. 109.*

**Art. 217** [Anyone who becomes guilty of bodily assault, provided this be not as extensive as stated in Art. 218, shall be subject to fines or [imprisonment for up to 6 months], <sup>1)</sup> but for up to 1 year if the behaviour is particularly blameworthy.

Criminal proceedings apply to an offence in accordance with para. 1 and a Lawsuit shall not be instituted unless this be required in the public interest.] <sup>2)</sup>

<sup>1)</sup> *Act 82/1998, Art. 110.* <sup>2)</sup> *Act 20/1981, Art. 10.*

**Art. 218** [In case a person has by means of a deliberate bodily assault caused another person physical loss or loss of health and he/she will be considered guilty of these consequences of the assault owing to intent or inadvertence, this will be subject to <sup>1)</sup> imprisonment for up to 3 years or fines in case of specially mitigating circumstances.

In case extensive physical loss or loss of health result from an assault or a violation is specially dangerous owing to the method, including equipment, used and also when the person subject to bodily assault dies as a result of the attack, an offence will be subject to imprisonment for up to 16 years.] <sup>2)</sup>

<sup>1)</sup> *Act 82/1998, Art. 111.* <sup>2)</sup> *Act 20/1981, Art. 11.*

**[Art. 218 a.** In case a person who is convicted as guilty of a violation of Art. 217 or 218 has previously been subject to penalty in accordance with these Articles or he/she has been punished in respect of a violation which is otherwise linked to deliberate violence, the penalty may be increased by up to a half thereof.

Consent for bodily assault results in the fact that a penalty alternatively applicable may be reduced. In case an act be subject to Art. 217 no penalty will be applied when consent is at hand.

In case bodily assault be effected in scuffle or fight between the person causing it and the injured party it is permissible to reduce penalty or even cancel it when an act is subject to Art. 217. The same applies if the person sustaining loss initiates a fight by means of attack, irritation or the like.] <sup>1)</sup>

<sup>2)</sup> *Act 20/1981, Art. 12.*

**Art. 219** In case physical loss or loss of health such as is referred to in Art. 218 results from the inadvertence of another person, this will be subject to fines ?<sup>1)</sup> or imprisonment for up to 4 years.

<sup>1)</sup> *Act 82/1998, Art. 112.*

**Art. 220** Anyone who brings a person into a condition rendering him/her helpless or who abandons a person whom he/she was to care for in such a condition shall be subject to imprisonment for up to 8 years.

In case a mother has abandoned her child helpless immediately following upon its birth and it may be assumed that this be done for reasons similar to those referred to in Art. 212 a relatively more lenient penalty may be applied and penalty may even be cancelled in case the child has sustained no loss to speak of.

Penalty referred to in para. 1 shall be applied to a person who denies shelter to a traveller or shows him/her the wrong way, provided that he/she should have been able to realise that the traveller would be endangered thereby.

[Imprisonment] <sup>1)</sup> for up to 4 years shall be applied to a person who for the purpose of making profit, through playfulness or in another reckless manner obviously endangers the life or health of others.

<sup>1)</sup> *Act 82/1998, Art. 113.*

**Art. 221** In case a person fail to come to the assistance of another whose life is endangered although he/she could do so without endangering his/her life or health or that of others, this will be subject to ? <sup>1)</sup> imprisonment for up to 2 years or fines in case of mitigating circumstances.

The same penalty shall be applied to a person who does not see to it that the rescue facilities at hand be used for the purpose of resuscitating those with whom life may be concealed, but who appear as if dead, or who does not apply the methods prescribed for the care of those who have been shipwrecked or landed in other similar disaster.

<sup>1)</sup> *Act 82/1998, Art. 114.*

**Art. 222** Anyone who deliberately or through inadvertence hands to a child under 15 years of age, a mentally deranged person, an imbecile or an intoxicated person hazardous objects or substances, shall be subject to fines or [imprisonment] <sup>1)</sup> for up to 3 months.

<sup>1)</sup> *Act 82/1998, Art. 115.*

**Art. 223** In case a person neglect furnishing a pregnant female under his auspices necessary maternity aid so that the life or health of the child or the mother is endangered thereby, this shall be subject to fines or [imprisonment for up to 1 year.] <sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 116.*

**Art. 224 ?** <sup>1)</sup>

<sup>1)</sup> *Act 101/1976, Art. 1.*

## **Chapter XXIV. Offences against Personal Freedom**

**Art. 225** In case a person force another one to do, suffer or omit something by exerting physical violence or threatening to expose himself/herself or his/her next-of-kin to physical violence or the deprivation of freedom or by presenting a false accusation of him/her or his/her next-of-kin having committed punishable or dishonourable conduct or another such accusation, although this be true and if the compulsion is insufficiently justified on account of the matter at which the threat is aimed or finally by threatening him/her to cause considerable damage or destruction to his/her property, this is subject to fines ? <sup>1)</sup> or imprisonment for up to 2 years.

<sup>1)</sup> *Act 82/1998, Art. 117.*

**Art. 226** Anyone depriving another person of his/her freedom shall be subject to imprisonment for up to 4 years ? <sup>1)</sup>

In case the deprivation of freedom has been committed for the purpose of gain or been of extended duration and also if a person has without authority been admitted to a lunatic asylum, removed to other countries or handed over to people who are not entitled thereto, penalty of imprisonment shall be applied for no less than 1 year and up to 16 years or for life.

<sup>1)</sup> *Act 82/1998, Art. 118.*

**Art. 227** In case an offence referred to in para. 2 of Art. 226 has been committed through gross inadvertence this will be subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year.

<sup>1)</sup> *Act 82/1998, Art. 119.*

[**Art. 227 a.** Anyone becoming guilty of the following acts for the purpose of sexually using a person or for forced labour or to remove his/her organs shall be punished for slavery with up to 8 years imprisonment:-

1. Procuring, removing, housing or accepting someone who has been subjected to unlawful force under Art. 225 or deprived of freedom as per Art. 226 or threat as per Art. 233 or unlawful deception by awakening, strengthening or utilizing his/her lack of understanding of the person concerned about circumstances or other inappropriate method.

2. Procuring, removing, housing or accepting an individual younger than 18 years of age or rendering payment or other gain in order to acquire the approval of those having the care of a child.

The same penalty shall be applied to a person accepting payment or other gain according to clause 2, para. 1.] <sup>1)</sup>

<sup>1)</sup> *Act 40/2003, Art. 5.*

## **Chapter XXV. Defamations and Offences against the Inviolability of Private Life**

**Art. 228** In case a person pry into letters, documents, diaries or other such documentation containing information relating to the private affairs of another person and the former has procured the documentation by means of tricks, opened a letter, entered a locked container or applied another similar method, this will be subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year. [The same penalty shall apply to a person who in an

unlawful manner procures access to data or programs of others which are stored in a computerized form.] <sup>2)</sup>

It will be subject to the same penalty to destroy or conceal the private documentation referred in para. 1.

A person prying without sufficient reason into containers belonging to another shall be subject to fines or [imprisonment] <sup>1)</sup> for up to 3 months.

<sup>1)</sup> Act 82/1998, Art. 120. <sup>2)</sup> Act 30/1998, Art. 4.

**Art. 229** Anyone officially disclosing the private affairs of another without sufficient reasons being at hand to justify the act shall be subject to fines or [imprisonment] <sup>1)</sup> for up to 1 year.

<sup>1)</sup> Act 82/1998, Art. 121.

**Art. 230** In case a person who exercises or has exercised a function the discharging of which is subject to official appointment, licensing or approval discloses some private affairs which are intended to be treated as confidential and knowledge of which he/she has gained in the course of his/her work, this will be subject to fines or [imprisonment for up to 1 year.] <sup>1)</sup> The same penalty also applies to a similar act by persons having assisted the aforementioned persons in their work.

<sup>1)</sup> Act 82/1998, Art. 122.

**Art. 231** In case a person force his/her way without permission into a house or on board a vessel of another or into another place unauthorized for the former or refuses to leave there when he/she is called upon to do so, this will be subject to fines or [imprisonment] <sup>1)</sup> for up to 6 months. Imprisonment for up to 1 year ? <sup>1)</sup> may, however, be applied in case of a major offence, such as if the person committing the offence was armed or exerted or threatened violence or if an offence is committed by more than one person acting together.

<sup>1)</sup> Act 82/1998, Art. 123.

**Art. 232** [In case a person violates a restraining order under the Act on the Code of Procedure in Criminal Cases this is subject to fines or imprisonment for up to 1 year. In

case of a repeated or major offence penalty may become imprisonment for up to 2 years.]<sup>1)</sup>

Anyone officially and continuously pursuing another by means of deliberately false reports which are aimed at reducing his/her public reputation shall be subject to fines or [imprisonment]<sup>2)</sup> for up to 1 year.

<sup>1)</sup> *Act 94/2000, Art. 4.* <sup>2)</sup> *Act 82/1998, Art. 124.*

**Art. 233** Anyone threatening to commit a punishable act, the threat being apt to arousing fear with another for his/her life, health or welfare or that of others shall be subject to fines ?<sup>1)</sup> or imprisonment for up to 2 years.

<sup>1)</sup> *Act 82/1998, Art. 125.*

[**Art. 233 a.** Anyone who does by means of ridicule, calumny, insult, threat or otherwise assault [a person or group of persons] <sup>1)</sup> on account of their nationality, colour, [race, religion or sexual inclination] <sup>1)</sup> shall be subject to fines ? <sup>2)</sup> or imprisonment for up to 2 years.] <sup>3)</sup>

<sup>1)</sup> *Act 135/1996, Art. 2.* <sup>2)</sup> *Act 82/1998, Art. 126.* <sup>3)</sup> *Act 96/1973, Art. 1.*

**Art. 234** Anyone injuring the personal honour of another by means of insult in word or in deed and anyone spreading such rumour shall be subject to fines or [imprisonment] <sup>1)</sup> for up to 1 year.

<sup>1)</sup> *Act 82/1998, Art. 127.*

**Art. 235** In case a person insinuates to another something which would be to the detriment of his/her respect or circulates such an insinuation, this shall be subject to fines or [imprisonment] <sup>1)</sup> for up to 1 year.

<sup>1)</sup> *Act 82/1998, Art. 128.*

**Art. 236** In case a defamatory insinuation be presented or circulated contrary to better knowledge, this will be subject to ? <sup>1)</sup> imprisonment for up to 2 years.

In case an insinuation be published or circulated officially, despite the fact that the accusing party has not had likely reasons for believing it correct, this will be subject to fines ?<sup>1)</sup> or imprisonment for up to 2 years.

<sup>1)</sup> *Act 82/1998, Art. 129.*

**Art. 237** In case a person upbraid another without any cause, this will be subject to fines, even if he/she tell the truth.

**Art. 238** It is not permissible to submit in a Lawsuit on account of libel evidence of a punishable act of which the party being accused thereof has been acquitted by means of final Judgment in an official penal Case in this Country or abroad.

In case a person who has been convicted in respect of some act is subsequently restored to honour it is not permissible to accuse him/her thereof again and evidence therefore does not grant release from penalty when such circumstances apply.

**Art. 239** It is permitted to cancel penalty in accordance with Art. 234 and 235 if the occasion of defamation consisted of the improper conduct of the person who consider himself/herself to be injured or if he/she has responded likewise.

**Art. 240** In case defamation be directed against a deceased person, this will be subject to fines or [imprisonment for up to 1 year.] <sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 130.*

**Art. 241** In a libel Case improper statements may be declared null and void if this is required by the injured party.

A person who is proved guilty of a defamatory allegation may be ordered to pay the injured party, if he/she requires this, a suitable amount to meet the cost of publishing a Judgment, its leading words or premises also, depending on what is deemed suitable, in one or more official papers or publications.



**Art. 242** The offences referred to in the present Chapter shall be subject to indictment as follows:-

1. [Offences against the provisions of Art. 233 and 233 a. will be subject to official indictment.] <sup>1)</sup>

2. a. Offences against the provisions of Art. 230, 231 and 232 will be subject to official indictment according to the submission of the injured party.

b. [In case a defamatory insult or allegation has been directed against a person who is or has been a civil servant and the insult or allegation pertain to his/her work in some respects, then such an offence shall be subject to an official indictment according to his/her submission.]<sup>1)</sup>

c. In case a defamatory allegation has been presented in writing, but either anonymously or with an incorrect or fabricated signature, the offence shall be subject to an official indictment if that is required by the injured party.

3. Lawsuits on account of other offences may be brought by the injured party alone.

<sup>1)</sup> *Act 71/1995, Art. 3.*

## **Chapter XXVI. Enrichment Offences**

**Art. 243** Offences referred to in the present Chapter shall be subject to penalty only provided these have been committed for the purpose of enrichment.

**Art. 244** Theft of valuables or power resources will be subject to imprisonment for up to 6 years.

In case a violation involving theft is of a specifically major character, such as on account of the value of that which was stolen or the way in which the stolen objects or their storage was arranged, on account of the method employed in the theft or the danger attaching to it as well as when theft is committed by many people acting together or the same person has been guilty of many thefts, penalty shall generally be no less than 3 months imprisonment.

**Art. 245** Pilferage is subject to the same penalty as theft.

**Art. 246** In case a person appropriate discovered objects or articles which have come into his/her custody without his/her own agency, this will be subject to fines ? <sup>1)</sup> or imprisonment for up to 3 years.

<sup>1)</sup> *Act 82/1998, Art. 131.*

**Art. 247** In case a person embezzle funds or other valuables which are in his/her custody, but owned by another, without the act, however, being subject to Art. 246, he/she shall be subject to imprisonment for up to 6 years.

In case a person has used another's funds without authority for his/her own requirements he/she shall be punished therefore in accordance with para. 1, irrespective of whether or not he/she has been in duty bound to maintain the money segregated from his/her own funds.

**Art. 248** In case a person induce another to do or omit something by unlawfully arousing, promoting or utilizing his/her incorrect or vague idea about some incidents and thus deprives him/her or others of funds, this is subject to imprisonment for up to 6 years.

**Art. 249** In case a person who has been placed in a position to do something to which another has been confined or handles financial affairs for others abuses this his/her position, this will be subject to imprisonment for up to 2 years and the penalty may be rendered heavier in case of a very major offence or up to 6 years imprisonment.

[**Art. 249 a.** In case a person does in an illegal manner alter, add to or destroy computer hardware or data or programs stored in a computerized form or has in another manner made arrangements apt to influence the findings of computer processing this is subject to imprisonment for up to 6 years.] <sup>1)</sup>

<sup>1)</sup> *Act 30/1998, Art. 5.*

**Art. 250** Fraudulent settlement shall be subject to up to 6 years imprisonment in respect of anyone being guilty of the following acts:-

1. Refuses having received monetary credit or other credit for ownership or payment and for which refund is to be effected or refuses to stand by a duty by means of the incorrect use of evidence.
2. Sells, hypothecates, reserves for himself/herself or disposes in another manner of his/her valuables the right to which has been acquired by another person to such an extent that the act will not be compatible to the right of the former.
3. Performs anything after his/her estate has been taken for administration as a bankruptcy estate or [while he/she holds a permit for moratorium or to seek composition without prior bankruptcy administration] <sup>1)</sup> aimed at that the assets or claims of the estate would not come of use for the creditors.
4. Abridges the right of any of his/her creditors to acquire satisfaction through his/her assets by granting incorrect information, abstracting assets, acts for the sake of appearance, unsuitably extensive gifts or spending, sale of assets for an unsuitably low price, payment or security for claims which have not fallen due or relatively high claims which have fallen due, the establishment of new indebtedness which diminishes his/her financial status or in another similar manner.

In case an act referred to in clause 4 has been committed for the purpose of siding with some creditor to the detriment of others, the creditor shall be punished only provided he/she has induced the debtor to undertake the concession at the time the creditor saw that bankruptcy or moratorium were impending.

In case an offence described in clause 4 has been committed without any specially secured right being abridged or without having been followed up by a fruitless act of execution, bankruptcy or arrangements for negotiations relating to compositions agreements without bankruptcy administration, a Lawsuit shall be brought only provided this is required by the injured party.

<sup>1)</sup> *Act 21/1991, Art. 182.*

**Art. 251** Anyone obtaining funds from another by threatening a person or his/her next-of-kin with exerting physical violence, deprivation of freedom or submitting false accusation of punishable or dishonourable conduct on his/her part or that of his/her next-of-kin or other such accusation, although this be true, if the compulsion is not sufficiently entitled on account of the matter at which the threat is aimed or finally by threatening him/her with causing considerable damage to or destruction of his/her assets, shall be subject to imprisonment for up to 6 years.

**Art. 252** Anyone who by means of physical violence or a threat of exerting this forthwith takes from a person or forces him/her to hand over funds or other valuables, conceals an article which is being stolen or compels a person to do or omit something which entails financial loss for that person or others, shall be subject to imprisonment for no less than 6 months and up to 10 years. In case very great danger has attached to the robbery the penalty may, however, consist of up to 16 years imprisonment.

**Art. 253** In case a person has taken advantage of the distress of another, his/her naïveté, ignorance or his/her being dependent upon the former in order to obtain interests by means of a legal instrument or to reserve these for himself/herself so that there be an obvious difference between these interests and the payment rendered or to be rendered in respect of these or if these interests were to be granted free of charge, this is subject to ?<sup>1)</sup> imprisonment for up to 2 years.

<sup>1)</sup> *Act 82/1998, Art. 132.*

**Art. 254** In case a person unlawfully retain, without his/her act being subject to the provisions of Art. 244, 245 or 247 – 252, an article or other valuables from the owner and which have been acquired in a manner referred to in these Articles, participates in the gain derived from such an offence, assists another person in retaining such gain or promotes in another manner the maintenance of the unlawful consequences of the offence, he/she shall be punished by up to 4 years imprisonment. Penalty may, however, consist of [imprisonment for up to 1 year]<sup>1)</sup> or fines in case the accused party has originally obtained by honest means the valuables which had been acquired by means of an enrichment offence.

In case the offences referred to in para. 1 are related to an act which is subject to Art. 246 or Art. 253, the penalty to be applied shall be fines ?<sup>1)</sup> or imprisonment for up to 2 years.

<sup>1)</sup> *Act 82/1998, Art. 133.*

**Art. 255** In case a person who is to be convicted to penalty in respect of any of the aforementioned enrichment offences has previously been sentenced for an enrichment offence, the penalty may be raised by up to half of that which he/she would else have been ordered. In case he/she has previously been convicted more than once in respect of an enrichment offences the penalty may be twice as heavy and under such circumstances the penalty for robbery may become imprisonment for life.

**Art. 256** In case some offence which is subject to Art. 244 – 250, Art. 253 or Art. 254, but is merely a trifling matter, has been committed, the penalty may be reduced to ?<sup>1)</sup> fines or even entirely cancelled if the guilty party has not previously been convicted in respect of an enrichment offence.

? <sup>2)</sup>

In case a close relative has suffered through an offence referred to in Art. 244 – 250 and Art. 254, proceedings may be dropped if the relative so requests.

<sup>1)</sup> *Act 82/1998, Art. 134.* <sup>2)</sup> *Act 39/2000, Art. 8.*

## **Chapter XXVII. Miscellaneous Offences pertaining to Financial Rights**

**Art. 257** Anyone destroying or damaging the property of another or depriving him/her thereof shall be subject to fines ?<sup>1)</sup> or imprisonment for up to 2 years. [The same penalty applies to altering, adding to, erasing or destroying in another manner without authority data or programs stored in a computerized form and intended for computer processing.] <sup>2)</sup>

In case extensive damage to property has been wrought or an offence be in other respects especially extensive or if the guilty party has previously been convicted in respect of a violation of the provisions of the present Article or Art. 164, 165, the former para. of Art. 168, the former para. of Art. 176 or 177, imprisonment for up to 6 years may be applied. [The same applies in case damage to property be aimed at an aircraft.] <sup>3)</sup>

In case an act which is described in para. 2 above has been committed through inadvertence this will be subject to fines ? <sup>1)</sup> or imprisonment for up to 6 months.

Lawsuits arising out of offences referred to in para. 1 and 3 shall be brought only provided this be required by the injured party.

<sup>1)</sup> *Act 82/1998, Art. 135.* <sup>2)</sup> *Act 30/1998, Art. 6.* <sup>3)</sup> *Act 41/1973, Art. 4.*

**Art. 258** In case a person prevent by means of damage to his/her property or concealing thereof the possibility of one or more of his/her creditors being able to obtain payment therefrom, this will be subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year.

Proceedings on account of offences in accordance with the present Article will be subject to the same rules as referred to in the concluding para. of Art. 250.

<sup>1)</sup> *Act 82/1998, Art. 136.*

**Art. 259** [Anyone using without permission an automobile, aircraft, vessel or other mechanical vehicles belonging to another person shall be subject to ? <sup>1)</sup> imprisonment for up to 4 years or fines in case of a minor offence or especially mitigating circumstances.

In case a person else uses without permission an object owned by another, thereby causing him/her loss or considerable inconvenience, this will be subject to fines ? <sup>1)</sup> or imprisonment for up to 2 years.

Anyone obstructing another in utilizing his/her right to the control of an article which he/she has in his/her custody or to retain it shall be subject to fines ? <sup>1)</sup> or imprisonment for up to 6 months.

Lawsuits on account of offences referred to in para. 2 and 3 shall be brought only provided this be required by the injured party.] <sup>2)</sup>

<sup>1)</sup> *Act 82/1998, Art. 137.* <sup>2)</sup> *Act 20/1956, Art. 1.*

**Art. 260** Anyone becoming guilty of an arbitrary act shall be subject to fines. Criminal proceedings shall not be instituted on account of this offence.

**Art. 261** In case a person has committed acts similar to those referred to in Art. 248 – 250 without it being deemed that the intent of enrichment has been proved, this is subject to fines ? <sup>1)</sup> or imprisonment for up to 1 year.

<sup>1)</sup> *Act 82/1998, Art. 138.*

**Art. 262** [Anyone who deliberately or through gross inadvertence becomes guilty of a major violation of para. 1, 2 or 5 of Art. 107 of the Act respecting Income and Property Tax, cf. also para. 2, Art. 22 of the Act respecting the Revenue of Municipalities, para. 1, 2 or 7 of Art. 30, of the Act respecting Cash Payment of Official Dues (PAYE), cf. also Art. 11 of the Act respecting Social Security Charge and of para. 1 or 6 of Art. 40 of the Act respecting Value Added Tax shall be subject to ? <sup>1)</sup> imprisonment for up to 6 years. It is permissible to order monetary fine in addition thereto according to the aforementioned provisions of the Tax Laws.

The same penalty shall be applied to anyone who deliberately or through gross inadvertence becomes guilty of a major violation of para. 3, Art. 30 of the Act respecting Cash Payment of Official Dues, para. 2, Art. 40 of the Act respecting Value Added Tax,

Art. 37 and Art. 38, cf. Art. 36 of the Act respecting Book-keeping or Art. 83 – 85, cf. Art. 82, of the Act respecting Annual Accounts, including the concealing of an own enrichment offence or that of others.

An act is considered to be of a major character under para. 1 and 2 of the present Article if the breach relates to considerable amounts, if an act is committed in a particularly blameworthy manner or under circumstances greatly augmenting the guilt of the breach and also if a person who is to be sentenced to penalty for any of the offences mentioned in para. 1 or 2 has previously been sentenced as guilty for a similar violation or some other violation coming under these provisions.]<sup>2)</sup>

<sup>1)</sup> Act 82/1998, Art. 139. <sup>2)</sup> Act 39/1995, Art. 1.

**Art. 263** In case a person purchases or accepts articles which have been acquired by means of an enrichment crime and he/she has upon receipt or the purchase shown gross inadvertence this will be subject to fines or [imprisonment for up to 3 months.]<sup>1)</sup> In case of reiterated offence and if the guilty person has previously become guilty of an enrichment offence imprisonment for up to 6 months may be applied.

<sup>1)</sup> Act 82/1998, Art. 140.

**Art. 264** [Anyone who accepts or acquires for himself or others gain from an offence according to the present Act shall be subject to fines ?<sup>1)</sup> or imprisonment for up to 2 years. The same penalty shall be applicable to a person who stores or moves such gain, assists in the delivery thereof or does in another comparable manner support securing for others the gain of an offence. In case of a reiterated offence or one of a major character the penalty may become ?<sup>1)</sup> imprisonment for up to 4 years.

Penalty may become imprisonment for up to [12 years]<sup>2)</sup> in case of gain resulting from an offence according to Art. 173 a.

In case gain is of a minor character and no special incidents augment the guilt of the offence a Lawsuit shall not be instituted unless public interests so require.

In case an offence be committed through inadvertence this will be subject to fines or [imprisonment for up to 6 months.]<sup>1)</sup> In case the offence from which gain results be subject to no heavier penalty [than imprisonment for up to 1 year]<sup>1)</sup> penalty may be cancelled.]<sup>3)</sup>

<sup>1)</sup> Act 82/1998, Art. 141. <sup>2)</sup> Act 32/2001, Art. 2. <sup>3)</sup> Act 10/1997, Art. 4.

[**Art. 264 a.** Any person who gives, promises or offers the manager of a business enterprise, or a person who does work on behalf of the enterprise, a gift or other undue advantage, for himself or others, in order to have him act, or refrain from acting, in a way that is at variance with his professional duties, shall be punished by up to 2 years’; imprisonment, or by a fine if there are extenuating circumstances.

If the manager of a business enterprise, or a person who does work on behalf of the enterprise, demands, accepts, or accepts the promise of, a gift or other undue advantage, for himself or others, and proceeds to act, or to refrain from acting, in a way that is at variance with his professional duties, he shall be punished by up to 2 years’; imprisonment, or by a fine if there are extenuating circumstances.]<sup>1)</sup>

<sup>1)</sup> *Act 125/2003, Art. 4.*

## **Chapter XXVIII. Provisions on Compensation, Cancellation of Inheritance Right et al.**

**Art. 265 ?** <sup>1)</sup>

<sup>1)</sup> *Act 8/1962, Art. 62.*

Art. 266 In case a prisoner who is not serving sentence or a prisoner who is atoning for daily fines or maintenance payments become guilty of a breach of discipline the same penalty may be fixed for him/her as that prescribed in Art. 47 respecting detainees according to that which shall be further decided [by means of Regulations.]<sup>1)</sup> This penalty may, however, not entail an extension of the imprisonment.

The provisions of Art. 48 may be applied to such prisoners, as applicable.

<sup>1)</sup> *Act 100/1951, Art. 4. Reg. 179/1992 cf. 259/1995.*

**Art. 267 ?** <sup>1)</sup>

<sup>1)</sup> *Art. 82/1998, Art. 142.*

## **Chapter XXIX. ?** <sup>1)</sup>

<sup>1)</sup> *Act 82/1998, Art. 143.*