

Penal Code¹

Passed 06.06.2001
RT I 2001, 61, 364
entry into force 01.09.2002

Amended by the following acts

Passing	Publication	Entry into force
15.05.2002	<u>RT I 2002, 44, 284</u>	01.09.2002
12.06.2002	<u>RT I 2002, 56, 350</u>	01.09.2002
19.06.2002	<u>RT I 2002, 64, 390</u>	01.09.2002
18.09.2002	<u>RT I 2002, 82, 480</u>	24.10.2002
single text on RT paper	<u>RT I 2002, 86, 504</u>	
04.12.2002	<u>RT I 2002, 105, 612</u>	02.01.2003
18.12.2002	<u>RT I 2003, 4, 22</u>	23.01.2003
17.12.2003	<u>RT I 2003, 83, 557</u>	01.01.2004
18.12.2003	<u>RT I 2003, 90, 601</u>	01.01.2004
28.01.2004	<u>RT I 2004, 7, 40</u>	14.02.2004
19.05.2004	<u>RT I 2004, 46, 329</u>	01.07.2004
28.06.2004	<u>RT I 2004, 54, 387</u>	01.07.2004
28.06.2004	<u>RT I 2004, 56, 401</u>	01.08.2004
08.12.2004	<u>RT I 2004, 88, 600</u>	02.01.2005
23.03.2005	<u>RT I 2005, 20, 126</u>	01.01.2006
15.06.2005	<u>RT I 2005, 39, 308</u>	21.07.2005, in part 01.01.2006
16.06.2005	<u>RT I 2005, 40, 311</u>	01.10.2005

Passing	Publication	Entry into force
28.06.2005	<u>RT I 2005, 47, 387</u>	18.09.2005
07.12.2005	<u>RT I 2005, 68, 529</u>	01.01.2006
26.01.2006	<u>RT I 2006, 7, 42</u>	04.02.2006
19.04.2006	<u>RT I 2006, 21, 160</u>	25.05.2006
07.06.2006	<u>RT I 2006, 30, 231</u>	14.07.2006
14.06.2006	<u>RT I 2006, 31, 233</u>	16.07.2006
14.06.2006	<u>RT I 2006, 31, 234</u>	16.07.2006
27.09.2006	<u>RT I 2006, 46, 333</u>	01.01.2007
13.12.2006	<u>RT I 2007, 2, 7</u>	01.02.2007
17.01.2007	<u>RT I 2007, 11, 51</u>	18.02.2007
24.01.2007	<u>RT I 2007, 13, 69</u>	15.03.2007
25.01.2007	<u>RT I 2007, 16, 77</u>	01.01.2008
15.02.2007	<u>RT I 2007, 23, 119</u>	02.01.2008
single text on RT paper	<u>RT I 2007, 31, 187</u>	
14.06.2007	<u>RT I 2007, 45, 320</u>	20.07.2007
06.12.2007	<u>RT I 2008, 1, 1</u>	14.01.2008
19.12.2007	<u>RT I 2008, 3, 21</u>	28.01.2008
21.02.2008	<u>RT I 2008, 13, 87</u>	24.03.2008
16.04.2008	<u>RT I 2008, 19, 132</u>	23.05.2008
11.06.2008	<u>RT I 2008, 28, 181</u>	13.07.2008
19.06.2008	<u>RT I 2008, 33, 199</u>	28.07.2008
19.06.2008	<u>RT I 2008, 33, 200</u>	28.07.2008

Passing	Publication	Entry into force
19.11.2008	<u>RT I 2008, 52, 288</u>	22.12.2008
19.11.2008	<u>RT I 2008, 52, 289</u>	01.01.2009
19.11.2008	<u>RT I 2008, 54, 304</u>	27.12.2008
19.11.2008	<u>RT I 2008, 54, 304</u>	01.07.2009
03.12.2008	<u>RT I 2008, 54, 305</u>	27.12.2008
11.03.2009	<u>RT I 2009, 19, 114</u>	06.04.2009
07.05.2009	<u>RT I 2009, 27, 166</u>	30.07.2009
20.05.2009	<u>RT I 2009, 30, 177</u>	22.06.2009
15.06.2009	<u>RT I 2009, 39, 261</u>	24.07.2009
15.10.2009	<u>RT I 2009, 51, 347</u>	15.11.2009
15.10.2009	<u>RT I 2009, 51, 348</u>	15.11.2009
19.11.2009	<u>RT I 2009, 59, 388</u>	20.12.2009
26.11.2009	<u>RT I 2009, 62, 405</u>	01.01.2010
09.12.2009	<u>RT I 2009, 68, 463</u>	01.01.2010
20.01.2010	<u>RT I 2010, 8, 34</u>	27.02.2010
11.02.2010	<u>RT I 2010, 10, 44</u>	15.03.2010
25.02.2010	<u>RT I 2010, 11, 54</u>	28.03.2010
14.04.2010	<u>RT I 2010, 17, 93</u>	10.05.2010
22.04.2010	<u>RT I 2010, 22, 108</u>	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).

Passing	Publication	Entry into force
12.05.2010	RT I 2010, 26, 129	05.10.2010
20.05.2010	RT I 2010, 29, 151	20.06.2010
16.06.2010	RT I 2010, 44, 258	01.01.2011, in part 01.01.2012
17.06.2010	RT I 2010, 44, 261	01.01.2011
03.08.2010	RT I 2010, 56, 363	01.11.2010
28.10.2010	RT I, 12.11.2010, 1	15.11.2010
25.11.2010	RT I, 09.12.2010, 1	01.01.2011
25.11.2010	RT I, 10.12.2010, 1	01.04.2011
16.12.2010	RT I, 06.01.2011, 1	16.01.2011
27.01.2011	RT I, 23.02.2011, 1	01.09.2011
27.01.2011	RT I, 23.02.2011, 2	05.04.2011
17.02.2011	RT I, 11.03.2011, 1	21.03.2011
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
23.02.2011	RT I, 25.03.2011, 1	01.01.2014
16.06.2011	RT I, 30.06.2011, 1	20.07.2011, in part on the date following publication in the <i>Riigi Teataja</i> .
21.06.2011	RT I, 30.06.2011, 6	21.06.2011 A judgment of the Supreme Court <i>en banc</i> , which declares subsection 87 ² (2) of the Penal Code to be in conflict with the Constitution and repealed.
15.06.2011	RT I, 08.07.2011, 8	22.07.2011
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
21.03.2012	RT I, 04.04.2012, 1	14.04.2012
30.05.2012	RT I, 15.06.2012, 2	01.06.2013
06.06.2012	RT I, 29.06.2012, 1	01.04.2013, partially 01.01.2014

Passing	Publication	Entry into force
13.06.2012	RT I, 10.07.2012, 2	01.04.2013
05.12.2012	RT I, 20.12.2012, 3	01.01.2013, partially 01.04.2013
27.03.2013	RT I, 17.04.2013, 2	27.04.2013, partially 01.07 and 02.07.2013

Part 1 GENERAL PART

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of General Part of Penal Code

(1) The provisions of the General Part of the Penal Code apply to the imposition of punishments for offences provided for in the Special Part of this Code and other Acts.

(2) For the purposes of this Chapter, "penal law" means this Code or any other Act which prescribes a punishment for an offence.

§ 2. Basis for punishment

(1) No one shall be convicted or punished for an act which was not an offence pursuant to the law applicable at the time of the commission of the act.

(2) A person shall be punished for an act if the act comprises the necessary elements of an offence, is unlawful and the person is guilty of the commission of the offence.

(3) No one shall be punished more than once for the same offence, regardless of whether the punishment is imposed in Estonia or in another state.

(4) An act shall not be declared to be an offence by analogy in law.

§ 3. Types of offences

(1) An offence is a punishable act provided for in this Code or another Act.

(2) Offences are criminal offences and misdemeanours.

(3) A criminal offence is an offence which is provided for in this Code and the principal punishment prescribed for which in the case of natural persons is a pecuniary punishment or

imprisonment and in the case of legal persons, a pecuniary punishment or compulsory dissolution.

(4) A misdemeanour is an offence which is provided for in this Code or another Act and the principal punishment prescribed for which is a fine or detention.

(5) If a person commits an act which comprises the necessary elements of both a misdemeanour and a criminal offence, the person shall be punished only for the criminal offence. If a punishment is not imposed for the criminal offence, the same act may be punished for the misdemeanour.

§ 4. Degrees of criminal offences

(1) Criminal offences are criminal offences in the first and in the second degree.

(2) A criminal offence in the first degree is an offence the maximum punishment prescribed for which in this Code is imprisonment for a term of more than five years, life imprisonment or compulsory dissolution.

(3) A criminal offence in the second degree is an offence the punishment prescribed for which in this Code is imprisonment for a term of up to five years or a pecuniary punishment.

(4) The mitigation or aggravation of a punishment on the basis of the provisions of the General Part of this Code shall not alter the degree of a criminal offence.

§ 5. Temporal applicability of penal law

(1) A punishment shall be imposed pursuant to the law in force at the time of commission of the act.

(2) An Act which precludes the punishability of an act, mitigates a punishment or otherwise alleviates the situation of a person shall have retroactive effect.

(3) An Act which declares an act as punishable, aggravates a punishment or otherwise exacerbates the situation of a person shall not have retroactive effect.

(4) Offences against humanity and war crimes shall be punishable regardless of the time of commission of the offence.

§ 6. Territorial applicability of penal law

(1) The penal law of Estonia applies to acts committed within the territory of Estonia.

(2) The penal law of Estonia applies to acts committed on board of or against ships or aircraft registered in Estonia, regardless of the location of the ship or aircraft at the time of commission of the offence or the penal law of the country where the offence is committed.

§ 7. Applicability of penal law by reason of person concerned

[RT I 2004, 46, 329 - entry into force 01.07.2004]

(1) The penal law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act and if:

- 1) the act is committed against a citizen of Estonia or a legal person registered in Estonia;
- 2) the offender is a citizen of Estonia at the time of commission of the act or becomes a citizen of Estonia after the commission of the act, or if the offender is an alien who has been detained in Estonia and is not extradited.

[RT I 2004, 46, 329 - entry into force 01.07.2004]

(2) The penal law of Estonia applies:

- 1) to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and the offender is a member of the Defence Forces performing his or her duties;
- 2) to giving gratuities or bribe to officials of foreign states, influence peddling by officials of foreign states and any criminal offence related to such criminal offences which were committed by an Estonian citizen or an alien who has been detained in Estonia and is not extradited, or a legal person registered in Estonia.

[RT I 2008, 33, 200 - entry into force 28.07.2008]

§ 8. Applicability of penal law to acts against internationally protected legal rights

Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to an act committed outside the territory of Estonia if the punishability of the act arises from an international agreement binding on Estonia.

§ 9. Applicability of penal law to acts against legal rights of Estonia

(1) Regardless of the law of the place of commission of an act, the penal law of Estonia applies to acts committed outside the territory of Estonia if according to the penal law of Estonia the act is a criminal offence in the first degree and if such act:

- 1) causes damage to the life or health of the population of Estonia;
- 2) interferes with the exercise of state authority or the defence capability of Estonia; or
- 3) causes damage to the environment.

(2) Regardless of the type of the offence, the penal law of Estonia applies to acts damaging the environment committed within the economic zone or on the high seas in accordance with the requirements and rights of international maritime law established with respect to foreign vessels.

[RT I 2008, 1, 1 - entry into force 14.01.2008]

§ 10. Time of commission of act

An act is deemed to be committed at the time when the person acted or was legally required to act. The time of occurrence of the consequences shall not be taken into consideration.

§ 11. Place of commission of act

(1) An act is deemed to be committed at the place where:

- 1) the person acted;
- 2) the person was legally required to act;
- 3) the consequence which constitutes a necessary element of the offence occurred; or
- 4) according to the assumption of the person, the consequence which constitutes a necessary element of the offence should have occurred.

(2) Complicity is deemed to be committed at the place where:

- 1) the principal offender committed the criminal offence;
- 2) the accomplice acted;
- 3) the accomplice was legally required to act; or
- 4) according to the assumption of the accomplice, the consequence which constitutes a necessary element of the offence should have occurred.

(3) If an accomplice to a criminal offence committed in a foreign state commits an act in the territory of Estonia and pursuant to the penal law of Estonia such act is punishable and the act of the principal offender is punishable at the place of commission of the act or no penal power is applicable at the place of commission of the act, the penal law of Estonia applies to the accomplice.

Chapter 2

OFFENCE

Division 1

Necessary Elements of Offence

§ 12. Necessary elements of offence

(1) Necessary elements of an offence are provided for in the description of a punishable act provided for in the Special Part of this Code or another Act.

(2) The objective elements necessary to constitute an offence are the acts or omissions described by law and, in the cases provided by law, the consequences which are in a causal relation to such acts or omissions.

(3) The subjective elements necessary to constitute an offence are intent or negligence. Law may prescribe a motive, aim or any other subjective element necessary to constitute an offence.

§ 13. Responsibility for omission

(1) A person shall be held responsible for an omission if the person was legally required to prevent a consequence described by law.

(2) In the case of an offence through omission, the court may apply the provisions of § 60 of this Code.

§ 14. Liability of legal persons

(1) In the cases provided by law, a legal person shall be held responsible for an act which is committed in the interests of the legal person by its body, a member thereof, or by its senior official or competent representative.

[RT I 2008, 33, 200 - entry into force 28.07.2008]

(2) Prosecution of a legal person does not preclude prosecution of the natural person who committed the offence.

(3) The provisions of this Act do not apply to the state, local governments or to legal persons in public law.

§ 15. Intentional act and negligent act

(1) Only intentional acts shall be punishable as criminal offences unless a punishment for a negligent act is provided by this Code.

(2) An act is also deemed to be intentional if it comprises the necessary elements of an offence in the case of which intent is presumed with regard to the act, and negligence is deemed to be sufficient with regard to grave consequences.

(3) Intentional and negligent acts are both punishable as misdemeanours.

§ 16. Intent

(1) Intent is deliberate intent, direct intent or indirect intent.

(2) A person is deemed to have committed an act with deliberate intent if the aim of the person is to create circumstances which belong to the necessary elements of an offence and is aware that such circumstances occur or if he or she at least foresees the occurrence of such circumstances. A person is also deemed to have committed an act with deliberate intent if the person assumes that the circumstances which constitute the necessary elements of an offence are an essential prerequisite for the achievement of the aim.

(3) A person is deemed to have committed an act with direct intent if the person knowingly creates circumstances which belong to the necessary elements of an offence and wants or at least tacitly accepts the creation of the circumstances.

(4) A person is deemed to have committed an act with indirect intent if the person foresees the occurrence of circumstances which constitute the necessary elements of an offence and tacitly accepts that such circumstance may occur.

§ 17. Ignorance of circumstances which constitute necessary elements of offence

(1) A person who at the time of commission of an act is unaware that a circumstance which constitutes a necessary element of an offence is not deemed to have committed the act intentionally. In such case, the person shall be punished for an offence committed through negligence in the cases provided by law.

(2) A person who at the time of commission of an act erroneously assumes circumstances which would constitute the necessary elements of an offence for which a more lenient punishment is prescribed, shall be liable for an intentional offence the commission of which the person intended.

(3) Ignorance of law shall not preclude intent or negligence.

§ 18. Negligence

(1) Negligence is recklessness or carelessness.

(2) A person is deemed to have committed an act through recklessness if the person foresees the occurrence of circumstances which constitute the necessary elements of an offence but, due to inattentiveness or irresponsibility, seeks to avoid the occurrence of such circumstances.

(3) A person is deemed to have committed an act through carelessness if the person is unaware of the occurrence of a circumstance which constitutes a necessary element of an offence but should have foreseen the occurrence of the circumstance in the case of attentive and conscientious performance.

§ 19. Liability for grave consequences

A person shall be liable for grave consequences provided by law if he or she causes the consequences with at least negligence.

§ 20. Offender

Offenders are principal offenders and accomplices.

§ 21. Principal offender

(1) Principal offender is a person who commits an offence unaided or by taking advantage of another person.

(2) If at least two persons agree to commit an offence jointly, each of them shall be held liable as a principal offender (joint principal offenders). An offence is deemed to be a joint offence also if an act committed by several persons jointly and in agreement comprises the necessary elements of an offence.

§ 22. Accomplice

(1) Accomplices are abettors and aiders.

(2) An abettor is a person who intentionally induces another person to commit an intentional unlawful act.

(3) An aider is a person who intentionally provides physical, material or moral assistance to an intentional unlawful act of another person.

(4) Unless otherwise provided by § 24 of this Code, a punishment shall be imposed on an accomplice pursuant to the same provision of law which prescribes the liability of the principal offender.

(5) In the case of an aider, the court may apply the provisions of § 60 of this Code.

§ 22¹. Attempt of instigation to criminal offence, consent to proposal to commit criminal offence and agreement to commit joint criminal offence

(1) An attempt of instigation to a criminal offence, a consent to the proposal to commit a criminal offence and an agreement to commit a joint criminal offence are punishable in the case of the criminal offences provided for in Chapters 8, 9, 13, 18 and 22 and in Divisions 2, 4 and 5 of Chapter 15 of this Code for which the maximum term of punishment of at least 12 years' imprisonment or life imprisonment is prescribed.

(2) A person shall be liable for the activities specified in this section only if at least one of the parties to the activities listed in subsection (1) of this section commits an additional act with the intention to promote the commencement of commission of a criminal offence.

(3) Unless otherwise provided for in § 24 of this Code, a punishment shall be imposed on a person who makes an attempt to instigate the commission of a criminal offence pursuant to the same provision of the law which prescribes the liability of the principal offender.

(4) In case of the acts specified in subsection (1) of this section the court shall apply the provisions of § 60 of this Code or release the person from punishment on the bases provided for in subsection 26 (2) of this Code.

[RT I 2008, 52, 289 - entry into force 01.01.2009]

§ 23. Commission of misdemeanour

In the case of a misdemeanour, only the commission thereof is punishable.

§ 24. Special personal characteristics

(1) Special personal characteristics are circumstances which constitute a necessary element of an offence prescribed in the Special Part of this Code or another Act and which describe the personal characteristics, aims or motives of an offender.

(2) If an accomplice lacks the specific personal characteristics which pursuant to law constitute prerequisites for the liability of the principal offender, the provisions of § 60 of this Code shall apply to the accomplice.

(3) Special personal characteristics provided by law which aggravate, mitigate or preclude liability apply only with regard to an offender with such special personal characteristics.

§ 25. Attempt

(1) An attempt is an intentional act the purpose of which is to commit an offence.

(2) An attempt is deemed to have commenced at the moment when the person, according to the person's understanding of the act, directly commences the commission of the offence.

(3) If an act is committed by taking advantage of another person, the attempt is deemed to have commenced at the moment when the person loses control over the events or when the intermediary directly commences the commission of the offence according to the person's understanding of the act.

(4) In the case of a joint offence, the attempt is deemed to have commenced at the moment when at least one of the persons directly commences the commission of the offence according to the agreement of the persons.

(5) In the case of an omission, the attempt is deemed to have commenced at the moment when the person fails to perform an act which is necessary for the prevention of the consequences which constitute the necessary elements of an offence.

(6) In the case of an attempt, the court may apply the provisions of § 60 of this Code.

§ 26. Impossible attempt

(1) An attempt is impossible if it cannot be completed due to the unsuitability of the object or subject of the offence or due to the unsuitability of the object or method used to commit the offence.

(2) The court may release a person from punishment or apply the provisions of § 60 of this Code if due to his or her mental infirmity the person does not understand that the attempt is impossible.

Division 2

Preclusion of Unlawfulness

§ 27. Unlawful act

An act is unlawful if it comprises the necessary elements of an offence prescribed by law and the unlawfulness of the act is not precluded by this Code, another Act, international convention or international customary law.

§ 28. Self-defence

(1) An act is not unlawful if the person combats a direct or immediate unlawful attack against the legal rights of the person or of another person by violating the legal rights of the attacker and without exceeding the limits of self-defence.

(2) A person is deemed to have exceeded the limits of self-defence if the person with deliberate or direct intent carries out self-defence by means which are evidently incongruous with the danger arising from the attack or if the person with deliberate or direct intent causes evidently excessive damage to the attacker.

(3) An opportunity to avoid an attack or to request assistance from another person shall not preclude the right to self-defence.

§ 29. Necessity

An act is not unlawful if the person commits the act in order to avert a direct or immediate danger to the legal rights of the person or of another person, and if the means chosen by the person are necessary for the aversion of the danger and the interest protected is evidently of higher importance than the interest subject to damage. In considering interests, the importance of the legal rights, the degree of the danger by which they are threatened and the danger arising from the act shall be taken into account.

§ 30. Conflict of obligations

An act which violates a legal obligation is not unlawful if the person is to perform several legal obligations simultaneously and it is impossible to perform all of them but the person does everything in his or her power to perform the obligation which is at least as important as the obligation violated against.

§ 31. Error concerning circumstance which precludes unlawfulness

(1) An intentional act is not unlawful if at the time of commission of the act the person erroneously assumes circumstances which would preclude the unlawfulness of the act. In such case, the person shall be punished for an offence committed through negligence in the cases provided by law.

(2) A person who at the time of commission of an act is unaware of the circumstances which objectively preclude the unlawfulness of the act shall be held liable for an attempt. In such case, the court may apply the provisions of § 60 of this Code.

Division 3

Guilt

§ 32. Principle of guilt

(1) A person shall be punished for an unlawful act only if the person is guilty of the commission of the act. A person is guilty of the commission of an act if the person is capable of guilt and there are no circumstances which would preclude guilt pursuant to the provisions of this Division.

(2) An offender shall be punished according to the guilt of the offender, regardless of the guilt of other offenders.

§ 33. Guilt capacity

A person is capable of guilt if at the time of commission of the act he or she is mentally capable and at least 14 years of age.

§ 34. Mental capacity

A person is not mentally capable if at the time of commission of an act he or she is incapable of understanding the unlawfulness of the act or incapable to act according to such understanding due to:

- 1) a mental illness;
- 2) a temporary severe mental disorder;
- 3) mental disability;
- 4) feeble-mindedness; or
- 5) any other severe mental disorder.

§ 35. Diminished mental capacity

If the capacity of a person to understand the unlawfulness of his or her act or to act according to such understanding is substantially diminished due to one of the reasons specified in § 34 of this Code, the court may apply the provisions of § 60 of this Act.

§ 36. State of intoxication

A state of intoxication caused intentionally or through negligence shall not preclude guilt.

§ 37. Guilt capacity of legal persons

Legal persons with passive legal capacity are capable of guilt.

§ 38. Absence of guilt in case of negligence

A person who commits an act through negligence is deemed to have acted without guilt if the person due to his or her mental or physical abilities is incapable of understanding what is expected of him or her or is incapable to act according to such understanding.

§ 39. Error as to unlawfulness of act

(1) A person is deemed to have acted without guilt if he or she is incapable of understanding the unlawfulness of his or her act and cannot avoid the error.

(2) If an offender is able to avoid the error, the court may apply the provisions of § 60 of this Code.

§ 40. Abandonment of attempt

(1) A person is released from guilt if the person voluntarily abandons the attempt in one of the cases provided for in § 41, 42 or 43 of this Code.

(2) Voluntary abandonment of attempt shall not release from guilt for an act which comprises the necessary elements of a completed offence.

(3) A person is deemed to have abandoned an attempt voluntarily if according to the person's understanding of the act the consequences of the act may still occur but the person decides to abandon the attempt regardless of circumstances beyond the person's intention.

§ 41. Abandonment of incomplete attempt

(1) A principal offender is deemed to have abandoned an incomplete attempt if the principal offender interrupts the completion of the offence.

(2) An attempt is incomplete if the person has not yet performed all that according to the person's understanding of the act is necessary for the completion of the offence.

§ 42. Abandonment of completed attempt

(1) A principal offender is deemed to have abandoned a complete attempt if the principal offender prevents the occurrence of the consequences of the offence. If a complete attempt is not sufficient for the full commission of the act, the principal offender is deemed to have abandoned the attempt if the principal offender earnestly endeavours to prevent the occurrence of the consequences of the offence.

(2) An attempt is complete if the person according to the person's understanding of the act has performed everything in the person's power to complete the offence.

§ 43. Abandonment of attempt in case of several offenders

If several offenders participate in an attempt, the person who prevents the occurrence of the consequences of the offence is deemed to have abandoned the attempt. If the consequences occur or do not occur regardless of the conduct of an offender, the offender is deemed to have abandoned the attempt if the offender earnestly endeavours to prevent the occurrence of the consequences.

§ 43¹. Abandonment of attempt to instigate criminal offence and agreement to commit criminal offence

(1) A person having committed an attempt to instigate a criminal offence, consented to a proposal to commit a criminal offence or agreed to commit a criminal offence is released from guilt if the person voluntarily:

- 1) interrupts the instigation of another person to criminal offence and prevents the possible danger of committing the act;
- 2) abandons the consent granted for committing a criminal offence; or
- 3) prevents the agreed committing of a criminal offence.

(2) If a criminal offence is committed or the committing thereof is refrained from regardless of the acts of the person, the person is deemed to have abandoned it if he or she earnestly endeavours to prevent the commission of the criminal offence.

[RT I 2008, 52, 289 - entry into force 01.01.2009]

Chapter 3

TYPES AND TERMS OF PUNISHMENTS

Division 1

Principal Punishments Imposed for Criminal Offences

§ 44. Pecuniary punishment

(1) For a criminal offence, the court may impose a pecuniary punishment of 30 to 500 daily rates.

(2) The court shall calculate the daily rate of a pecuniary punishment on the basis of the average daily income of the convicted offender. The court may reduce the daily rate due to special circumstances, or increase the rate on the basis of the standard of living of the convicted offender. The daily rate applied shall not be less than the minimum daily rate. The minimum daily rate shall be 3.20 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) Average daily income shall be calculated on the basis of the income subject to income tax received by the convicted offender during the year immediately preceding the year in which

criminal proceedings were commenced against the convicted offender or, if the data pertaining to such year are not available, during the year preceding such year, less the income tax.

(4) Daily rates shall be calculated to the accuracy of ten cents.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(5) If at the time of commission of an act, the person is less than 18 years of age, the court may impose a pecuniary punishment of thirty up to two hundred and fifty daily rates. A pecuniary punishment shall not be imposed on a person of less than 18 years of age if he or she does not have any independent income.

(6) A pecuniary punishment may be imposed as a supplementary punishment together with imprisonment unless imprisonment has been substituted by community service.

(7) A pecuniary punishment shall not be imposed as a supplementary punishment together with a fine to the extent of assets.

(8) In case of a legal person, the court may impose a pecuniary punishment of 3200 to 16,000,000 euros. A pecuniary punishment may be imposed on a legal person also as a supplementary punishment together with compulsory dissolution.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(9) In the cases provided for in the Special Part of this Code, the court may impose a pecuniary punishment on a legal person, the amount of which is calculated as a percentage of the turnover of the legal person during the financial year immediately preceding the year in which the criminal proceedings were commenced or in case the person has operated for less than a year, during the year of commencing the criminal proceedings. In such case, the upper limit of the pecuniary punishment imposed shall not exceed the upper limit of the pecuniary punishment provided for in subsection (8) of this section.

[RT I 2010, 8, 34 - entry into force 27.02.2010]

§ 45. Imprisonment

(1) For a criminal offence, the court may impose imprisonment for a term of thirty days to twenty years, or life imprisonment.

(2) Imprisonment for a term of more than ten years or life imprisonment shall not be imposed on a person who at the time of commission of the criminal offence is less than 18 years of age.

§ 46. Compulsory dissolution of legal person

A court may impose the compulsory dissolution on a legal person who has committed a criminal offence if commission of criminal offences has become part of the activities of the legal person.

Division 2

Principal Punishments Imposed for Misdemeanours

§ 47. Fine

(1) For a misdemeanour, a court or an extra-judicial body may impose a fine of three up to three hundred fine units. A fine unit is the base amount of a fine and is equal to four euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(2) A court or an extra-judicial body may impose a fine of 32 up to 32,000 euros on a legal person who commits a misdemeanour.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 48. Detention

For a misdemeanour, a court may impose detention for a term of up to thirty days.

§ 48¹. Deprivation of driving privileges as principal punishment

(1) A court or an extra-judicial body may impose, as a principal punishment, deprivation of driving privileges for up to two years for a misdemeanour relating to violation of the safe traffic or of rules of operation of a motor vehicle, aircraft, water craft, tram or rolling stock. Deprivation of driving privileges may not be imposed simultaneously as a principal and supplementary punishment.

(2) A person shall not be deprived of the right to drive a motor vehicle if he or she uses the motor vehicle due to mobility disability.

[RT I 2008, 54, 304 - entry into force 27.12.2008]

Division 3

Supplementary Punishments for Offences Imposed on Natural Persons

[RT I 2005, 40, 311 - entry into force 01.10.2005]

§ 49. Occupational ban

A court may deprive a convicted offender of the right to work in a certain position or operate in a certain area of activity for up to three years if the person is convicted of a criminal offence relating to abuse of professional or official status or violation of official duties.

§ 49¹. Violation of prohibition to engage in enterprise

(1) The court may impose the prohibition to engage in enterprise on a convicted offender for a term from one to five years if the person is convicted of a criminal offence relating to abuse of official status or violation of official duties or for a criminal offence provided for in §§ 209, 210, 211, 212, 213, 2, 280, 281, 295, 296, 297, 298, 298¹ or 400 or Chapter 19 of this Code.

[RT I 2010, 8, 34 - entry into force 27.02.2010]

(2) A person with respect to whom a court has imposed a prohibition to engage in enterprise shall not act as an undertaking, member of the management bodies of a legal person, liquidator or procurator of a legal person or participate in the management of the legal person in any other manner during the term specified by the court.

[RT I 2008, 52, 288 - entry into force 22.12.2008]

§ 50. Deprivation of driving privileges

(1) As a supplementary punishment, an offender or convicted offender may be deprived of driving privileges for an offence relating to violation of the safe traffic or of rules of operation of a motor vehicle, aircraft, water craft, tram or rolling stock:

1) for up to three years by a court in the case of a criminal offence;

2) for up to one year by a court or body conducting the extra-judicial proceedings in the case of a misdemeanour in cases provided by the law.

[RT I 2005, 40, 311 - entry into force 01.10.2005]

(2) A person shall not be deprived of the right to drive a motor vehicle if he or she uses the motor vehicle due to mobility disability.

[RT I 2008, 54, 304 - entry into force 27.12.2008]

§ 51. Deprivation of right to hold weapons or ammunition

A court may deprive a convicted offender for up to five years of the right to acquire, store, supply or carry weapons or ammunition if the person is convicted of a criminal offence relating to holding or use of weapons or ammunition.

§ 52. Deprivation of hunting or fishing rights

A court may deprive a convicted offender for up to three years of hunting or fishing rights if the person is convicted of a criminal offence relating to violation of hunting or fishing rights.

§ 52¹. Deprivation of right to access state secrets and classified information of foreign states and right to process access state secrets and classified information of foreign states

For a misdemeanour related to the violation of the requirements of the State Secrets and Classified Information of Foreign States Act, a court or a body which conducts extra-judicial proceedings may impose deprivation of right to access state secrets and classified information of foreign states and right to process access state secrets and classified information of foreign states

as supplementary punishment on the offender for up to one year.
[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 52². Deprivation of right to keep animals

For the commission of a prohibited act against an animal, the court may impose, as a supplementary punishment, deprivation of the right to keep any animals or animals of a certain species on a convicted person or offender:

- 1) for up to five years in the case of a criminal offence;
- 2) for up to three years in the case of a misdemeanour.

[RT I 2007, 23, 119 - entry into force 02.01.2008]

§ 53. Fine to the extent of assets

(1) If a court convicts a person of a criminal offence and imposes imprisonment for a term of more than three years or life imprisonment, the court may, in the cases provided by law, impose a supplementary punishment according to which the convicted offender is to pay an amount up to the extent of the total value of all the assets of the convicted offender.

(2) A fine to the extent of assets may be imposed as a supplementary punishment for a criminal offence committed before 1 February 2007.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 54. Expulsion

(1) If a court convicts a citizen of a foreign state of an intentional criminal offence and imposes imprisonment, the court may impose expulsion with prohibition on entry for up to ten years as supplementary punishment on the convicted offender. If the spouse or a minor child of the convicted person lives with him or her in the same family in Estonia on a legal basis, the court in its judgment shall provide reasons for imposition of expulsion.

[RT I 2008, 19, 132 - entry into force 23.05.2008]

(2) Expulsion shall not be imposed on a convicted citizen of a foreign state who at the time of commission of the criminal offence was less than 18 years of age.

§ 55. Term of supplementary punishment

(1) If a supplementary punishment provided for in §§ 49-52² of this Code is imposed together with detention or imprisonment, the supplementary punishment shall extend to the whole term of the principal punishment and additionally to the term determined by the court judgment or the decision of the body conducting extra-judicial proceedings.

[RT I 2007, 23, 119 - entry into force 02.01.2008]

(2) The term for a prohibition on entry supplementing expulsion provided for in § 54 of this Code shall be calculated as of the expulsion of the convicted offender.

Division 4
Supplementary Punishments for Offences Imposed on Legal Persons
[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 55¹. Supplementary punishments for offences imposed on legal persons

In cases provided by law, the following may be imposed as supplementary punishments:

- 1) deprivation by a court or body conducting extra-judicial proceedings of an offender who is a legal person of the right to process state secrets and classified information of foreign states under the conditions provided by § 52¹ of this Code;
- 2) deprivation by a court of a convicted person or an offender who is a legal person of the right to keep animals under the conditions provided by § 52² of this Code.

[RT I 2007, 23, 119 - entry into force 02.01.2008]

Chapter 4
IMPOSITION OF PUNISHMENT

Division 1
Bases for Imposition of Punishments

§ 56. Basis for punishment

(1) Punishment shall be based on the guilt of the person. In imposition of a punishment, a court or an extra-judicial body shall take into consideration the mitigating and aggravating circumstances, the possibility to influence the offender not to commit offences in the future, and the interests of the protection of public order.

[RT I 2003, 83, 557 - entry into force 01.01.2004]

(2) Imprisonment may be imposed only on the condition that the aims of the punishment cannot be achieved by a less onerous punishment. If a section of the Special Part of this Code prescribes, in addition to imprisonment, less onerous punishments, the court in its judgment shall provide the reasons for the imposition of imprisonment.

§ 57. Mitigating circumstances

(1) Mitigating circumstances are:

- 1) prevention of harmful consequences of the offence, and provision of assistance to the victim immediately after the commission of the offence;
- 2) voluntary compensation for damage;
- 3) appearance for voluntary confession, sincere remorse, or active assistance in detection of the offence;
- 4) commission of the offence due to a difficult personal situation;
- 5) commission of the offence under threat or duress, or due to service, financial or family-related dependent relationship;

- 6) commission of the offence in a highly provoked state caused by unlawful behaviour;
- 7) commission of the offence by a pregnant woman or a person in an advanced age;
- 8) commission of the offence in excess of the limits of self-defence.
- 9) conciliation with the victim.

[RT I 2007, 11, 51 - entry into force 18.02.2007]

(2) Circumstances not specified in subsection (1) of this section may be taken into consideration in imposition of a punishment.

§ 58. Aggravating circumstances

Aggravating circumstances are:

- 1) self interest or other base motives;
- 2) commission of the offence with peculiar cruelty, or degradation of the victim;
- 3) commission of the offence knowingly against a person who is less than 18 years of age, pregnant, in an advanced age, in need of assistance or has a severe mental disorder;
- 4) commission of the offence against a person who is in a service, financial or family-related dependent relationship with the offender;
- 5) commission of the offence during a state of emergency or state of war;
- 6) commission of the offence by taking advantage of a public accident or natural disaster;
- 7) commission of the offence in a manner which is dangerous to the public;
- 8) causing of serious consequences;
- 9) commission of the offence in order to facilitate or conceal another offence;
- 10) commission of the offence by a group;
- 11) taking advantage of an official uniform or badge in order to facilitate commission of the offence.

§ 59. Prohibition to repeatedly consider mitigating or aggravating circumstances

The mitigating or aggravating circumstances provided for in §§ 57 and 58 of this Code shall not be considered in imposition of a punishment if they are described by law as the necessary elements of an offence.

§ 60. Mitigation of punishment in cases provided by law

- (1) In the cases specified in the General Part of this Code, a court may mitigate the punishment of a person pursuant to the procedure provided for in subsections (2)–(4) of this section.
- (2) The maximum rate of a mitigated punishment shall not exceed two-thirds of the maximum rate of the punishment provided by law.
- (3) The minimum rate of a mitigated punishment shall be the minimum rate of the corresponding type of punishment provided for in the General Part of this Code.

(4) If the Special Part of this Code prescribes life imprisonment as a punishment for a criminal offence, an imprisonment for a term of not less than three years shall be imposed in mitigation of the punishment.

§ 61. Imposition of less onerous punishment than minimum term or rate

(1) Taking into consideration special circumstances, a court or an extra-judicial body may impose a less onerous punishment than the minimum term or rate provided by law.

(2) If the minimum term of imprisonment provided for in the Special Part of this Code is at least five years, imprisonment shall not be imposed for a term of less than one year.

§ 62. Imposition of principal and supplementary punishments

One principal punishment and one or several supplementary punishments may be imposed for one offence.

§ 63. Imposition of principal punishment for several offences

(1) If a person commits an act which comprises the necessary elements of several offences, one punishment shall be imposed on the person on the basis of the provision of law which prescribes the most onerous punishment.

(2) If a person commits several acts which have the necessary elements of several criminal offences and he or she has not been previously punished for any of such offences, a punishment shall be imposed separately for each offence and aggregate punishment shall be imposed pursuant to § 64 of this Code.

(3) If a person commits several acts which have the necessary elements of several misdemeanours, a punishment shall be imposed separately for each misdemeanour.

[RT I 2002, 56, 350 - entry into force 01.09.2002]

§ 64. Imposition of aggregate punishment

(1) In the case of principal punishments of the same type, the aggregate punishment shall be imposed by increasing the most onerous of the individual punishments imposed or by considering a lesser punishment to be imposed by imposition of the most onerous one.

(2) If one of the principal punishments imposed is a pecuniary punishment, it shall be executed independently, except in the case provided for in subsection (4) of this section.

(3) An aggregate punishment shall not exceed the sum of the individual punishments imposed nor the maximum rate of the most onerous punishment provided for in the corresponding section of the Special Part of this Code.

If life imprisonment one is of the punishments imposed, life imprisonment shall be imposed as the aggregate punishment.

(5) Supplementary punishments of different types shall be executed independently.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

§ 65. Subsequent imposition of aggregate punishment

(1) If, after the pronouncement of a conviction, it is ascertained that the convicted offender has committed another criminal offence prior to the pronouncement of the conviction, aggregate punishment shall be imposed pursuant to the procedure provided for in § 64 of this Code. Punishment served in part or in full pursuant to the previous conviction shall be deducted from the aggregate punishment.

(2) If a convicted offender commits another criminal offence after the pronouncement of the conviction but before the sentence is served in full, the unserved part of the sentence imposed by the previous judgment shall be added to the punishment imposed for the new offence in accordance with the provisions of 64 (2), (4) and (5) of this Code. In such case, the aggregate punishment shall not exceed the maximum term of the given type of punishment.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

§ 66. Serving of sentence in parts

(1) If a court imposes a pecuniary punishment, detention, or imprisonment for a term of up to six months, the court, taking into consideration the situation of the family and the professional activities of the convicted offender and his or her state of health, may order the pecuniary punishment to be paid in instalments or the punishment to be borne in parts. The court shall determine the duration of the imprisonment or detention to be borne consecutively, or the amounts of the instalments of the pecuniary punishment. The duration of an imprisonment or detention to be borne consecutively shall be at least two days.

(2) A court or an extra-judicial body may, with good reason, order a fine payable in instalments.

(3) The term for the execution of a fine payable in instalments or an imprisonment or detention to be borne in parts shall not exceed one year.

§ 67. Calculation of terms of punishment

(1) A term of imprisonment shall be calculated in years, months and days.

(2) A term of detention shall be calculated in days. One day of detention corresponds to twenty-four hours.

(3) The term of a supplementary punishment shall be calculated in years and months.
[RT I 2009, 39, 261 - entry into force 24.07.2009]

§ 68. Consideration of provisional custody and detention

(1) Provisional custody, including the time spent in provisional arrest and arrest for surrender, shall be included in the term of a punishment. One day of provisional custody corresponds to one day of imprisonment or three daily rates of a pecuniary punishment.

[[RT I 2004, 54, 387](#) - entry into force 01.07.2004]

(2) If a person is held in custody in the course of misdemeanour proceedings, it shall be included in the term of a punishment. Twenty-four hours of custody correspond to one day of detention or to ten fine units.

Division 2

Substitution of Imprisonment or Detention by Community Service

[[RT I 2010, 44, 258](#) - entry into force 01.01.2012]

§ 69. Community service

(1) If a court imposes a detention or imprisonment for a term of up to two years or enforces a conditional prison sentence imposed pursuant to the procedure provided for in §§ 73 or 74 of this Code, the court may substitute it by community service. One day of detention or imprisonment corresponds to two hours of community service. Detention or imprisonment shall be substituted by community service only with the consent of the offender or convicted offender.

(2) The duration of community service shall not exceed 8 hours a day. If an offender or convicted offender performs community service during the time free from his or her other work or studies, the duration of community service shall not exceed four hours a day. An offender or convicted offender shall not be remunerated for this.

(3) If a court imposes community service, the court shall determine the term for the performance of the service which shall not exceed twenty-four months in the case of criminal offences and twelve months in the case of misdemeanours. On the basis of a report of a probation officer, the court may suspend the running of the term due to an illness or family situation of the convicted offender or for a period during which the convicted offender is in compulsory military service, alternative service or reserve service. Upon suspension of the term and upon determination of a new term, the court shall take into account the general restrictions on the term of community service prescribed for the respective offence.

[[RT I, 10.07.2012, 2](#) - entry into force 01.04.2013]

(4) In the performance of community service, a convicted offender shall observe supervisory requirements and perform, pursuant to the provisions of § 75 of this Code, the obligations imposed on him or her.

(5) Legislation which regulates health protection and occupational health and safety extends to offenders or convicted offenders who perform community service. If necessary, the court may, before substituting detention or imprisonment by community service, order the medical

examination of the offender or convicted offender in order to ascertain whether the state of health of the offender or convicted offender enables him or her to perform community service.

(6) If an offender or convicted offender evades community service, a convicted offender fails to comply with supervisory requirements or perform the obligations imposed on him or her, the court may, on the basis of a request of a police authority or a report prepared by a probation officer, enforce the detention or imprisonment imposed on the offender or convicted offender. In the case of execution of the detention or imprisonment, the sentence shall be deemed to be served to the extent of the community service served by the offender or convicted offender, whereas two hours of community service correspond to one day of detention or imprisonment.

(7) If a convicted offender commits another criminal offence during the performance of community service and is sentenced to imprisonment, the unserved part of the community service imposed on the convicted offender shall be substituted for pursuant to the ratio provided for in subsection (6) of this section. The aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code.

[[RT I 2010, 44, 258](#) - entry into force 01.01.2012]

Division 2¹

Substitution of Imprisonment by Electronic Surveillance or Treatment

[[RT I, 15.06.2012, 2](#) - entry into force [01.06.2013](#)]

§ 69¹. Substitution of imprisonment by electronic surveillance

(1) If a court imposes imprisonment of up to six months, the court may substitute the imprisonment by electronic surveillance. One day of imprisonment corresponds to one day of electronic surveillance. Imprisonment shall be substituted by electronic surveillance only with the consent of the convicted offender.

(2) If a convicted offender fails to submit to electronic surveillance or withdraws his or her consent for application of electronic surveillance prior to the expiry of the term of the punishment, the court shall order, based on the report of the probation officer, enforcement of the substituted imprisonment.

(3) If a convicted offender commits another criminal offence after the pronouncement of the conviction but before the sentence is served in full, the unserved part of the sentence imposed by the previous judgment shall be added to the punishment imposed for the new offence in accordance with subsection 65 (2) of this Code, whereas the time of electronic surveillance shall not be included in the punishment served.

[[RT I, 2010, 44, 258](#) - entry into force 01.01.2011]

§ 69². Substitution of imprisonment by treatment

- (1) If an imprisonment of six months up to two years is imposed on a person for an act which he or she committed due to a treatable or controllable mental disorder, the court may substitute the imprisonment by treatment.
- (2) The provisions of subsection (1) of this section may be applied only as partial substitution in the case of complex treatment of sex offenders.
- (3) The provisions of subsection (1) of this section may be applied as a prerequisite for release on parole.
- (4) Imprisonment is substituted by treatment only with the person's written consent which he or she can give after all the impacts of the treatment have been explained to him or her.
- (5) The term of treatment shall be determined to the extent of the term of punishment but it shall be not shorter than eighteen months and not longer than three years.
- (6) For the purposes of this Act, a treatment is:
- 1) addiction treatment of drug addicts to a person who has not been previously sentenced to imprisonment and who committed a criminal offence due to drug addiction;
 - 2) complex treatment of adult sex offenders to a person who committed a criminal offence due to sexual orientation disorder.
- (7) The treatment consists of subjection of a convicted offender to in-patient or out-patient treatment which objective is to treat the mental disorder which was the reason for commission of the criminal offence or to control such disorder.
- (8) During the treatment, a convicted offender shall observe supervisory requirements and perform the obligations imposed on him or her pursuant to the provisions of § 75 of this Code.
- (9) If a convicted offender withdraws his or her consent for application of treatment prior to the end of the term of treatment, evades the treatment, fails to comply with the supervisory requirements or perform the duties imposed on him or her, the court shall enforce the imprisonment imposed on the convicted offender based on a report of the probation officer.
- (10) If a convicted offender commits a new criminal offence during the period of treatment and is sentenced to imprisonment, administration of treatment shall be terminated with regard to the person and an aggregate punishment shall be imposed on him or her pursuant to the provisions of subsection 65 (2) of this Code.
- (11) Treatment shall be financed pursuant to the procedure provided for in the Health Services Organisation Act.

[[RT I, 15.06.2012, 2](#) - entry into force 01.06.2013]

Division 3

Substitution of Pecuniary Punishment, Fine or Fine to Extent of Assets

§ 70. Substitution of pecuniary punishment by imprisonment, community service or addiction treatment

[RT I, 23.02.2011, 2 - entry into force 05.04.2011]

(1) If a convicted offender fails to pay the amount of the pecuniary punishment imposed on him or her, the court shall substitute the punishment by imprisonment or, with the consent of the convicted offender, by community service pursuant to the procedure provided for in § 69 of this Code or addiction treatment of drug addicts provided for in § 69² of this Code.

[\[RT I, 15.06.2012, 2](#) - entry into force 01.06.2013]

(2) Three daily rates of a pecuniary punishment correspond to one day of imprisonment.

(3) In the case of substitution of a pecuniary punishment by imprisonment, the minimum term of the imprisonment shall be ten days.

§ 71. Substitution of fine to extent of assets by imprisonment

(1) If a convicted offender fails to pay the amount of the fine imposed on him or her to the extent of his or her assets, the court shall substitute the fine by imprisonment. Fifty minimum daily rates of a fine to the extent of assets correspond to one day of imprisonment.

(2) In the case of substitution of a fine to the extent of assets by imprisonment, the minimum term of the imprisonment shall be thirty days and maximum term shall be five years.

§ 72. Substitution of fine by detention or community service

[RT I 2010, 44, 258 - entry into force 01.01.2012]

(1) If an offender fails to pay a fine imposed on him or her, the court shall substitute the fine to the extent of the unpaid part thereof by detention or, with the consent of the offender, by community service pursuant to the procedure provided for in § 69 of this Code.

[\[RT I 2010, 44, 258](#) - entry into force 01.01.2012]

(2) Ten fine units correspond to one day of detention. If the fine imposed on the offender is from three to nine fine units, the fine shall correspond to one day of detention upon substitution of detention by community service.

[\[RT I 2010, 44, 258](#) - entry into force 01.01.2012]

(3) In the case of substitution of a fine by detention, the minimum term of the detention shall be one day.

Chapter 5

RELEASE FROM PUNISHMENT

§ 73. Probation

(1) If a court, taking into consideration the circumstances relating to the commission of a criminal offence and the personality of the offender, finds that service of the imprisonment imposed for a specified term or payment of the amount of the pecuniary punishment by the convicted offender is unreasonable, the court may order suspension of the sentence on probation. Unless otherwise provided by subsections (4) or (5) of this section, in such case the imposed punishment shall not be enforced in full or in part if the convicted offender does not commit a new intentional criminal offence within the period of probation determined by the court.

(2) If the court decides that imprisonment or a pecuniary punishment imposed is not to be executed in part, the court shall determine the part of the imprisonment or pecuniary punishment which is to be borne or paid immediately and such part of the imprisonment or pecuniary punishment the execution of which is conditionally suspended.

(3) Probation shall be ordered for a period of three to five years.

(4) If a convicted offender commits a new intentional criminal offence during the period of probation and is sentenced to imprisonment, an aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code. If the new criminal offence was committed through negligence, the court may order probation for the second time. In the case of enforcement of sentence of imprisonment, the court may substitute imprisonment by community service pursuant to the procedure provided in § 69 of this Code.

(5) If a convicted offender commits a new intentional criminal offence during the period of probation and punished by a pecuniary punishment, an aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code. In such case the court may decide not to enforce the punishment imposed for the previous criminal offence and order separate enforcement of the pecuniary punishment imposed for the new offence.

(6) Probation shall not be applied to a person who has committed an intentional criminal offence and has been previously sentenced to imprisonment.

[RT I 2006, 46, 333 - entry into force 01.01.2007]

§ 74. Probation with subjection of convicted offender to supervision of conduct

(1) If a court, taking into consideration the circumstances relating to the commission of a criminal offence and the personality of the offender, finds that the service of the imposed imprisonment for a specified term by the convicted offender is unreasonable, the court may order suspension of the sentence on probation. Unless otherwise provided by subsections (4)–(6) of this section, in such case the imposed punishment shall not be enforced in full or in part if the convicted offender does not commit a new intentional criminal offence within the period of probation determined by the court and complies with the supervisory requirements and

obligations imposed on him or her for the probation period pursuant to § 75 of this Code. The obligation of electronic surveillance provided for in clause 75 (2) 9) of this Code may be imposed on the convicted offender in the case provided for in subsection (4) of this section.
[RT I 2010, 44, 258 - entry into force 01.01.2011]

(2) If the court decides that an imposed imprisonment is partially not enforced, the court shall determine the part of the imprisonment to be borne immediately and such part of the imprisonment which is suspended on probation.

(3) Probation shall be imposed for a period of eighteen months to three years.

(4) If, during a period of probation, a convicted offender fails to comply with the supervisory requirements or to perform the obligations imposed on him or her, the court may, on the basis of a report prepared by the probation officer, impose additional obligations pursuant to the provisions of subsection 75 (2) of this Code, extend the period of probation by one year or enforce the punishment.

(5) If a convicted offender commits a new intentional criminal offence during the period of probation and is sentenced to imprisonment, an aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code. If the new criminal offence was committed through negligence, the court may order probation for the second time. In the case of enforcement of sentence of imprisonment, the court may substitute imprisonment by community service pursuant to the procedure provided in § 69 of this Code.

(6) If a convicted offender commits a new intentional criminal offence during the period of probation and punished by a pecuniary punishment, an aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code. In such case the court may decide not to enforce the punishment imposed for the previous criminal offence and order separate enforcement of the pecuniary punishment imposed for the new offence.

[RT I 2006, 46, 333 - entry into force 01.01.2007]

§ 75. Supervision of conduct

(1) During supervision of conduct, a convicted offender is required to comply with the following supervisory requirements:

- 1) to reside in a permanent place of residence determined by the court;
- 2) to report at intervals determined by the probation supervisor at the probation supervision department;
- 3) to submit, in his or her place of residence, to the supervision of the probation officer and provide the probation officer with information relating to the performance of the offender's obligations and his or her means of subsistence;
- 4) to obtain the permission of a probation officer before leaving his or her place of residence within the territory of Estonia for longer than fifteen days;

[RT I, 20.12.2012, 3 - entry into force 01.01.2013]

- 5) to obtain the permission of the probation officer before changing residence, employment or place of study;

6) to obtain the permission of a probation officer before leaving the territory of Estonia and staying outside the territory of Estonia.

[[RT I, 20.12.2012, 3](#) - entry into force 01.01.2013]

(2) Taking into consideration the circumstances relating to the commission of the criminal offence and the personality of the convicted offender, the court may impose the following obligations on the convicted offender for the period of supervision of conduct:

- 1) to remedy the damage caused by the criminal offence within a term determined by the court;
- 2) not to consume alcohol or narcotics;
- 3) not to hold, carry or use weapons;
- 4) to seek employment, acquire general education or a profession within the term determined by the court;
- 5) to undergo the prescribed treatment if the offender has previously consented to such treatment;
- 6) to perform the maintenance obligation;
- 7) not to stay in places determined by the court or communicate with persons determined by the court;
- 8) to participate in social assistance programmes;
- 9) to submit to electronic surveillance if the offender has previously consented to such surveillance.

[[RT I 2010, 44, 258](#) - entry into force 01.01.2011]

(3) A court may, on the basis of a report prepared by the probation officer, mitigate or annul the obligations imposed on the convicted offender for the period of supervision of conduct or to impose additional obligations on him or her pursuant to the provisions of subsection (2) of this section.

(4) If a convicted offender promises to improve conduct and assumes obligations not listed in subsection (2) of this section, the court may approve them as obligations.

(5) Compliance with the supervisory requirements specified in subsection (1) of this section shall be suspended during the time of the serving of a partially enforced imprisonment.

§ 75¹. Electronic surveillance

(1) Electronic surveillance is the obligation imposed on a convicted offender for the term ordered by the court to submit to monitoring of compliance with the restrictions of freedom of movement by an electronic device attached to the body of the convicted offender which permits determination of the location of the convicted offender.

(2) Prior to application of electronic surveillance, the court shall order medical examination of the convicted offender as necessary in order to verify whether the state of health of the convicted offender allows his or her submission to electronic surveillance.

(3) The court may order electronic surveillance with the term of one to twelve months.

(4) The term of electronic surveillance shall begin to run from the date on which the electronic surveillance device is attached to the body of the convicted offender.

(5) Based on a report of the probation supervisor, the court may increase or reduce the term of electronic surveillance initially imposed on the convicted offender, taking account of the restriction provided by subsection (3) of this section.

(6) If the convicted offender withdraws his or her consent for application of electronic surveillance prior to the end of the term of electronic surveillance, the court shall order, based on the report of the probation officer, enforcement of the part of the punishment which was not served.

[RT I 2006, 46, 333 - entry into force 01.01.2007]

§ 76. Release on parole

(1) If a person has been convicted of commission of a criminal offence in the second degree, or a criminal offence in the first degree through negligence, the court may release the convicted offender on parole if he or she has actually served:

1) at one third but not less than six months of the term of the imposed punishment and the person agrees to the application of the electronic surveillance provided in clause 75 (2) 9) of this Code;

or

2) at least half but not less than six months of the term of the imposed punishment.

(2) If a person has been convicted of intentional commission of a criminal offence in the first degree, the court may release the person on parole if the convicted person has actually served:

1) at half but not less than six months of the term of the imposed punishment and the person agrees to the application of the electronic surveillance provided in clause 75 (2) 9) of this Code;

or

2) at least two-thirds of the term of the imposed punishment.

(2¹) A convicted offender shall not be released on parole if the person has been punished by at least two years of imprisonment and has less than two months of the term of the imposed punishment to serve.

[RT I 2009, 39, 261 - entry into force 24.07.2009]

(3) In deciding release on parole, the court shall take into consideration the circumstances relating to the commission of the criminal offence, the personality of the convicted offender, his or her previous personal history and conduct during the service of the sentence, his or her living conditions and the consequences which release on parole may bring about for the convicted offender.

(4) A period of probation shall be determined to the extent of the unserved part of the term of the punishment but for not less than one year. During the period of probation, the person shall be subject to supervision of conduct provided for in § 75 of this Code.

(4¹) If a convicted offender is released on the basis of clause (1) 2) or (2) 2) of this section and the convicted offender agrees, the court may impose an additional obligation on the convicted offender to submit to the electronic surveillance provided by clause 75 (2) 9) of this Code.

(5) If a person, during a period of probation, fails to comply with supervisory requirements or perform the obligations imposed on him or her or fails to submit to electronic surveillance, the court shall enforce the unserved part of the sentence on the basis of a report by the probation officer.

(6) If a person commits a new intentional criminal offence during a period of probation and is sentenced to imprisonment, the unserved part of the sentence shall be enforced. In such case, the aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code.

[RT I 2006, 46, 333 - entry into force 01.01.2007]

§ 77. Release on parole in case of life imprisonment

(1) If a person has been sentenced to life imprisonment, the court may release the person on parole if the convicted offender has actually served at least thirty years of the term of the punishment.

(2) In releasing a person specified in subsection (1) of this section on parole, the provisions of subsection 76 (3) of this Code shall be taken into consideration.

(3) Probation shall be ordered for a period of five to ten years.

(4) If a person commits a new intentional criminal offence during a period of probation, he or she shall be ordered to serve the sentence of life imprisonment.

§ 78. Calculation of period of probation

A period of probation commences to run as of:

- 1) pronouncement of the court decision in the cases provided for in §§ 73 and 74 of this Code;
- 2) entry into force of the court decision in the cases provided for in §§ 76 and 77 of this Code.

§ 79. Release from punishment due to terminal illness of person

(1) If a person suffers from a terminal illness, the court may release him or her from bearing the punishment. In such case, the court shall take into consideration the circumstances relating to the criminal offence committed, the personality of the convicted offender and the nature of the illness.

(2) If a person is mentally capable at the time he or she commits a criminal offence but, before or after the making of the court judgment, becomes mentally ill or feeble-minded or suffers from another severe mental disorder and the person is incapable of understanding the unlawfulness of his or her act or to act according to such understanding, the court shall release the person from

the punishment or the bearing thereof. In such case, the court shall act pursuant to the provisions of § 86 of this Code.

(3) If a person specified in subsections (1) or (2) of this section recovers before the expiry of a limitation period provided for in § 82 of this Code, the court may enforce the punishment or the unserved part thereof.

§ 80. Release from punishment in case person is seriously injured as result of criminal offence

If a convicted offender is seriously injured as a result of committing a criminal offence punishable by imprisonment for a term of up to five years, the court may release the person from the punishment.

Chapter 6 LIMITATION PERIODS

§ 81. Limitation period of offence

(1) No one shall be convicted of or punished for the commission of a criminal offence if the following terms have expired between the commission of the criminal offence and the entry into force of the corresponding court judgment:

- 1) ten years in the case of commission of a criminal offence in the first degree;
- 2) five years in the case of commission of a criminal offence in the second degree.

(2) Offences against humanity, war crimes and offences for which life imprisonment is prescribed do not expire.

(3) A misdemeanour expires after two years have passed between the commission thereof and the entry into force of the corresponding judgment or decision. A tax misdemeanour expires after three years have passed between the commission thereof and the entry into force of the corresponding judgment or decision.

[RT I 2009, 19, 114 - entry into force 06.04.2009]

(4) In the case of an intermittent offence, the limitation period shall be calculated as of the commission of the last act. In the case of a continuous offence, the limitation period shall be calculated as of the termination of the continuous act.

(5) The limitation period of a criminal offence is interrupted with the performance of the following procedural act in the criminal proceeding:

- 1) application of a preventive measure with regard to the suspect or accused, or seizure of his or her property, or property which is the object of money laundering;
- 2) the prosecution of the accused;
- 3) adjournment of the hearing of a matter in the case the accused fails to appear;
- 4) interrogation of the accused in the court hearing;

5) ordering of expert assessment or additional evidence in the court hearing.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(6) If the limitation period of a criminal offence is interrupted, the limitation period shall commence again with the performance of the procedural act provided in subsection (5) of this section. A person shall however not be convicted of or punished for the commission of a criminal offence if the period between the commission of the criminal offence and the entry into force of the corresponding court judgment is five years longer than the term provided for in subsection (1) of this section.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(7) The limitation period of offence is interrupted:

- 1) in the case a suspect, accused or person subject to proceedings absconds from pre-trial proceedings, extra-judicial proceedings or court, until the person is detained or appears before the body conducting the proceedings;
- 2) upon commencement of criminal proceedings in a matter of an act with elements of a misdemeanour, until the termination of the criminal proceedings;
- 3) upon commission of a criminal offence against sexual self-determination against a person younger than eighteen years of age, until the victim attains 18 years of age unless the reason for the criminal proceedings became evident before the victim attained such age.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(8) In the cases provided by clauses (7) 1) and 2) of this section the limitation period shall not be resumed if more than fifteen years have passed from the commission of the criminal offence or more than three years have passed from the commission of the misdemeanour.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 82. Limitation period for execution of judgment or decision

(1) A judgment shall not be executed if the following terms have expired after the entry into force of the judgment:

- 1) five years from entry into force of a court judgment made in a matter concerning a criminal offence in the first degree;
- 2) three years from entry into force of a court judgment made in a matter concerning a criminal offence in the second degree;
- 3) one year from entry into force of a judgment or decision made with regard to a misdemeanour.

[RT I 2009, 68, 463 - entry into force 01.01.2010]

(2) The limitation period for the execution of a judgment is suspended:

- 1) for the period during which the person evades service or payment of the punishment imposed on him or her;
- 2) for a period of probation imposed on the basis of the provisions of § 73 or 74 of this Code;
- 3) for the period during which enforcement of the punishment imposed on the person is postponed or by which the term of the punishment has been extended;
- 4) for the period during which the person is in a foreign state and is not or cannot be extradited.

(3) The limitation period for execution of a conviction does not expire if life imprisonment has been imposed as punishment.

(4) A claim for the payment of a fine enforced shall expire if the fine has not been collected within four years after the entry into force of a decision made in the misdemeanour matter. The limitation period for the enforcement is suspended during the time the debtor spends in a prison or house of detention.

[RT I 2009, 68, 463 - entry into force 01.01.2010]

(5) A claim for payment of an enforced pecuniary punishment or fine to the extent of assets expires if the pecuniary punishment pursuant or fine to the extent of assets has not been collected within seven years after the entry into force of the court judgment made in the criminal matter. The limitation period for the enforcement is suspended during the time the debtor spends in a prison.

[RT I 2009, 68, 463 - entry into force 01.01.2010]

Chapter 7

OTHER SANCTIONS

§ 83. Confiscation of object used to commit offence and direct object of offence

(1) A court may apply confiscation of the object used to commit an intentional offence if it belongs to the offender at the time of the making of the judgment or ruling.

(2) In the cases provided by law, a court may confiscate the substance or object which was the direct object of the commission of an intentional offence, or the substance or object used for preparation of the offence if these belong to the offender at the time of the making of the judgment and confiscation thereof is not mandatory pursuant to law.

(3) As an exception, a court may confiscate the objects or substance specified in subsections (1) and (2) of this section if it belongs to a third person at the time of the making of the judgment or ruling and the person:

1) has, at least through recklessness, aided in the use of the objects or substance for the commission or preparation of the offence,

2) has acquired the objects or substance, in full or in the essential part, on account of the offender, as a present or in any other manner for a price which is considerably lower than the normal market price; or

3) knew that the objects or substance was transferred to the person in order to avoid confiscation thereof.

(3¹) If the object used to commit an intentional offence or direct object of offence was used by the person on the basis of a contract for use or contract of sale with a reservation on ownership, a court may confiscate the proprietary rights of the person arising from that contract.

[RT I 2008, 54, 304 - entry into force 27.12.2008]

(4) In the absence of the permission necessary for the possession of an object or substance, such object or substance shall be confiscated.

(5) In the cases provided for in subsection (4) of this section, a device, object or substance may be confiscated if the person has committed at least an unlawful act.

(6) In the cases provided for in subsections (1), (2) and (4) of this section, the object used to commit a misdemeanour or the substance or object which was the direct object of a misdemeanour may be confiscated by the extra-judicial body prescribed by law.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 83¹. Confiscation of assets acquired through offence

(1) A court shall confiscate of the assets acquired through an offence object if these belong to the offender at the time of the making of the judgment or ruling.

(2) As an exception, a court shall confiscate the assets or substance specified in subsection (1) this section if these belong to a third person at the time of the making of the judgment or ruling, and if:

- 1) these were acquired, in full or in the essential part, on account of the offender, as a present or in any other manner for a price which is considerably lower than the normal market price; or
- 2) the third person knew that that the assets were transferred to the person in order to avoid confiscation.

(3) The court may decide not to confiscate, in part or in full, property acquired through offence if, taking account of the circumstances of the offence or the situation of the person, confiscation would be unreasonably burdensome or if the value of the assets is disproportionably small in comparison to the costs of storage, transfer or destruction of the property. The court may, for the purpose of satisfaction of a civil action, decrease the amount of the property or assets to be confiscated by the amount of the object of the action.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 83². Extended confiscation of assets acquired through criminal offence

(1) If a court convicts a person of a criminal offence and imposes imprisonment for a term of more than three years or life imprisonment, the court shall, in the cases provided by this Code, confiscate a part or all of the criminal offender's assets if these belong to the offender at the time of the making of the judgment, and if the nature of the criminal offence, the legal income, or the difference between the financial situation and the standard of living of the person, or another fact gives reason to presume that the person has acquired the assets through commission of the criminal offence. Confiscation is not applied to assets with regard to which the person certifies that such assets have been acquired out of lawfully received funds.

(2) As an exception, a court may confiscate the assets of a third person on the bases and to the extent specified in subsection (1) this section if these belong to the third person at the time of the making of the judgment or ruling, and if:

1) these were acquired, in full or in the essential part, on account of the offender, as a present or in any other manner for a price which is considerably lower than the normal market price; or
2) the third person knew that that the assets were transferred to the person in order to avoid confiscation.

(3) Assets of a third party which has been acquired more than five years prior to the commission of a criminal offence shall not be confiscated.

(4) Upon extended confiscation of assets acquired through criminal offence, the court shall take account of the provisions of subsection 83¹ (3) of this Code..

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 84. Substitution of confiscation

If assets acquired by an offence have been transferred, consumed or the confiscation thereof is impossible or unreasonable for another reason, the court may order payment of an amount which corresponds to the value of the assets subject to confiscation.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 85. Effect of confiscation

(1) Confiscated objects shall be transferred into state ownership or, in the cases provided for in an international agreement, shall be returned.

(2) In the case of confiscation, the rights of third persons remain in force. The state shall pay compensation to third persons, except in the cases provided for in subsections 83 (3) and (4), 83¹ (2) and 83² (2) of this Code.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

(3) Before entry into force, the decision of an extra-judicial body or court concerning confiscation has the effect of a prohibition against disposal.

§ 86. Coercive psychiatric treatment

(1) If at the time of commission of an unlawful act the person lacks capacity or if he or she, after the making of the court judgment but before the service of the full sentence or during his or her detention after service of the sentence, becomes mentally ill or feeble-minded or suffers from any other severe mental disorder, or if it is established during preliminary investigation or the court hearing of the matter that the person suffers from one of the aforementioned conditions and therefore his or her mental state at the time of commission of the unlawful act cannot be ascertained and he or she poses danger to himself or herself and to the society due to his or her unlawful act and mental state and is in need of treatment, the court shall order coercive psychiatric treatment of the person.

[RT I 2009, 39, 261 - entry into force 24.07.2009]

(1¹) The coercive psychiatric treatment imposed by a court shall be initially administered in the form of in-patient treatment.

[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

(1²) Coercive psychiatric treatment may be administered in the form of out-patient treatment if the person does not pose danger to himself or herself and the society upon subjection to coercive psychiatric treatment and it is likely that the person adheres to the treatment regime.

[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

(2) The treatment specified in subsection (1) of this section shall be provided by a health care provider holding an activity licence for coercive psychiatric treatment.

[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

(3) Coercive psychiatric treatment shall be applied until the person recovers or ceases to pose danger. Termination of a treatment shall be ordered by the court.

(3¹) If the circumstances described in subsection (1) of this section become evident during the detention after service of the sentence, the detention of the person after service of the sentence shall continue after his or her recovery, taking into consideration the terms specified in § 87³ of this Code.

[RT I 2009, 39, 261 - entry into force 24.07.2009]

(4) If a punishment or detention after service of the sentence is imposed on a person after coercive psychiatric treatment, the period of coercive psychiatric in-patient treatment shall be included in the term of the punishment or detention after service of the sentence. One day of coercive psychiatric in-patient treatment corresponds to one day of imprisonment or one day of detention after service of the sentence.

[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

§ 87. Sanctions applicable to minors

(1) Taking into account the level of the moral and mental development of a person of 14 to 18 years of age and his or her ability to understand the unlawfulness of his or her act or to act according to such understanding, the court may release the person from punishment and impose the following sanctions on him or her:

- 1) admonition;
- 2) subjection to supervision of conduct pursuant to the provisions of § 75 of this Code;
- 3) placement in a youth home;
- 4) placement in a school for pupils who need special treatment due to behavioural problems.

(2) A court may subject a person of less than 18 years of age to supervision of conduct for up to one year. On the basis of a report prepared by the probation officer, a court may extend the term of supervision of conduct by up to one year or, as an exception, until the convicted offender attains 18 years of age.

(3) A person of less than 18 years of age is placed in a youth home or a school for pupils who need special treatment due to behavioural problems for up to two years, taking into consideration the end of the academic year. The court may extend the term of stay in a youth home or a school for pupils who need special treatment due to behavioural problems by up to one year, taking into consideration the end of the academic year.

[RT I 2004, 46, 329 - entry into force 01.07.2004]

(4) A court may alter the type of sanctions provided for in clauses (1) 2)-4) of this section.

§ 87¹. Supervision of conduct after service of sentence

(1) A court imposes supervision of conduct of a person after service of sentence pursuant to the provisions of § 75 of this Act if:

1) the person has been punished for an intentionally committed criminal offence by at least two years of imprisonment and he or she has served in full the imprisonment imposed;

2) prior to the commission of the criminal offence specified in clause 1) of this section, her or she has been also punished for an intentionally committed criminal offence by at least one year of imprisonment and

3) taking into consideration the circumstances relating to the commission of the criminal offence, the personality of the convicted offender, his or her previous personal history and living conditions and conduct during the service of the sentence, there is reason to believe that he or she may commit new criminal offences.

(2) If a person has been punished for an intentional criminal offence specified in Divisions 1, 2, 6 and 7 of Chapter 9, Division 2 of Chapter 11 or Divisions 1 and 4 of Chapter 22 or an intentional criminal offence specified in another chapter, which necessary elements of a criminal offence include use of violence, by at least two years of imprisonment, the application of supervision of conduct after service of the sentence does not require the prior conviction specified in clause (1) 2) of this section.

(3) The supervision of conduct after service of the sentence shall be imposed for the term of twelve months to three years.

(4) If a convicted offender fails to comply with supervisory requirements or perform the obligations imposed on him or her, the court may, on the basis of a report prepared by the probation officer, extend the term of supervision of conduct by up to one year at a time or impose additional obligations pursuant to the provisions of subsection 75 (2) of this Code.

(5) On the basis of a report prepared by the probation officer, a court may mitigate or annul the obligations imposed on the convicted offender for the period of supervision of conduct.

(6) Supervision of conduct after service of the sentence expires before the expiry of the term in the following cases:

1) commencement of the service of imprisonment or ordering of coercive psychiatric treatment or

2) application to new supervision of conduct pursuant to the provisions of § 74 of this Code.
[RT I 2009, 39, 261 - entry into force 24.07.2009]

§ 87². Detention after service of sentence

(1) Detention after service of sentence is a non-punitive sanction, which main objective is to prevent the commission of new criminal offences by a person convicted of a criminal offence that seriously endangered or damaged the physical, mental or sexual inviolability of another person, and there is reason to believe that he or she, while being at large, may commit new similar criminal offences.

(2) [Repealed - RT I, 30.06.2011, 6 - entry into force 21.06.2011]

(3) A court may impose detention after service of sentence on a person previously not convicted if:

- 1) the person is convicted of a criminal offence specified in clause (2) 1) of this section, for which the maximum term of punishment of at least 10 years' imprisonment or life imprisonment is prescribed;
- 2) the person has committed at least three criminal offences specified in clause 1) of this section;
- 3) the court imposes an imprisonment of at least six years on him or her; and
- 4) taking into consideration the personality of the convicted offender, including his or her previous personal history and living conditions and the circumstances relating to the commission of a criminal offence, there is reason to believe that because of his or her criminal inclination the person will commit, while being at large, new criminal offences specified in clause 1) of this section.

(4) A court may impose detention after service of sentence on a person already once sentenced to imprisonment if:

- 1) the person is convicted of a criminal offence specified in clause (2) 1) of this section, for which the maximum term of punishment of at least 5 years' imprisonment or life imprisonment is prescribed and for which the court imposes at least 3 years' imprisonment;
- 2) the convicted offender has been already once sentenced to imprisonment for a criminal offence specified in clause 1) of this section and the person has actually served at least one year of imprisonment; and
- 3) taking into consideration the personality of the convicted offender, including his or her previous personal history and living conditions and the circumstances relating to the commission of a criminal offence, there is reason to believe that because of his or her criminal inclination the person will commit, while being at large, new criminal offences specified in clause 1) of this section.

(5) No detention after service of the sentence shall be imposed on a person less than 18 years of age at the time of commission of the latest criminal offence.

(6) Detention after service of the sentence shall be enforced after service of the sentence.

[RT I 2009, 39, 261 - entry into force 24.07.2009]

§ 87³. Termination of detention after service of sentence

(1) Detention after service of the sentence shall be applied until the person ceases to pose danger. Termination of detention after service of the sentence shall be ordered by a court by applying supervision of conduct with regard to a convicted offender in such case pursuant to the provisions of § 75 of this Act. (3) Supervision of conduct shall be imposed for the term of twelve months to three years.

(2) Detention after service of sentence may be applied for the term of more than ten years only if the person is convicted of the criminal offence specified in clause 87² (2) 1) of this Code, for which the maximum term of punishment of at least 10 years' imprisonment or life imprisonment is prescribed, and a serious danger exists that the person, while being at large, may commit new similar criminal offences.

(3) On the basis of a report prepared by the probation officer, a court may extend the term of supervision of conduct each time by up to one year or impose additional obligations pursuant to the provisions of subsection 75 (2) of this Code if:

- 1) the convicted offender fails to comply with the supervisory requirements or perform the obligations imposed on him or her; or
- 2) continuation of the supervision of conduct is required to prevent the commission of new criminal offences by the convicted offender.

(4) If there is reason to believe based on the conduct of a person released on parole from detention after service of sentence that he or she may commit new criminal offences specified in subsection 87¹ (1), the court shall impose new detention after service of sentence on the person. [RT I 2009, 39, 261 - entry into force 24.07.2009]

Part 2

SPECIAL PART

Chapter 8

OFFENCES AGAINST HUMANITY AND INTERNATIONAL SECURITY

Division 1

General Provisions

§ 88. Punishment for offences provided for in this Chapter

(1) For an offence provided for in this Chapter, the representative of state powers or the military commander who issued the order to commit the offence, consented to the commission of the offence or failed to prevent the commission of the offence although it was in his or her power to do so shall also be punished in addition to the principal offender.

(2) Commission of an offence provided for in this Chapter pursuant to the order of a representative of state powers or a military commander shall not preclude punishment of the principal offender.

Division 2

Offences against Humanity

§ 89. Crimes against humanity

Systematic or large-scale deprivation or restriction of human rights and freedoms, instigated or directed by a state, organisation or group, or killing, torture, rape, causing health damage, forced displacement, expulsion, subjection to prostitution, unfounded deprivation of liberty, or other abuse of civilians,
is punishable by 8 to 20 years' imprisonment or life imprisonment.

§ 90. Genocide

A person who, with the intention to destroy, in whole or in part, a national, ethnical, racial or religious group, a group resisting occupation or any other social group, kills or tortures members of the group, causes health damage to members of the group, imposes coercive measures preventing childbirth within the group or forcibly transfers children of the group, or subjects members of such group to living conditions which have caused danger for the total or partial physical destruction of the group,
shall be punished by 10 to 20 years' imprisonment or life imprisonment.

Division 3

Offences against Peace

§ 91. Aggression

A person leading or participating in preparations for a war of aggression directed by one state against another state or war violating international agreements or security guarantees provided by the state, or a representative of the state who threatens to start a war of aggression,
shall be punished by 3 to 12 years' imprisonment.

§ 92. Propaganda for war

Any incitement to war or other use of arms in violation of the generally recognised principles of international law
is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

[RT I 2006, 31, 234 - entry into force 16.07.2006]

§ 93. Manufacture and distribution of prohibited weapons

(1) A person who designs, manufactures, stores, acquires, hands over, sells or provides or offers for use in any other manner a chemical, biological or bacteriological weapon or any other internationally prohibited weapon of mass destruction or other weapon, or essential components thereof, shall be punished by 3 to 12 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

§ 93¹. Failure to apply international sanctions

(1) A person who knowingly performs acts or transactions with a subject of an international sanction or knowingly fails to apply other international sanctions shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

[RT I 2010, 26, 129 - entry into force 05.10.2010]

Division 4 War Crimes

§ 94. Punishment for offences not provided for in this Division

(1) Offences committed in war time which are not provided for in this Division are punishable on the basis of other provisions of the Special Part of this Code.

(2) A person who commits an offence provided for in this Division shall be punished only for the commission of a war crime even if the offence comprises the necessary elements of other offences provided for in the Special Part.

§ 95. Acts of war against civilian population

A person who attacks civilians in war zones or destroys or renders unusable food or water supplies, sown crops or domestic animals indispensable for the survival of civilian population, or attacks structures or equipment containing dangerous forces, shall be punished by 5 to 15 years' imprisonment or life imprisonment.

§ 96. Illegal use of means of warfare against civilians

A person who uses means of warfare in a manner not allowing to discriminate between military and civilian objects and thereby causes the death of civilians, health damage to civilians, damage to civilian objects or a danger to the life, health or property of civilians shall be punished by 6 to 15 years' imprisonment or life imprisonment.

§ 97. Attacks against civilians

A person who kills, tortures, causes health damage to, rapes, compels to serve in the armed forces or participate in military operations of a hostile state, takes hostage, illegally deprives of liberty or deprives of the right to fair trial a civilian in a war zone or in an occupied territory, or displaces residents of an occupying state in an occupied territory, or displaces residents of an occupied territory, shall be punished by 6 to 20 years' imprisonment.

§ 98. Unlawful treatment of prisoners of war or interned civilians

A person required to take care of prisoners of war or interned civilians who mistreats a prisoner of war or an interned civilian or fails to perform his or her duties and thereby causes the situation of the prisoners of war or interned civilians to deteriorate, but the act does not contain the necessary elements of an offence provided for in § 99 of this Code, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 99. Attacks against prisoners of war or interned civilians

Killing, torturing, inhuman treatment, causing health damage, compelling to serve in armed forces, deprivation of the right to fair trial, unjustified delay in release or repatriation, if committed against a prisoner of war or an interned civilian, is punishable by 6 to 20 years' imprisonment.

§ 100. Refusal to provide assistance to sick, wounded or shipwrecked persons

Refusal to provide assistance to a sick, wounded or shipwrecked person in a war zone, if such refusal causes the death of or health damage to the person, is punishable by 3 to 12 years' imprisonment.

§ 101. Attack against combatant hors de combat

A person who kills, causes health damage to or tortures enemy combatants after they have laid down their arms and are placed hors de combat by sickness, wounds or another reason, shall be punished by 6 to 15 years' imprisonment.

§ 102. Attacks against protected persons

A person who kills, tortures, causes health damage to or takes hostage a member of a medical unit with proper distinguishing marks, or any other person attending to sick or wounded persons, a minister of religion, a representative of an humanitarian organisation performing his or her

duties in a war zone, a civil-defence worker, a member of a parliament, or a person accompanying such person, shall be punished by 6 to 15 years' imprisonment.

§ 103. Use of prohibited weapons

Use of biological, bacteriological or chemical weapons or other weapons of mass destruction, toxic weapons, toxic or asphyxiating gases, booby traps, i.e. explosives disguised as small harmless objects, expanding bullets, weapons injuring by fragments which escape X-rays, or other internationally prohibited weapons, or large-scale use of incendiary weapons under conditions where the military objective cannot be clearly separated from civilian population, civilian objects or the surrounding environment, is punishable by 3 to 12 years' imprisonment.

§ 104. Environmental damage as method of warfare

A person who knowingly affects the environment as a method of warfare, if major damage is thereby caused to the environment, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

§ 105. Exploitative abuse of emblems and marks designating international protection

Exploitative abuse of an emblem or name of the red cross, red crescent or red lion and Sun or red crystal, or of a distinctive mark of a structure containing a camp of prisoners of war, a cultural monument, civil defence object or dangerous forces, or of the flag of truce, is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2008, 54, 305 - entry into force 27.12.2008]

§ 106. Attacks against non-military objects

An attack against an object not used for military purposes, a demilitarised zone, hospital zone, medical institution or unit, a camp of prisoners of war or an internment camp, a settlement or structure without military protection, a neutral cargo vessel, aircraft or hospital ship or aircraft, or any other means of transport used for transportation of non-combatants, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 107. Attacks against cultural property

Destruction, damaging or illegal appropriation of a cultural monument, church or other structure or object of religious significance, a work of art or science, an archive of cultural value, a library, museum or scientific collection not used for military purposes is punishable by a pecuniary punishment or by 1 to 5 years' imprisonment.

§ 108. Destruction or illegal appropriation of property in war zone or occupied territory

A person belonging to the armed forces or participating in acts of war who destroys or illegally appropriates property on a large scale in a war zone or an occupied territory, whereas such act is not required by military necessity and lacks the necessary elements of an offence provided for in § 95, 106 or 107 of this Code, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

§ 109. Marauding

A person who, with the intention of illegal appropriation, removes an object adjacent to a person who has died or sustained wounds on the battlefield, shall be punished by 1 to 5 years' imprisonment.

Division 5 Offences against International Security

§ 110. Piracy

Attacking, seizure or destruction of a ship on the high seas or in a territory outside the jurisdiction of any state, or attacking or detention of persons on board such ship, or seizure or destruction of property on board such ship by using violence, is punishable by 2 to 10 years' imprisonment.

(2) The same act, if it causes:

- 1) the death of a person;
 - 2) major damage; or
 - 3) a danger to the life and health of a large number of people,
- is punishable by 6 to 20 years' imprisonment.

§ 111. Hijacking of aircraft

(1) Unlawful assumption of the navigation of an aircraft in flight, or unlawful restriction of the free navigation rights of the crew of an aircraft using violence or deceit, is punishable by 5 to 15 years' imprisonment.

(2) The same act, if it causes:

- 1) the death of a person;
 - 2) major damage; or
 - 3) a danger to the life and health of a large number of people,
- is punishable by 6 to 20 years' imprisonment.

(3) An aircraft is deemed to be in flight as of the moment of the commencement of boarding of the crew members or passengers or loading of the cargo, until the moment when the crew members or passengers have left the aircraft or the cargo has been unloaded.

§ 112. Attacks against flight safety

(1) Illegal carrying on board of an aircraft of weapons, explosive devices, devices causing ignition or devices, facilities or substances otherwise harmful to the flight safety of the aircraft or installation thereof to an aircraft, carrying on board of an aircraft of substances that may have a negative effect on the health of people on board of an aircraft, shooting of an aircraft or any other act with the intention to destroy or damage the aircraft or if a risk of an aircraft accident, serious aircraft incident or aircraft incident is caused thereby, is punishable by a pecuniary punishment or 2 to 10 years' imprisonment.

(2) The same act, if it causes:

1) the death of a person;

2) major damage; or

3) a danger to the life and health of a large number of people,

is punishable by 6 to 20 years' imprisonment.

[RT I 2009, 51, 348 - entry into force 15.11.2009]

Chapter 9

OFFENCES AGAINST THE PERSON

Division 1

Offences against Life

§ 113. Manslaughter

Manslaughter

is punishable by 6 to 15 years' imprisonment.

§ 114. Murder

Manslaughter, if committed:

1) in a torturous or cruel manner;

2) in a manner which is dangerous to the public;

3) against two or more persons;

4) at least twice;

5) in connection with robbery or for the purpose of personal gain;

6) in order to conceal another offence or facilitate the commission thereof;

7) by using an explosive device or explosive substance,

is punishable by 8 to 20 years' imprisonment or life imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 115. Manslaughter in provoked state

Manslaughter, if committed in a state of sudden extreme emotional disturbance caused by violence or insult inflicted on the killer or a person close to him or her by the victim, is punishable by 1 to 5 years' imprisonment.

§ 116. Infanticide

A mother who kills her new-born child during delivery or immediately after delivery shall be punished by up to 5 years' imprisonment.

§ 117. Negligent homicide

(1) Killing another person through negligence is punishable by up to 3 years' imprisonment.

(2) The same act, if it causes the death of two or more persons, is punishable by up to 5 years' imprisonment.

[RT I 2006, 31, 233 - entry into force 16.07.2006]

Division 2

Offences against Health

Subdivision 1

Offences Hazardous to Health

§ 118. Causing serious health damage

(1) Causing health damage which results in:

- 1) danger to life;
- 2) severe physical illness;
- 3) severe mental disorder;
- 4) miscarriage;
- 5) permanent mutilating facial injury; or
- 6) loss or cessation of functioning of an organ,

is punishable by 4 to 12 years' imprisonment.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

(2) An act provided for in this subsection, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

(3) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 119. Causing serious health damage through negligence

(1) Causing serious health damage through negligence is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it causes serious damage to the health of two or more persons, is punishable by up to 3 years' imprisonment.

[RT I 2006, 31, 233 - entry into force 16.07.2006]

Subdivision 2 Acts of Violence

§ 120. Threat

A threat to kill, cause health damage or cause significant damage to or destroy property, if there is reason to fear the realisation of such threat, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 121. Physical abuse

Causing damage to the health of another person, or beating, battery or other physical abuse which causes pain, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 122. Torture

Continuous physical abuse or physical abuse which causes great pain is punishable by a pecuniary punishment or up to 5 years' imprisonment.

Division 3 Offences Endangering Life and Health

§ 123. Placing in danger

Placing or leaving another person in a situation which is life-threatening or likely to cause serious damage to the health of the person is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 124. Refusal to provide assistance

A person who knowingly refuses to provide assistance to a person who is in a life-threatening situation due to an accident or general danger, although such assistance could be provided without endangering the person providing assistance, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

Division 4

Illegal Termination of Pregnancy

§ 125. Malicious termination of pregnancy

Termination of a pregnancy against the will of the pregnant woman is punishable by 3 to 12 years' imprisonment.

§ 126. Unauthorised termination of pregnancy

Termination of a pregnancy at the request of the pregnant woman by a person without the right arising from law to terminate pregnancy is punishable by a pecuniary punishment or up to 3 years' imprisonment.

If the pregnancy has lasted for more than twenty-one weeks, the same act is punishable by up to 5 years' imprisonment.

§ 127. Termination of pregnancy later than permitted by law

A person with the right to terminate pregnancy who terminates the pregnancy of a woman at the request of the pregnant woman later than permitted by law shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 128. Consent to termination of pregnancy

A woman who consents to termination of her pregnancy by a person without the right arising from law to terminate pregnancy or termination of pregnancy later than permitted by law shall be punished by a pecuniary punishment.

[RT I 2002, 56, 350 - entry into force 01.09.2002]

Division 5

Illegal Treatment of Embryo or Foetus

§ 129. Damaging of embryo or foetus

Damaging an embryo or foetus by injuring, administering a substance to or performing any other act with regard to the embryo or foetus while it is in the uterus of a woman if such act results in miscarriage or the death of the embryo or foetus

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2002, 56, 350 - entry into force 01.09.2002]

§ 130. Prohibited acts with embryo

Human cloning or creating a human hybrid or human chimera is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 131. Abuse of human embryo or foetus

A person who creates a human embryo or foetus in vitro without the intention to transfer the embryo or foetus to a woman, or outside an institution duly authorised by law or without the corresponding lawful right, or preserves a human embryo or foetus in vitro in an unfrozen form for longer than the term provided by law or performs unauthorised transactions with an embryo or foetus shall be punished by a pecuniary punishment.

§ 132. Illegal surrogate motherhood

Transfer of a foreign ovum, or an embryo or foetus created therefrom to a woman whose intention to give away the child after birth is known is punishable by a pecuniary punishment.

Division 6

§ 133. Trafficking in human beings

(1) Placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person, is punishable by 1 to 7 years' imprisonment.

(2) The same act, if:

- 1) committed against two or more persons;
 - 2) committed against a person of less than 18 years of age;
 - 3) committed against a person in a helpless situation;
 - 4) committed in a torturous or cruel manner;
 - 5) serious health damage is caused thereby;
 - 6) danger to life is caused thereby;
 - 7) committed by two or more persons;
 - 8) committed by taking advantage of official position,
 - 9) serious consequences are caused thereby;
- is punishable by 3 to 15 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(4) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to commit any of the acts specified in subsection (1) of this section.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 133¹. Support to human trafficking

(1) Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person placed in any situation specified in subsection 133 (1) of this Code, or aiding without prior authorisation his or her forced acts in any other way, is punishable by up to 5 years' imprisonment.

(2) The same act, if:

- 1) committed against two or more persons;
 - 2) committed against a person of less than 18 years of age;
 - 3) committed against a person in a helpless situation;
 - 4) committed by taking advantage of official position,
- shall be punished by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(4) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 133². Pimping

(1) A person who organises meeting of a person engaged in prostitution with a client, owns, manages a brothel, aids prostitution or rents premises for keeping a brothel, or influences a person to cause him or her to commence or continue prostitution but the act does not have the necessary elements of an offence provided for §§ 133 or 133¹ of this Code, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if:

- 1) committed by a person who has previously committed an offence provided for in this section or §§ 133, 133¹, 133³ or 175;
 - 2) committed for the purpose of large proprietary gain,
- is punishable by 1 to 5 years' imprisonment.

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(4) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

(5) For the purposes of this section, a brothel denotes any premises or limited area where a third party mediates engagement of two or more people in prostitution or aids engagement of two or more people in prostitution.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 133³. Aiding prostitution

(1) A person knowingly aiding prostitution if the act does not have the necessary elements of an offence provided for §§ 133, 133¹ or 133² of this Code, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 134. Abduction

Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reasons, and where he or she lacks legal protection against such treatment and does not have the possibility to leave the state, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

- 1) against two or more persons; or
 - 2) against a person of less than 18 years of age,
- is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 135. Hostage taking

(1) Imprisonment of a person in order to compel, under the threat to kill, detain or cause health damage to the person, a third person to commit or consent to an act is punishable by 3 to 12 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by 5 to 15 years' imprisonment.

§ 136. Unlawful deprivation of liberty

(1) Unlawful deprivation of the liberty of another person is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by 1 to 5 years' imprisonment.

§ 137. Unauthorised surveillance

(1) A person without the lawful right to engage in surveillance who observes another person in order to collect information relating to such person shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 138. Illegal conduct of human research

(1) Conduct of medical or scientific research on a person who has not granted consent thereto pursuant to the procedure prescribed by law or who before granting such consent was not notified of the essential potential dangers arising from the research is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 138¹. Forcing person to donate organs or tissue

(1) Placing a person in a situation where organs, tissue or cells are removed from him or her, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless situation or vulnerable situation of the person, and such act does not comprise the necessary elements of an offence provided for in § 118 of this Code, is punishable by up to 5 years' imprisonment.

(2) The same act, if:

- 1) committed against two or more persons;
- 2) committed against a person of less than 18 years of age;

3) committed against a person in a helpless situation;
4) committed in a torturous or cruel manner;
5) serious health damage is caused thereby;
6) danger to life is caused thereby;
7) committed by two or more persons;
8) committed by taking advantage of official position,
9) serious consequences are caused thereby;
shall be punished by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(4) For criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to be placed in a situation specified in subsection (1) of this section.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 139. Illegal removal of organs or tissue

Removal, for transplantation purposes, of human organs or tissue by a person with the corresponding right arising from law, if the person from whom the organs or tissue are removed has not been notified of the essential potential dangers arising from the removal of organs or tissue before he or she grants consent thereto, or if the person removing the organs or tissue was aware that the person from whom the organs or tissue are removed will receive remuneration therefor,
is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 140. Inducing person to donate organs or tissue

(1) Illegal inducing of a person to grant a consent for removal of his or her organs, tissue or cells, if the act does not have the necessary elements of an offence specified in §§ 118 or 138¹ of this Code,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed against a person of less than 18 years of age,
is punishable by up to 5 years' imprisonment.

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

Division 7

Offences against Sexual Self-determination

§ 141. Rape

(1) Sexual intercourse with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation

is punishable by 1 to 5 years' imprisonment.

(2) The same act, if:

- 1) committed against a person of less than 18 years of age;
- 2) committed by two or more persons;
- 3) serious damage is thereby caused to the health of the victim;
- 4) it causes the death of the victim;
- 5) it leads the victim to suicide or a suicide attempt; or
- 6) it was committed by a person who has previously committed a criminal offence provided in this Division,

is punishable by 6 to 15 years' imprisonment.

[RT I 2006, 31, 233 - entry into force 16.07.2006]

§ 142. Satisfaction of sexual desire by violence

(1) Involving a person against his or her will in satisfaction of sexual desire in a manner other than sexual intercourse by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation

is punishable by up to 5 years' imprisonment.

(2) The same act, if committed:

- 1) against a person of less than 18 years of age,
 - 2) by a person who has previously committed a criminal offence provided in this Division,
- is punishable by 1 to 10 years' imprisonment.

[RT I 2009, 59, 388 - entry into force 20.12.2009]

§ 143. Compelling person to engage in sexual intercourse

(1) Sexual intercourse with a person against his or her will by taking advantage of the dependency of the victim from the offender but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 141 of this Code,

is punishable by up to 3 years' imprisonment.

(2) The same act, if committed:

- 1) against a person of less than 18 years of age,
- 2) by a person who has previously committed a criminal offence provided in this Division,

is punishable by up to 5 years' imprisonment.
[RT I 2006, 31, 233 - entry into force 16.07.2006]

§ 143¹. Compelling person to satisfy sexual desire

(1) Involving a person against his or her will in satisfaction of sexual desire in a manner other than sexual intercourse by taking advantage of the dependency of the victim from the offender but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 142 of this Code, is punishable by up to 2 years' imprisonment.

(2) The same act, if committed:

- 1) against a person of less than 18 years of age,
 - 2) by a person who has previously committed a criminal offence provided in this Division,
- is punishable by up to 5 years' imprisonment.

[RT I 2006, 31, 233 - entry into force 16.07.2006]

§ 144. Sexual intercourse with descendant

A parent, a person with the rights of a parent, or a grandparent, who engages in sexual intercourse with his or her child or grandchild shall be punished by up to 5 years' imprisonment.

[RT I 2006, 31, 233 - entry into force 16.07.2006]

§ 145. Sexual intercourse with child

An adult person who engages in sexual intercourse with a person of less than 14 years of age shall be punished by up to 5 years' imprisonment.

[RT I 2006, 31, 233 - entry into force 16.07.2006]

§ 146. Satisfaction of sexual desire with child

An adult person who involves a person of less than 14 years of age in satisfaction of sexual desire in a manner other than sexual intercourse shall be punished by up to 5 years' imprisonment.

[RT I 2006, 31, 233 - entry into force 16.07.2006]

§ 147. Inability of person of less than 10 years to comprehend

Within the meaning of the offences provided for in this Division, a person is deemed to be incapable to comprehend if he or she is less than 10 years of age.

Division 8
Offences against Deceased Persons

§ 148. Abuse of corpse

A person who dissects or steals a corpse, leaves a corpse unburied or treats a corpse in a manner not in compliance with the generally recognised customary practices shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 149. Debasement of memory of deceased

A person who interferes with a funeral or any other ceremony for the commemoration of a deceased person, desecrates a grave or other place designated as a last resting place, or a memorial erected for the commemoration of a deceased person, or steals objects from such places, shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 150. Illegal removal of organs or tissue from corpse

Removal, for transplantation purposes, of organs or tissue from the body of a deceased person by a duly authorised person, if the person from whom the organs or tissue are removed has during his or her lifetime prohibited such removal, is punishable by a pecuniary punishment.

Chapter 10
OFFENCES AGAINST POLITICAL AND CIVIL RIGHTS

Division 1
Offences against Equality

§ 151. Incitement of hatred

(1) Activities which publicly incite to hatred, violence or discrimination on the basis of nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, or financial or social status if this results in danger to the life, health or property of a person are punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if:

- 1) if it causes the death of a person or results in damage to health or other serious consequences;
or
 - 2) it was committed by a person who has previously been punished by such act; or
 - 3) the act is committed by a criminal organisation,
- is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2006, 31, 234 - entry into force 16.07.2006]

§ 152. Violation of equality

(1) Unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, financial or social status is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed:

1) at least twice; or

2) if significant damage is thereby caused to the rights or interests of another person that are protected by law or to public interests,

is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2006, 31, 234 - entry into force 16.07.2006]

§ 153. Discrimination based on genetic risks

(1) Unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her genetic risks is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed:

1) at least twice; or

2) if significant damage is thereby caused to the rights or interests of another person that are protected by law or to public interests,

is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2004, 46, 329 - entry into force 01.07.2004]

Division 2

Violation of Fundamental Freedoms

§ 154. Violation of freedom of religion

A person who interferes with the religious affiliation or religious practices of a person, unless the religious affiliation or practices are detrimental to the morals, rights or health of other people or violate public order,

shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 155. Compelling person to join or retain membership of religious association or political party

(1) Compelling person to join or retain membership of religious association or political party is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

§ 156. Violation of confidentiality of messages

(1) Violation of the confidentiality of a message communicated by a letter or other means of communication is punishable by a pecuniary punishment.

(2) The same act, if committed by a person who has access to the message due to performance of his or her official duties, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 157. Violation of obligation to maintain confidentiality of secrets which have become known in course of professional activities

Disclosure of information obtained in the course of professional activities and relating to the health, private life or commercial activities of another person by a person who is required by law to maintain the confidentiality of such information is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

§ 157¹. Illegal disclosure of sensitive personal data

Illegal disclosure of sensitive personal data, enabling access to such data or transfer of such data for personal gain or if significant damage is caused thereby to the rights or interests of another person that are protected by law

is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 157². Illegal use of another person's identity

Transmission of personal data that establish or may enable to establish the identity of another person, grant of access to the data or use thereof, without the consent of that person, with the aim to knowingly cause a misconception of that person by means of assuming that person's identity, if damage is caused thereby to the rights or interests of another person that are protected by law, or to conceal a criminal offence,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2009, 51, 348 - entry into force 15.11.2009]

§ 158. Interference with or violent dispersion of lawfully organised public meeting

Interference with or violent dispersion of lawfully organised public meeting is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 159. Violation of freedom of association

Interference with the foundation of, joining or membership in a non-profit association, if the foundation or activities of the association do not violate the conditions or restrictions provided by law in the interests of the protection of the security of the state and the society, public order, morals or the rights of other people, and if joining or membership in the association does not violate the conditions or restrictions provided by law for persons in public service, is punishable by a fine of up to 300 fine units or by detention.

Division 3

Offences against Freedom of Election

§ 160. Definition of elections

For the purposes of this Division, "elections" means elections of the *Riigikogu* or the local government councils or to the European Parliament.

[RT I 2003, 4, 22 - entry into force 23.01.2003]

§ 161. Interference with elections or referendum

(1) Interference with elections or a referendum, or with determination or announcement of the results thereof,

is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed using violence:

is punishable by 1 to 5 years' imprisonment.

§ 162. Violation of freedom of election or voting

Preventing a person to freely exercise his or her right to elect or be elected at an election or to vote at a referendum, if such prevention involves violence, deceit or threat or takes advantage of a service, economic or other dependent relationship of the person with the offender is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 163. Falsification at elections

Destruction, damaging, elimination or falsification of election or voting documents, or incorrect counting of votes,
is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 164. Bribery of electorate

Providing or offering material benefits to a person with the intention to persuade the person not to exercise his or her election or voting right or to exercise such right in a certain way is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2006, 30, 231 - entry into force 14.07.2006]

§ 165. Election fraud

A person who votes more than once, except a person who amends his or her vote given by electronic means, or a person who participates in an election or referendum without the right to vote or in the name of another person

shall be punished by a fine of up to 300 fine units or by detention.

[RT I 2005, 47, 387 - entry into force 18.09.2005]

§ 166. Violation of confidentiality of voting

Violation of the procedure for voting by secret ballot at an election or referendum is punishable by a fine of up to 100 fine units or by detention.

§ 167. Interference with election campaigning

Interference with lawful campaigning before an election or referendum is punishable by a fine of up to 300 fine units or by detention.

§ 168. Unlawful campaigning

(1) Active campaigning during the day of an election or referendum is punishable by a fine of up to 200 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 1300 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

Chapter 11 OFFENCES AGAINST FAMILY AND MINORS

Division 1 Offences against Family

§ 169. Violation of obligation to provide maintenance to child

A parent who intentionally evades payment of monthly support ordered by a court to his or her child of less than 18 years of age or to his or her child who has attained the age of majority but is incapacitated for work and needs assistance shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 170. Violation of obligation to provide maintenance to parent

An adult child who intentionally evades payment of monthly support ordered by a court to his or her parent who is incapacitated for work and needs assistance shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 171. Abuse of rights of guardianship or curatorship

A person who abuses his or her rights of guardianship or curatorship in order to increase own assets out of the assets of the person under his or her guardianship or curatorship, or acts in any other manner against the proprietary or personal rights or interests of the person under guardianship or curatorship, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 172. Child stealing

Concealed or unconcealed kidnapping of another person's child of less than 14 years of age from a person under whose care the child legally is, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 173. Sale or purchase of children

(1) The sale or purchase of children is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 174. Alteration of decent

(1) A person who substitutes a child of another or his or her own child for a child of another person with the intention to alter the descent of the child shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if:

- 1) committed in order to receive an estate or aimed at other personal gain; or
 - 2) it causes alteration of the citizenship of the child,
- is punishable by 1 to 5 years' imprisonment.

Division 2

Offences against Minors

§ 175. Human trafficking in order to take advantage of minors

(1) A person who influences a person of less than 18 years of age in order to cause him or her to commence or continue commission of a criminal offence, begging, engagement in prostitution or working under unusual conditions or to appear as a model or actor in the manufacture of a pornographic or erotic performance or work, but it does not contain the necessary elements of an offence provided for in § 133 of this Code, and a person aiding the above-mentioned activities of a person of less than 18 years of age, shall be punished by 2 to 10 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(3) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of 83² of this Code.”;

§ 176. Aiding prostitution involving minors

[Repealed - RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 177. Use of minors in manufacture of pornographic works

[Repealed - RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 177¹. Use of minors in manufacture of erotic works

[Repealed - RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 178. Manufacture of works involving child pornography or making child pornography available

(1) A person who manufactures, stores, hands over, displays or makes available in any other manner pictures, writings or other works or reproductions of works depicting a person of less than 18 years of age in a pornographic situation, or a person of less than 18 years of age in a pornographic or erotic situation shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 178¹.

(1) Making a proposal for meeting a person of less than 18 years of age who was not capable of comprehending the situation, or a person of less than 14 years of age, or concluding an agreement to meet him or her, and performance of an act preparing the meeting, if the aim of the meeting is to commit an offence provided for in §§ 133, 133¹, 141–146, 175, 178 or 179 of this Code with respect to the specified person, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 179. Sexual enticement of children

(1) A person who hands over, displays or makes otherwise knowingly available pornographic works or reproductions thereof to a person of less than 14 years of age, engages in sexual intercourse in the presence of such person or knowingly sexually entices such person in any other manner shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2010, 10, 44 - entry into force 15.03.2010]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 179¹. Employment of person prohibited, based on law, from working with children

(1) An employer who employs a person for work or service related to children if it is prohibited based on law, or a person authorised to issue activity licences who issues an activity licence for provision of services to children if this is prohibited by law shall be punished by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 180. Exhibiting violence to minors

(1) A person who hands over, displays or makes otherwise knowingly available works or reproductions of works promoting violence or cruelty to a person of less than 18 years of age, kills or tortures an animal in the presence of such person without due cause or knowingly exhibits violence to him or her in any other manner shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 181. Involving minor in commission of criminal offence

[Repealed - RT I, 04.04.2012 - entry into force 14.04.2012].

§ 182. Inducing minor to consume alcohol

An adult person who induces a person of less than 18 years of age to consume alcohol shall be punished by a pecuniary punishment or up to one year of imprisonment.

[RT I 2004, 88, 600 - entry into force 02.01.2005]

§ 182¹. Sale of alcohol to minors and purchase of alcohol for minors

(1) An adult person who sells alcohol to or purchases alcohol for a person of less than 18 years of age, if a misdemeanour has been imposed on the offender for the same act, shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) Sale of alcohol to a person of less than 18 years of age, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2004, 88, 600 - entry into force 02.01.2005]

Chapter 12

OFFENCES AGAINST PUBLIC HEALTH

Division 1

Offences Relating to Narcotics

§ 183. Unlawful handling of small quantities of narcotic drugs or psychotropic substances

(1) Illegal trafficking or mediation of small quantities of narcotic drugs or psychotropic substances, or illegal manufacture, acquisition or possession of small quantities of narcotic drugs or psychotropic substances with the intention of trafficking is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by a group;

2) by a person who has committed a criminal offence provided for in this Division or a theft, robbery, illegal import or export or provision of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 184. Unlawful handling of large quantities of narcotic drugs or psychotropic substances

(1) Illegal manufacture, acquisition, possession, trafficking, mediation, transportation, import, export, transit or other illegal handling of large quantities of narcotic drugs or psychotropic substances

is punishable by 1 to 10 years' imprisonment.

(2) The same act, if committed:

1) by a group;

2) by a person who has committed a criminal offence provided for in this Division or a theft, robbery, illegal import or export or provision of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution, is punishable by 3 to 15 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2¹) An act provided for in subsection (1) or (2) of this section, if committed:

1) for the purpose of large proprietary gain; or

2) by a criminal organisation,

is punishable by 6 to 20 years' imprisonment or life imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) An act provided for in clause (2) 2) or (2¹) 1) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(5) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or

2) the court imposes, pursuant to the provisions of § 83² of this Code, extended confiscation of the property obtained by the criminal offence.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 185. Providing of narcotic drugs or psychotropic substances to persons less than 18 years of age

(1) An adult person who illegally provides small quantities of narcotic drugs or psychotropic substances to a person of less than 18 years of age shall be punished by up to 5 years' imprisonment.

(2) The same act, if committed:

1) by a group;

2) by a person who has committed a criminal offence provided for in this Division or a theft, robbery, illegal import or export or provision of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution; or

[RT I 2007, 13, 69 - entry into force 15.03.2007]

3) if the object of provision is large quantities of narcotic drugs or psychotropic substances, is punishable by 3 to 15 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if the purpose of provision was to instigate a minor to provide narcotic drugs or psychotropic substances or to aid such instigation, is punishable by 6 to 20 years' imprisonment or life imprisonment.

(4) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or

2) the court imposes, pursuant to the provisions of § 83² of this Code, extended confiscation of the property obtained by the criminal offence.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 186. Inducing person to engage in illegal use of narcotic drugs or psychotropic substances

Inducing a person to engage in illegal use of narcotic drugs or psychotropic substances is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2003, 83, 557 - entry into force 01.01.2004]

§ 187. Inducing minors to illegally consume narcotic drugs or psychotropic substances or other narcotic substances

(1) An adult person who induces a person of less than 18 years of age to illegally consume narcotic drugs or psychotropic substances or other narcotic substances, or administers such substances illegally to a person of less than 18 years of age, shall be punished by 1 to 10 years' imprisonment.

(2) The same act, if committed by a person who has committed a criminal offence provided for in this Division or a theft, robbery, illegal import or export or provision of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution,

is punishable by 3 to 15 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 188. Illegal cultivation of opium poppy, cannabis or coca shrubs

(1) Illegal cultivation of opium poppy, cannabis or coca shrubs is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

1) by a group;

2) by a person who has committed a criminal offence provided for in this Division or a theft, robbery, illegal import or export or provision of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution,

is punishable by 1 to 10 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 189. Preparation for distribution of narcotic drugs or psychotropic substances

(1) Manufacture, possession or delivery of a device, equipment or substance necessary for the commission of an act provided for in § 184 of this Code, or provision of financial resources for

the commission of such act,
is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 190. Violation of requirements for handling narcotic drugs or psychotropic substances or precursors thereof or of requirements for related recording keeping or reporting

(1) Violation of the requirements for manufacture, production, processing, packaging, storage, transportation, import, export, transit, delivery or record keeping concerning or reporting on narcotic drugs or psychotropic substances or precursors thereof by a person responsible for such activities, if such violation, through negligence, results in illegal trade in narcotic drugs or psychotropic substances,
is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 191. Application of confiscation

The court shall confiscate an object or substance which was the direct object of the commission of an offence provided for in this Division or an object used for the preparation of such offence.

Division 2 Offences Relating to Infectious Diseases

§ 192. Causing threat of spread of infection disease or infectious animal disease

(1) Violation of the requirements for the control of infectious diseases or infectious animal diseases, if such violation causes a threat of the spread of an especially dangerous infectious disease or especially dangerous infectious animal disease,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if a danger of the spread of an especially dangerous infectious disease or an especially dangerous infectious animal disease is thereby caused through negligence,
is punishable by a pecuniary punishment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 193. Causing spread of infectious disease or infectious animal disease

(1) Violation of the requirements for the control of infectious diseases or infectious animal diseases, if such violation causes the spread of an infectious disease or especially dangerous infectious animal disease, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if the spread of an infectious disease or a dangerous infectious animal disease is thereby caused through negligence, is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

Division 3

Offences Relating to Medicinal Products

§ 194. Distribution of counterfeit medicinal products

[RT I, 17.04.2013, 2 - entry into force 27.04.2013]

(1) Production, manufacture, marketing, supply, intermediation, import or export or possession of counterfeit medicinal products with the intention of provision, if the act does not have the necessary elements of an offence provided for in §§ 183–185 of this Code, is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I, 17.04.2013, 2 - entry into force 27.04.2013]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 195. Inducing person to use doping

Prescribing a medicinal product for use as doping in sports, inducing a person to use a medicinal product as doping, or delivery of a medicinal product for administering as doping, is punishable by a pecuniary punishment.

§ 196. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 4
Offences Relating to Occupational Health, Occupational Safety or Technical Supervision

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 197. Violation of occupational health and safety requirements if significant damage is thereby caused to health of person or death of person is caused through negligence

(1) Violation of occupational health and safety requirements if significant damage is thereby caused to the health of a person through negligence, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if the death of a person is caused thereby through negligence, is punishable by up to 5 years' imprisonment.

(3) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 198. Violation of occupational health and safety requirements through negligence if significant damage is thereby caused to health of person or death of person is caused thereby

(1) Violation of occupational health and safety requirements through negligence if significant damage is thereby caused to the health of a person, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if the death of a person is caused thereby, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

Chapter 13
OFFENCES AGAINST PROPERTY

Division 1
Offences against Ownership

Subdivision 1
Illegal Appropriation of Thing

§ 199. Larceny

(1) A person who takes away movable property of another with the intention of illegal appropriation shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if:

- 1) the object of the act is a firearm, ammunition, explosive substance or radiation source,
 - 2) the object of the act is a narcotic drug or psychotropic substance or a precursor thereof,
 - 3) the object of the act is an object of great scientific, cultural or historical significance,
 - 4) the act is committed by a person who has previously committed larceny, robbery or embezzlement,
 - 5) the act is committed publicly, but without the use of violence,
 - 6) the act is committed on a large-scale basis,
 - 7) the act is committed by a group;
 - 8) the act is committed by intrusion; or
 - 9) the act is committed systematically,
- is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2008, 33, 199 - entry into force 28.07.2008]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a criminal organisation, is punishable by 2 to 10 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 200. Robbery

(1) Taking away of movable property of another by use of violence with the intention of illegal appropriation is punishable by 2 to 10 years' imprisonment.

(2) The same act, if:

- 1) the object of the act is a firearm, ammunition, explosive substance or radiation source,
[RT I 2007, 13, 69 - entry into force 15.03.2007]
- 2) the object of the act is a narcotic drug or psychotropic substance or a precursor thereof,
- 3) the object of the act is an object of great scientific, cultural or historical significance,

- 4) the act is committed by a person who has previously committed robbery, or manslaughter in connection with robbery or for the purpose of any other personal gain, or extortion,
 - 5) the act is committed by causing serious damage to health,
 - 6) the act is committed on a large-scale basis,
 - 7) the act is committed by a group or a criminal organisation,
 - 8) the act is committed by using a weapon or any other object used as a weapon, or by threatening to use a weapon or any other object used as a weapon;
- [RT I 2002, 82, 480 - entry into force 24.10.2002]
- 9) the act is committed by intrusion; or
 - 10) the act is committed by hiding of the face with a cover or mask or in any other manner which prevents identification,
- is punishable by 3 to 15 years' imprisonment.

§ 201. Embezzlement

(1) A person who illegally converts into his or her use or the use of a third person movable property which is in the possession of another person or other assets belonging to another person which have been entrusted to the person shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

- 1) by a person who has previously committed larceny or embezzlement;
- 2) on a large-scale basis;
- 3) by an official; or
- 4) by a group or a criminal organisation;

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 202. Acquisition, storage or marketing of property received through commission of offence

[RT I 2008, 33, 199 - entry into force 28.07.2008]

(1) Acquisition, storage or marketing of property received through commission of an offence is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2008, 33, 199 - entry into force 28.07.2008]

(2) The same act, if committed:

- 1) by a group or a criminal organisation;
- 2) at least twice; or
- 3) on a large-scale basis;

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

Subdivision 2 Damage to Property

§ 203. Injuring or destruction of thing

Injuring or destroying a thing of another, if significant damage is thereby caused, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 204. Injuring or destruction of cultural monument, museum object or museum collection

[RT I 2003, 83, 557 - entry into force 01.01.2004]

(1) Injuring or destroying a cultural monument, museum object or museum collection in a manner which causes significant damage is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 205. Injuring or destruction of thing through negligence

Injuring or destroying a thing of another, a cultural monument, museum inventory or museum collection through negligence in a manner which is dangerous to the public or causes major damage is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 206. Interference in computer data

(1) Illegal alteration, deletion, damaging or blocking of data or programmes within computer systems, or illegal uploading of data or programmes into computer systems is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed against a computer system of a vital sector or if significant damage has been caused thereby is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2008, 13, 87 - entry into force 24.03.2008]

§ 206¹. Unlawful removal and alteration of means of identification of terminal equipment

(1) Unlawful removal or alteration, for commercial purposes, of the means of identification of terminal equipment used in an electronic communication network is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 207. Hindering of operation of computer system

(1) Illegal interference with or hindering of the operation of a computer system by way of uploading, transmitting, deleting, damaging, altering or blocking of data is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if significant damage is caused thereby or the operation of a computer system of a vital sector or the provision of public services is hindered thereby is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2008, 13, 87 - entry into force 24.03.2008]

§ 208. Dissemination of spyware, malware or computer viruses

(1) Dissemination of spyware, malware or computer viruses is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) at least twice; or

2) causing significant damage

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this section.

[RT I 2008, 13, 87 - entry into force 24.03.2008]

Division 2
Offences against All Types of Property

Subdivision 1
Fraud

§ 209. Fraud

(1) A person who receives proprietary benefits by knowingly causing a misconception of existing facts

shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by a person who has previously committed fraud, larceny or embezzlement;

1¹) by an official;

[RT I 2007, 13, 69 - entry into force 15.03.2007]

2) on a large-scale basis;

3) by a group or a criminal organisation; or

4) by addressing the public,

is punishable by 1 to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 210. Benefit fraud

(1) For the purposes of this section, "benefit" means a payment made without charge or partly without charge out of the funds of the state budget or a local government or other public funds to a person engaging in economic activities, or a tax incentive for promoting economic activities.

(2) A person who receives a benefit by using fraud or uses a benefit for purposes other than its intended purpose

shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(3) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.

§ 211. Investment fraud

(1) A person engaging in economic activities who receives an investment through presentation of false information in a prospectus or among other information addressed to the public shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.

§ 212. Insurance fraud

(1) A person who intentionally brings about an insured event or causes a misconception of the occurrence of an insured event with the intention to receive an insurance indemnity from the insurer shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 213. Computer-related fraud

(1) A person who receives proprietary benefits through unlawful entry, alteration, deletion, damaging or blocking of computer programs or data or other unlawful interference with a data processing operation shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2008, 13, 87 - entry into force 24.03.2008]

Subdivision 2 Extortion

§ 214. Extortion

(1) A person who coerces another person to transfer proprietary benefits by using a threat to restrict the liberty of the person, disclose embarrassing information or destroy or damage property, or by using violence, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

- 1) by a person who has previously committed extortion, larceny, robbery or fraud;
 - 2) on a large-scale basis;
 - 3) by causing serious damage to health;
 - 4) by a group or a criminal organisation;
 - 5) by deprivation of the liberty of a person; or
 - 6) by destroying or damaging property,
- is punishable by 4 to 12 years' imprisonment.

Subdivision 3 Unlawful Use

§ 215. Unauthorised use of thing

(1) Temporary unauthorised use of movable property of another is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

1) by a person who has previously committed larceny, embezzlement or unauthorised use of a thing, or

2) by a group,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed:

1) by using violence; or

2) by a criminal organisation,

is punishable by 2 to 10 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 216. Unlawful use of electricity, natural gas or thermal energy

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1) Unlawful use of electricity, natural gas or thermal energy through an illegal connection to the network

is punishable by a pecuniary punishment or up to 2 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.

§ 216¹. Preparation of computer-related crime

(1) A person who, for the purposes of committing the criminal offences provided in §§ 206, 207, 208, 213 or 217 of this Code prepares, possesses, disseminates or makes available in any other manner a device, program, password, protective code or other data necessary for accessing a computer system, or uses, disseminates or makes available in any other manner the information necessary for the commission of the criminal offences specified in this section shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.

(3) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this section.

[RT I 2008, 13, 87 - entry into force 24.03.2008]

§ 217. Unlawful use of computer system

(1) Unlawful access to a computer system by way of removal or circumvention of a code, password or other protective measure is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if:

1) if it causes significant damage; or

2) committed by using a computer system containing a state secret, classified foreign information or information prescribed for official use only; or

3) a computer system of a vital sector has been accessed,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2008, 13, 87 - entry into force 24.03.2008]

§ 217¹. Use of terminal equipment with unlawfully removed or altered means of identification

(1) Use of terminal equipment with unlawfully removed or altered means of identification in an electronic communication network by a person who is aware that the identification code has been unlawfully removed or altered

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this section.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

Subdivision 4

Abuse of Trust

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 217². Abuse of trust

(1) Illegal use of the right arising from law or transaction to dispose of assets of another person or assume obligations for another person, or violation of an obligation to comply with the financial interests of another person if such act results in significant material damage but does not contain the necessary elements of an offence provided for in § 201 of this Code is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 3
Petty Offences against Property

§ 218. Offences against property involving objects or proprietary rights of small value

(1) An offence against property committed with regard to an object of small value or an insignificant proprietary right, except for robbery, extortion and unauthorised use of a thing by use of violence, or theft or systematic theft of firearms, ammunition, explosive substances, radiation sources, narcotic or psychotropic substances and precursors thereof, or objects with great scientific, cultural or historical value,
is punishable by a fine of up to 300 fine units or by detention.
[RT I 2008, 33, 199 - entry into force 28.07.2008]

(2) For the purposes of subsection (1) of this section, “object of small value” or “insignificant proprietary right” means an object or right the monetary value of which does not exceed the amount of twenty minimum daily rates, or the damaging of which in the cases provided for in §§ 203, 204 or 206 of this Code did not cause significant damage.

Chapter 14
OFFENCES AGAINST INTELLECTUAL PROPERTY

§ 219. Violation of authorship

A person who discloses a work, performance of a work, an invention, industrial design or a layout-design of an integrated circuit of another in his or her own name shall be punished by a pecuniary punishment or up to 3 years’ imprisonment
shall be punished by a pecuniary punishment or up to 3 years’ imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 220. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 221. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 222. Manufacture of pirated copy

(1) Reproduction, with the intention of distribution, of a work or an object of copyright without the permission of the author of the work, the holder of the copyright or the holder of the related rights
is punishable by a pecuniary punishment or up to 3 years’ imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

§ 222¹. Possession of unlawfully reproduced computer programmes

(1) Unlawful physical use or possession of a computer programme for commercial purposes is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 223. Unlawful direction of works or objects of related rights towards public

(1) Unlawful public performance, showing, transmission, re-transmission or making available to the public or a work or an object of related rights for commercial purposes is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if performed by using a pirated copy, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) The court shall confiscate the object which was the direct object of the offence provided for in subsection (2) of this section.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 224. Trade in pirated copies

(1) Trade in pirated copies is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

§ 225. Removal of technical means of protection preventing violation of copyright and related rights

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1) Unlawful removal of a of technical means of protection preventing violation of copyright and related rights, or manufacture, transfer or possession, or advertising for commercial purposes of a device or equipment intended for removal of such means of protection is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

§ 225¹. Illegal receipt of information society services and media service

[RT I, 06.01.2011, 1 - entry into force 16.01.2011]

(1) Manufacture for commercial purposes, transfer, installation, maintenance, possession or advertising of equipment or software enabling illegal access to fee-charging information society services or pay-TV or pay-radio programmes or broadcasts, or services enabling access to such services, programmes and broadcasts is punishable by a fine of up to 300 fine units.
[RT I, 06.01.2011, 1 - entry into force 16.01.2011]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 226. Violation of exclusive rights of owner of patent, utility model, trade mark, industrial design or layout-design of integrated circuit

(1) A person who knowingly violates exclusive rights of owner of patent, utility model, trade mark, industrial design or layout-design of integrated circuit shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 227. Trade in counterfeit goods

(1) Trade in counterfeit goods is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

§ 228. Disclosure of invention or industrial design

Disclosure of an invention or an industrial design without the permission of the person holding the right to the patent, utility model or industrial design, before the invention or industrial design has been disclosed or published by such person pursuant to the procedure prescribed by law, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 229. Violation of rights arising from plant variety right

(1) Illegal appropriation of rights belonging to the breeder or owner of a protected variety, or use of a protected variety without a licence issued by the owner, is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The court shall confiscate the substance or object which was the direct object of commission of an offence provided for in this section.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 230. Unlawful use of registered geographical indications

(1) Unlawful use of a registered geographical indication is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the substance or object which was the direct object of commission of an offence provided for in this section.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

Chapter 15 OFFENCES AGAINST THE STATE

Division 1 General Provisions

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 230¹. Punishment for offences provided for in this Chapter

If the object of an offence provided for in this Chapter is a state secret or classified foreign information, the person who committed such offence is not released of liability if, after commission of such offence, the classification of the data expires, unless the data had been classified without legal basis.

[RT I 2007, 16, 77 - entry into force 01.01.2008]

Division 2

Offences against the Republic of Estonia

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 231. Violent activities against the Republic of Estonia

(1) Activities aimed at violent disruption of the independence, sovereignty or territorial integrity of the Republic of Estonia, violent seizure of power or violent changing of the constitutional order of the Republic of Estonia in any other manner are punishable by 6 to 20 years' imprisonment or life imprisonment.

(2) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 232. Treason

(19) A citizen of the Republic of Estonia who assists a foreign state, an organisation of a foreign state, an alien or a person acting at the request of a foreign state in non-violent activities directed against the independence and sovereignty or territorial integrity of the Republic of Estonia, or collects state secrets or classified information of a foreign state communicated to Estonia on the basis of an international agreement with the intention of communication thereof, or communicates such information to a foreign state, organisation of a foreign state, alien or a person acting at the request of a foreign state shall be punished by 6 to 20 years' imprisonment or life imprisonment.

(2) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 233. Non-violent acts committed by alien against the Republic of Estonia

An alien who engages in non-violent activities directed against the independence and sovereignty or territorial integrity of the Republic of Estonia and such activities do not comprise the necessary elements of an offence provided for in § 231 or 234 of this Code, shall be punished by 2 to 15 years' imprisonment.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 234. Espionage

(1) An alien who collects state secrets or classified information of a foreign state communicated to Estonia on the basis of an international agreement with the intention of communication thereof, or communicates such information to a foreign state, organisation of a foreign state, alien, or a person acting at the request of a foreign state shall be punished by 3 to 15 years' imprisonment.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

(2) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 234¹. Support of war against or occupation of Republic of Estonia

An Estonian citizen who joins the armed forces of an enemy during a war against the Republic of Estonia or occupation of Estonia, participates in military actions against the Republic of Estonia or performs such military or leading civilian functions that support the military action against the Republic of Estonia or occupation of the Republic of Estonia, shall be punished by 6 to 20 years' imprisonment or life imprisonment.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 235. Unconstitutional organisations

(1) A person who belongs to a permanent organisation which consists of three or more persons who share a distribution of tasks and which has been formed with the intention to carry out violent activities directed against the Republic of Estonia, or who forms, leads or recruits members to such organisation, shall be punished by up to 6 years' imprisonment.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

(2) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

§ 235¹. Conspiracy against Republic of Estonia

Establishment or maintenance of a relationship by a citizen of the Republic of Estonia with a foreign state, an organisation of a foreign state or a person acting at the request of a foreign state with the aim of committing a criminal offence specified in § 232 of this Code is punishable by up to 6 years' imprisonment.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 235². Counterfeiting against Republic of Estonia

Counterfeiting of official documents, dissemination of such documents or data contained therein with the aim of damaging the independence and sovereignty or territorial integrity of the Republic of Estonia or if this is accompanied by a threat to the independence and sovereignty or territorial integrity of the Republic of Estonia is punishable by up to 6 years' imprisonment.
[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 235³. Anti-state influencing of police officers and persons in active service in Defence Forces

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

Systematic influencing of police officers or persons in active service of the Defence Forces to non-performance of their duties with the aim of damaging the independence and sovereignty or territorial integrity of the Republic of Estonia is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

§ 236. Incitement to commit criminal offence against Republic of Estonia

Public incitement to the commission of a criminal offence provided for in this Division is punishable by a pecuniary punishment or up to 3 years' imprisonment.

Division 3

Offences against State Power

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 237. Acts of terrorism

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1) Commission of a criminal offence against international security, against the person or against the environment, against foreign states or international organisations or a criminal offence dangerous to the public posing a threat to life or health, or the manufacture, distribution or use of prohibited weapons, the illegal seizure, damaging or destruction of property to a significant extent or interference with computer data or hindrance of operation of computer systems as well as threatening with such acts, if committed with the purpose to force the state or an international organisation to perform an act or omission, or to seriously interfere with or destroy the political, constitutional, economic or social structure of the state, or to seriously interfere with or destroy the operation of an international organisation, or to seriously terrorise the population is punishable by 5 to 20 years' imprisonment or life imprisonment.
[RT I 2009, 19, 114 - entry into force 06.04.2009]

(2) The same act, if committed by a legal person, is punishable by compulsory dissolution.

(3) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 237¹. Terrorist organisation

(1) Membership in a permanent organisation consisting of three or more persons who share a distribution of tasks and whose activities are directed at the commission of a criminal offence provided in § 237 of this Code as well as forming, directing or recruiting members to such organisation

is punishable by 5 to 15 years' imprisonment or life imprisonment.

(2) The same act, if committed by a legal person, is punishable by compulsory dissolution.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 237². Preparation of and incitement to acts of terrorism

(1) Organisation of training or recruiting persons for the commission of a criminal offence provided in § 237 of this Code, or preparation for such criminal offence in another manner as well as public incitement for the commission of such criminal offence is punishable by 2 to 10 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 237³. Financing and support of act of terrorism and activities directed at it

(1) A person who finances or knowingly supports in another way the commissioning of a criminal offence provided for in §§ 237, 237¹ or 237² of this Code, as well as a terrorist organisation or a person whose activities are directed at the commission of a criminal offence provided in § 237 of this Code, and makes available or accumulates funds knowing that these may be used in full or in part to commit a criminal offence provided for in §§ 237, 237¹ or 237² of this Code, shall be punished by 2 to 10 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(3) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I 2009, 19, 114 - entry into force 06.04.2009]

§ 238. Organising and preparing mass disorders and incitement to participation therein

Organising or preparing a disorder involving a large number of persons or incitement to participation in such disorder, if such disorder results in desecration, destruction, arson or other similar acts,
is punishable by 3 to 8 years' imprisonment.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 239. Commission of offence during mass disorder

(1) A person participating in a mass disorder who commits desecration, destruction, arson or other similar act or disregards a lawful order or offers resistance to a police officer, special constable or any other person combating such activities on a legal basis, or incitement of such person for non-performance of his or her duties
shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2009, 51, 347 - entry into force 15.11.2009]

(2) The same act, if committed by hiding of the face with a cover or mask or in any other manner which prevents identification,
is punishable by 2 to 8 years' imprisonment.

[RT I 2008, 28, 181 - entry into force 13.07.2008]

§ 240. Illegal entry into official premises

(1) Entry into the official premises of a state or local government agency with the intention to interfere with the regular activities thereof or to occupy the premises
is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by using violence; or

2) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance,

is punishable by 1 to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) An act provided for in subsection (1) or (2) of this section, if serious consequences or major damage are thereby caused,
is punishable by 4 to 12 years' imprisonment.

§ 241. Disclosure of state secrets and classified information of foreign states

(1) A person required to maintain the confidentiality of state secrets or classified information of a foreign state who discloses or illegally communicates or provides illegal access to state the secrets or classified information of the foreign state, if such act does not comprise the necessary

elements of an offence provided for in § 234 of this Code shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[[RT I 2007, 16, 77](#) - entry into force 01.01.2008]

§ 242. Publication of state secrets and classified information of foreign states through negligence

(1) A person required to maintain the confidentiality of state secrets or classified information of a foreign state who discloses or illegally communicates or provides illegal access to state the secrets or classified information of the foreign state through negligence, or loses a data medium containing a state secret or classified information of a foreign state, if:

1) significant damage is caused thereby to the security of the Republic of Estonia, a foreign state, an international organisation or an institution established by international agreement, or

2) the object of the offence was a state secret or classified information of a foreign state classified as secret or top secret,

shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[[RT I 2007, 16, 77](#) - entry into force 01.01.2008]

§ 243. Communication of internal information

Collection of information classified as internal information with the intention of communication thereof, or communication of such information to a foreign state, organisation of a foreign state, alien, or a person acting at the request of a foreign state, is punishable by up to 3 years' imprisonment.

§ 244. Attack against life or health of higher state public servants

Killing, hostage taking or causing health damage, if committed against the President of the Republic, President of the *Riigikogu*, Prime Minister, Chief Justice of the Supreme Court, Chancellor of Justice, Auditor General, Commander of the Defence Forces is punishable by 6 to 20 years' imprisonment or life imprisonment.

[[RT I, 10.07.2012, 2](#) - entry into force 01.04.2013]

§ 245. Defamation of official symbols of Republic of Estonia

A person who tears down, damages, profanes or otherwise defames the Estonian flag, national coat of arms or any other official symbol of the Republic of Estonia, or defames the national anthem,

shall be punished by a pecuniary punishment or up to one year of imprisonment.

[[RT I 2005, 20, 126](#) - entry into force 01.01.2006]

Division 4
Offences against Foreign States or International Organisations
[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 246. Attack against life or health of persons enjoying international immunity

(1) Killing, hostage taking or causing health damage, if committed against a representative of an international organisation or generally recognised international non-governmental organisation or a foreign high-ranking public official or a family member thereof, is punishable by 6 to 20 years' imprisonment or life imprisonment.

(2) Subsection (1) of this section does not apply in the case of an operation involving use of armed forces sanctioned by the Security Council of the United Nations on the basis of Chapter VII of the Charter of the United Nations where the persons participating in the operation are combatants in an armed conflict.

§ 247. Defamation and insulting of persons enjoying international immunity

(1) Defamation or insulting of a person enjoying international immunity or of a family member of such person is punishable by a pecuniary punishment or up to 2 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2003, 83, 557 - entry into force 01.01.2004]

§ 248. Illegal entry into territory, building or premises enjoying diplomatic immunity

(1) Illegal entry into or occupation of a territory, building or premises enjoying diplomatic immunity in the Republic of Estonia is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by using violence; or

2) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance,

is punishable by 1 to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) An act provided for in subsection (1) or (2) of this section, if serious consequences or major damage are thereby caused, is punishable by 4 to 12 years' imprisonment.

§ 249. Defamation of official symbols of foreign state or international organisation

A person who tears down, damages, profanes or otherwise defames the national flag, national coat of arms or any other official symbol of a foreign state, or an official symbol of an international organisation, or defames the national anthem of a foreign state, shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 250. Incitement to commission of criminal offence against foreign state or international organisation

Public incitement to the commission of a criminal offence provided for in this Division is punishable by a pecuniary punishment or up to 3 years' imprisonment.

Division 5

Offences against National Defence

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 251. Assumption of authority in Defence Forces

(1) Assumption of authority in the Defence Forces or any other militarily organised institution, organisation or unit which possesses weapons is punishable by 2 to 10 years' imprisonment.

(2) Preparation for the same act is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed:

1) by using violence;

2) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance; or

[RT I 2007, 13, 69 - entry into force 15.03.2007]

3) by causing serious damage to health;

is punishable by 4 to 12 years' imprisonment.

§ 252. Illegal entry into national defence area, building or premises

(1) Entry into a national defence area, building or premises with the intention to occupy them or interfere with the regular activities thereof is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by using violence; or

2) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance,

is punishable by 1 to 5 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) An act provided for in subsection (1) or (2) of this section, if serious health damage is thereby caused,
is punishable by 4 to 12 years' imprisonment.

§ 253. Evasion of national defence duties

Failure to comply with expropriation, duty to grant use or other duty imposed on a person during a state of war
is punishable by a pecuniary punishment.

§ 254. Failure to comply with mobilisation order, or evasion of service in Defence Forces

(1) A person liable to service in the Defence Forces who, without a reasonable impediment, fails to comply with a mobilisation order or a mobilisation notice communicated in peace-time shall be punished by a pecuniary punishment or up to one year of imprisonment.
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(2) The same act, if committed during war-time, or evasion of service in the Defence Forces during war-time,
is punishable by 1 to 5 years' imprisonment.

Chapter 16 OFFENCES AGAINST PUBLIC PEACE

Division 1 Offences against Public Security

§ 255. Criminal organisation

(1) Membership in a permanent organisation consisting of three or more persons who share a distribution of tasks, created for the purpose of proprietary gain and whose activities are directed at the commission of criminal offences in the second degree for which the maximum term of imprisonment of at least three years is prescribed, or criminal offences in the first degree,
is punishable by 3 to 12 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1¹) The same act, if committed by a legal person,
is punishable by a pecuniary punishment or compulsory dissolution.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or

2) the court imposes, pursuant to the provisions of § 83² of this Code, extended confiscation of the property obtained by the criminal offence.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 256. Formation of criminal organisation

(1) Forming or leading of or recruiting members to a criminal organisation is punishable by 5 to 15 years' imprisonment.

(1¹) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or

2) the court imposes, pursuant to the provisions of § 83² of this Code, extended confiscation of the property obtained by the criminal offence.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 257. Arbitrary action

A person who unlawfully exercises his or her actual or assumed right, if such act involves violence, destruction or injuring of property or a threat thereof, deprivation of a person's liberty, restriction of a person's liberty or a threat thereof, or if other significant damage is caused thereby,

shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 258. Illegal crossing of state border or temporary border line of Republic of Estonia

(1) Illegal crossing of the state border or temporary border line of the Republic of Estonia, if committed:

1) in disregard of a stop signal or order given by a police officer;

[RT I 2009, 62, 405 - entry into force 01.01.2010]

2) by a group;

3) by a means of transport in a location not intended for crossing;

4) and a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2002, 56, 350 - entry into force 01.09.2002]

(2) The same act, if committed:
1) by using violence; or
2) by causing serious damage to health;
is punishable by 4 to 12 years' imprisonment.

§ 259. Illegal transportation of aliens across state border or temporary border line of Republic of Estonia

(1) Illegal transportation of an alien across the state border or temporary border line of the Republic of Estonia
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:
1) by a group; or
2) by using violence,
is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious health damage is thereby caused,
is punishable by 4 to 12 years' imprisonment.

§ 260. Stay of alien in Estonia without legal basis

An alien who stays in Estonia without a legal basis at least twice within a year shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 260¹.

(1) Provision of employment by an employer in Estonia for an alien staying in Estonia without legal basis if the act does not have the necessary elements of an offence provided for §§ 133, 133¹ or 175 of this Code, and:

[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

1) it is committed at least twice during 12 consecutive months;
2) employment is provided for three or more aliens;
3) employment is provided for a minor alien;
4) employment is provided for an alien victim of a crime relating to human trafficking; or
5) this causes a danger to the life or health of the alien or the alien is subject to inhuman or degrading treatment,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

[RT I, 30.06.2011, 1 - entry into force 20.07.2011]

§ 261. Failure by person to perform duties imposed on and communicated to him or her, or failure to give notice that performance is impossible

(1) A person who fails to perform a duty imposed on and communicated to him or her, or fails to give notice to the agency which imposed the duty that performance is impossible due to destruction of property or the fact that it has become unusable, or any other reason, shall be punished by a fine of up to 100 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

Division 2

Offences against Public Order

§ 262. Breach of public order

Disturbing the peace of other persons in a public place, or any other breach of public order is punishable by a fine of up to 100 fine units or by detention.

§ 263. Aggravated breach of public order

Breach of peace or public order, if committed:

1) by using violence;

2) by offering resistance to a person protecting public order;

2¹) by hiding of the face with a cover or mask or in any other manner which prevents identification;

[RT I 2008, 28, 181 - entry into force 13.07.2008]

2) by using threat with a weapon or any other object used as a weapon, an explosive device or explosive substance; or

[RT I 2007, 13, 69 - entry into force 15.03.2007]

4) by a group,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 264. Cruel treatment of animals

(1) Commission of prohibited act with respect to animals:

1) by a person who has been previously punished for such act;

2) in a public place; or

3) in a cruel manner,

is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 265. Unauthorised public meeting

Organising an unauthorised public meeting or incitement to participation in such meeting is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 266. Illegal entry

(1) Illegal entry into a building, room, vehicle or enclosed area of another against the will of the possessor is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

1) at least twice;

2) by using violence; or

2¹) by hiding of the face with a cover or mask or in any other manner which prevents identification; or

[RT I 2008, 28, 181 - entry into force 13.07.2008]

3) by a group,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious health damage is thereby caused,

is punishable by 4 to 12 years' imprisonment.

§ 267. Failure to comply with demand to leave building, room, vehicle or enclosed area of another

Unlawful failure to comply with the demand of a possessor to leave a building, room, vehicle or enclosed area

is punishable by a fine of up to 100 fine units or by detention.

§ 268. Provision of opportunity to engage in unlawful activities

(1) Providing premises for the purposes of illegal consumption of narcotic drugs or psychotropic substances, or for organising illegal gambling, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or

2) the court imposes, pursuant to the provisions of § 83² of this Code, extended confiscation of the property obtained by the criminal offence.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 268¹.

[Repealed - RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 269. Unlawful firing of red signal rockets

Unlawful firing of a red signal rocket
is punishable by a fine of up to 100 fine units or by detention.

§ 270. Unauthorised raising of sunken property of another

(1) Raising of sunken property of another located in the territorial waters or the exclusive economic zone of Estonia without the authorisation of a competent state agency
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 271. Violation of procedure for use of national flag

(1) Violation of the requirements for hoisting the Estonian flag or use of the Estonian flag or its colour combination or use of the Estonian flag as a trade mark
is punishable by a fine of up to 100 fine units or by detention.

(2) The same act, if committed at least twice,
is punishable by a fine of up to 200 fine units or by detention.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a fine of up to 960 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 272. Illegal hoisting of national flag of Republic of Estonia on ship

Illegal hoisting of the national flag of the Republic of Estonia on a ship
is punishable by a pecuniary punishment.

§ 273. Violation of obligation to fly national flag of Republic of Estonia on ship

Violation of the obligation to fly the national flag of the Republic of Estonia on a ship
is punishable by a pecuniary punishment.

Division 3
Offences against Exercise of Public Authority

Subdivision 1
Offences against Representatives of State Authority

§ 274. Violence against representative of state authority or other person protecting public order

(1) Commission of an act of violence against a representative of state authority or any other person protecting public order, if committed in connection with the performance of his or her official duties by such person,
is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if a person specified in subsection (1) of this section is thereby coerced into commission of an unlawful act,
is punishable by up to 5 years' imprisonment.

§ 275. Defamation or insult of representative of state authority or other person protecting public order

Defaming or insulting a representative of state authority or any other person protecting public order, if committed in connection with the performance of his or her official duties by such person,
is punishable by a pecuniary punishment or up to 2 years' imprisonment.

§ 276. Disregard of lawful order given by representative of state authority

Disregard of lawful order given by representative of state authority
is punishable by a fine of up to 200 fine units or by detention.

§ 277. Unlawful use of uniform or identification of official

(1) Unlawful use of the uniform or identification of an official
is punishable by a fine of up to 300 fine units or by detention.

(2) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this section.

§ 278. False emergency calls

Making knowingly false emergency calls to the rescue service agency, police, emergency medical care or any other emergency or road service, or causing a knowingly false dispatch of a corresponding emergency vehicle, is punishable by a fine of up to 300 fine units or by detention.
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

§ 279. Interference with exercise of state supervision

Obstruction of state supervision, refusal to submit or failure to submit on time documents or information necessary for state supervision, submission of false information, or submission of documents or information in a manner which does not permit exercise of state supervision, is punishable by a fine of up to 300 fine units or by detention.

Subdivision 2 Offences Relating to Data

§ 280. Submission of false information

(1) Submission of false information to an administrative agency, if committed in order to obtain an official document or any other benefit or gain, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 281. Submission of incorrect information to registrar of court register, Estonian Central Register of Securities, marital property register, notary or bailiff

(1) Submission of incorrect information to the registrar of the commercial register, the registrar of the non-profit associations and foundations register, the registrar of the ship register, the registrar of the commercial pledge register, the registrar of the Estonian Central Register of Securities, the marital property register, the maintainer of a land register, a notary or a bailiff is punishable by a pecuniary punishment or up to 2 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 282. Failure to give notice of birth or death

Failure by a person who is required to give notice of a birth or death to notify the official registering births and deaths within the term prescribed by law is punishable by a fine of up to 100 fine units or by detention.

[RT I 2009, 30, 177 - entry into force 22.06.2009]

§ 283. Violation of land use requirements or procedure for maintenance of land cadastre

Violation of land use requirements or the procedure for the maintenance of the land cadastre, if committed for the purpose of personal gain or in a manner which causes major damage or results

in other serious consequences,
is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 284. Handing over protection codes

Unlawfully handing over the protection codes of a computer, computer system or computer network, if committed for the purpose of personal gain and in a manner which causes significant damage or results in other serious consequences
is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 285. Unlawful destruction of documents and records

(1) [Repealed – RT I, 21.03.2011, 1 - entry into force 01.01.2012]

(2) Unlawful destruction of documents and records, if significant damage is caused thereby,
is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I, 21.03.2011, 1 - entry into force 01.01.2012]

§ 286. Rendering documents and records unusable

(1) [Repealed – RT I, 21.03.2011, 1 - entry into force 01.01.2012]

(2) Violation of the requirements for preservation of documents or records, if this results in the document or record becoming unusable and significant damage is caused thereby,
is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I, 21.03.2011, 1 - entry into force 01.01.2012]

§ 287. Rendering documents and records unusable through negligence

(1) [Repealed – RT I, 21.03.2011, 1 - entry into force 01.01.2012]

(2) Violation of the requirements for preservation of documents or records through negligence, if this results in the document or record becoming unusable and significant damage is caused thereby,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 21.03.2011, 1 - entry into force 01.01.2012]

Chapter 17

OFFENCES RELATED TO OFFICE

Division 1

Abuse of Authority

§ 288. Definition of official

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1) For the purposes of the Special Part of the Penal Code, “an official” means a person who holds office in a state or local government agency or body, or in a legal person in public law, and to whom administrative, supervisory or managerial functions, or functions relating to the organisation of movement of assets, or functions of a representative of state authority have been assigned.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) In the criminal offences specified in §§ 293–298 of this Code, "an official" is also a person who directs a legal person in private law or acts on behalf of such person or acts on behalf of another natural person, provided that the person has the authority and duties specified in subsection (1) of this section and the criminal offence has been committed in the course of the economic activity of the corresponding legal or natural person.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) In the criminal offences specified in §§ 293–298¹ of this Code, "an official" is also a foreign official. A foreign official is an elected or appointed person who performs the functions of the legislative, executive or judicial power in a foreign state or an administrative unit of any level thereof, or who performs public law functions for a foreign state, its administrative unit, public institution or public undertaking, as well as a public servant or representative of an international organisation in public law, including a member of an international representative body or court.

[RT I 2008, 33, 200 - entry into force 28.07.2008]

(4) Taking advantage of his or her official position by an official of a foreign state is deemed to include commission of an act or omission thereof taking advantage of his or her official position regardless of whether the act is in the competence of the official.

[RT I 2008, 33, 200 - entry into force 28.07.2008]

§ 289. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 290. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 291. Abuse of authority

An official who unlawfully uses a weapon, special equipment or violence while performing his or her official duties

is punishable by a pecuniary punishment or by 1 to 5 years' imprisonment.

§ 291¹. Unlawful exercise of state supervision

An official performing state supervision duties or supervision duties assigned by law to a local government who knowingly makes an unlawful decision or performs an unlawful act, or knowingly and unlawfully fails to make a decision or perform an act and thereby causes significant proprietary damage or causes other serious consequences to another person, except for the state or local government,

shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 292. Violation of requirements for maintenance of databases

An official or employee of the registrar of a national or local government database who unlawfully enters data in the register or unlawfully fails to enter data in the register, or unlawfully publishes data, enables access to data, forwards data or violates other requirements for maintaining a database and thereby causes significant damage to the rights or interests of another person that are protected by law shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 2

Breach of Duty to Maintain Integrity

§ 293. Accepting of gratuities

(1) An official who consents to a promise of property or other benefits or who accepts property or other benefits to him or her or third persons in return for a lawful act which he or she has committed or which there is reason to believe that he or she will commit, or for a lawful omission which he or she has committed or which there is reason to believe that he or she will commit and, in so doing, takes advantage of his or her official position shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2008, 33, 200 - entry into force 28.07.2008]

(2) The same act, if committed:

1) at least twice;

2) by demanding gratuities;

[RT I 2002, 56, 350 - entry into force 01.09.2002]

3) by a group; or

4) on a large-scale basis;

is punishable by up to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 294. Accepting bribe

(1) An official who consents to a promise of property or other benefits or who accepts property or other benefits to him or her or third persons in return for an unlawful act which he or she has committed or which there is reason to believe that he or she will commit, or for an unlawful omission which he or she has committed or which there is reason to believe that he or she will commit and, in so doing, takes advantage of his or her official position shall be punished by 1 to 5 years' imprisonment.
[RT I 2008, 33, 200 - entry into force 28.07.2008]

(2) The same act, if committed:

1) at least twice;

2) by demanding bribe;

[RT I 2002, 56, 350 - entry into force 01.09.2002]

3) by a group; or

4) on a large-scale basis;

is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(5) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 295. Arranging receipt of gratuities

(1) Arranging a receipt of gratuity

is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

1) at least twice; or

2) by taking advantage of an official position,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 296. Arranging bribe

(1) Arranging a bribe

is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

1) at least twice; or

2) by taking advantage of an official position,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 297. Granting of gratuities

(1) Granting or promising a gratuity
is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

(2) The same act, if committed at least twice,
is punishable by up to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 298. Giving bribe

(1) Giving or promising a bribe
is punishable by 1 to 5 years' imprisonment.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

(2) The same act, if committed at least twice,
is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment or compulsory dissolution.

§ 298¹. Influence peddling

(1) A person who consents to a promise of property or other benefits or who accepts property or other benefits in return for illegal use by the person of his or her actual or presumed influence with the objective of achieving a situation where an official performing public administration duties commits an act or omission in the interests of the person handing over the property or giving the benefit, or a third person
shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2006, 21, 160 - entry into force 25.05.2006]

§ 299. Counterfeiting or falsification of documents by officials

(1) An official who falsifies a document or issues a falsified document
shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 300. Violation of requirements for public procurement

An official who creates unjustified preferential conditions or advantages for a participant in an invitation to tender or otherwise violates the requirements for public procurement and thereby causes significant proprietary damage shall be punished by a pecuniary punishment or up to one year of imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 300¹. Violation of procedural restrictions

(1) A person who knowingly violates a procedural restriction established by the Anti-corruption Act to a large extent shall be punished by a pecuniary punishment or up to one year of imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed to the extent of more than 32,000 euros, is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I, 29.06.2012, 1 - entry into force 01.04.2013]

§ 300². Knowingly performing of unlawful notarial act by notary

(1) A notary who knowingly fails to perform his or her duties related to a notarial act and thereby causes significant proprietary damage, or knowingly violates a prohibition to perform an act of attestation or another notarial act, or knowingly performs a notarial act in which the notary himself or herself or the notary's spouse, direct relative or their representative participates, or which is performed for the benefit of the notary or his or her close relative shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if significant proprietary damage is thereby caused, is punishable by a pecuniary punishment or up to 5 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 301. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in §§ 293 to 299 of this Code.

Chapter 18
OFFENCES AGAINST ADMINISTRATION OF JUSTICE

Division 1
Obstruction of Administration of Justice

§ 302. Causing serious health damage to judges, lay judges, preliminary investigators, prosecutors, criminal defence counsels, representatives of victims, or their close persons

(1) Causing serious damage to the health of a judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel, representative of a victim, or a person close to such person, with the intention to compel the judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel or representative of the victim to act contrary to the interests of administration of justice, or in revenge for the performance of duties by such person, is punishable by 4 to 12 years' imprisonment.

(2) The same act, if the death of a person specified in subsection (1) of this section is thereby caused, is punishable by 6 to 20 years' imprisonment.

[RT I 2002, 64, 390 - entry into force 01.09.2002]

§ 303. Violence against judges, lay judges, preliminary investigators, prosecutors, criminal defence counsels, representatives of victims, or their close persons

Use of violence against a judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel, representative of a victim, or a person close to such person, or influencing a judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel or representative of a victim in any other manner, with the intention to compel him or her to act contrary to the interests of administration of justice, or in revenge for the performance of duties by such person, is punishable by a pecuniary punishment or by 1 to 5 years' imprisonment.

[RT I 2002, 64, 390 - entry into force 01.09.2002]

§ 304. Damaging or destroying property of judges, lay judges, preliminary investigators, prosecutors, criminal defence counsels, representatives of victims, or their close persons

Damaging or destroying the property of a judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel, representative of a victim, or a person close to such person, with the intention to compel the judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel or representative of the victim to act contrary to the interests of administration of justice, or in revenge for the performance of duties by such person, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2002, 64, 390 - entry into force 01.09.2002]

§ 305. Defamation and insulting of court or judge

Defamation or insulting of a court or judge in connection with their participation in administration of justice

is punishable by a pecuniary punishment or up to 2 years' imprisonment.

[RT I 2003, 83, 557 - entry into force 01.01.2004]

§ 306. Non-disclosure of criminal offence

(1) Non-disclosure by a person other than the offender of a criminal offence in the first degree after the fact

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) Non-disclosure of a criminal offence after the fact by the offender's parent, child, adoptive parent, adopted child, brother, sister, grandparent, grandchild, spouse or a parent thereof does not constitute guilt.

§ 307. Failure to report crime

(1) Failure to report commission by another person of a criminal offence in the first degree is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) Failure by the offender's parent, child, adoptive parent, adopted child, brother, sister, grandparent, grandchild, spouse or a parent thereof to report commission of a criminal offence in the first degree does not constitute guilt.

[RT I 2003, 83, 557 - entry into force 01.01.2004]

§ 308. Violation of requirements for safekeeping recorded assets

Use or disposal, without the authorisation of the entitled person, of assets recorded in order to secure a civil action, execution proceeding, confiscation, fine, pecuniary punishment, fine to the extent of assets or compensation for legal costs, by a person who is responsible for the storage of the assets

is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2005, 39, 308 - entry into force 21.07.2005]

§ 309. Obstruction of activities of court security guard

Failure to comply with a lawful order given by a court security guard, or obstruction of his or her professional activities,

is punishable by a pecuniary punishment.

Division 2
Offences against Person's Rights in Pre-trial, Extra-Judicial or Court Proceedings

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 310. Unlawful bringing of charges

A prosecutor who knowingly brings charges against an innocent person shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2004, 46, 329 - entry into force 01.07.2004]

§ 311. Knowingly making of unlawful decision by judge

Knowingly making of unlawful decision by judge is punishable by 5 to 10 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 311¹. Knowingly making of unlawful decision by assistant judge

Knowingly making of unlawful decision by assistant judge is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 311². Knowingly making unlawful decision in misdemeanour proceedings

An official or employee of an authority conducting extra-judicial proceedings who knowingly makes an unlawful decision in a misdemeanour proceeding shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 311³. Knowingly unlawful termination of misdemeanour proceedings

An official or employee of an authority conducting extra-judicial proceedings who knowingly and unlawfully terminates a misdemeanour proceeding, a prosecutor or official of an investigative body who knowingly and unlawfully terminates a criminal proceeding or a prosecutor who knowingly gives unlawful permission for termination of a criminal proceeding to an investigative body shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 312. Unlawful interrogation

A preliminary investigator or prosecutor who uses violence in order to compel a person to give testimony shall be punished by a pecuniary punishment or by 1 to 5 years' imprisonment.

§ 313. Unlawful application of measures securing conduct of judicial proceedings

Taking into custody or keeping in custody or detention, or compelled attendance, if applied in order to secure the conduct of a judicial proceeding but without a legal basis, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 314. Unlawful search or eviction

Unlawful search or eviction from a dwelling is punishable by a pecuniary punishment.

§ 315. Unlawful surveillance activities and covert collection of information

Unlawful surveillance activities or unlawful and covert collection of information, unlawful concealment or destruction of information collected by surveillance activities or covertly, if conducted by a person with the right arising from law to engage in surveillance or covert collection of information,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 316. Removal and fraudulent creation of evidence

Removal or fraudulent creation of evidence with the intention to obstruct ascertainment of the commission or absence of an act punishable as a criminal offence, or of any other facts relating to the subject of proof,

is punishable by a pecuniary punishment or by 1 to 5 years' imprisonment.

[RT I 2004, 46, 329 - entry into force 01.07.2004]

§ 316¹. Unlawful disclosure of information concerning pre-trial proceedings in criminal matters and surveillance proceedings

Unlawful disclosure of information relating to pre-trial proceeding in a criminal matter or information relating to surveillance proceedings carried out in order to prevent or combat a criminal offence by a person who became aware of such information in connection of the performance of his or her employment duties or functions, resulting in the impossibility or significant complication of the establishment of the existence or absence of an act subject to punishment as a criminal offence, or establishment of other facts of the subject of proof, or achievement of the aim of surveillance activities

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 316². Classification of information without legal basis and classification of state secrets and classified information of foreign states on incorrect legal basis and incorrect level or term of classification

(1) Classification of information without legal basis or classification of state secrets and classified information of foreign states on incorrect legal basis or incorrect level or term of classification with the aim to prevent the establishment the existence or absence of an act subject to punishment as a criminal offence or establishment of other facts of the subject of proof is punishable by a pecuniary punishment or by 1 to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The person who committed the criminal offence specified in this section is not released of liability if, after commission of such criminal offence, the classification of the data expires or the legal basis or the level or term of classification of the state secret or classified information of the foreign state is changed.

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 317. Obstruction of appearance of party to proceedings, witness, victim, expert, translator or interpreter

Preventing a party to a proceeding, a witness, expert, translator or interpreter from appearing at a pre-trial proceeding or court proceeding is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 318. Refusal by witness, victim, translator or interpreter to perform duties

Unjustified refusal by a victim or witness to give testimony in a criminal or misdemeanour proceeding, or civil or administrative court proceeding, or unjustified refusal by a translator or interpreter to perform his or her duties

is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2006, 7, 42 - entry into force 04.02.2006]

§ 319. False accusation

(1) Submission of knowingly false accusations concerning commission of a criminal offence by another person

is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it involves fraudulent creation of evidence, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2010, 8, 34 - entry into force 27.02.2010]

§ 320. False testimony and perjury

(1) A victim or witness who gives knowingly false testimony in a criminal or misdemeanour proceeding or civil or administrative court proceeding, or a party to a proceeding who gives knowingly false statements under oath or provides a knowingly incorrect inventory of assets or calculation of income or expenditure under oath

shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

(2) The same act, if it involves fraudulent creation of evidence, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 321. False expert opinion or false translation or interpretation

(1) Rendering a knowingly false opinion by an expert, or provision of a knowingly false translation or interpretation by a translator or interpreter, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it involves fraudulent creation of evidence, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 322. Coercion into giving false testimony, rendering false expert opinion or provision of false translation or interpretation

Coercion into giving false testimony, rendering false expert opinion or provision of false translation or interpretation, if committed by using violence, is punishable by a pecuniary punishment or up to 4 years' imprisonment.

§ 323. Use of violence against suspect, accused, accused at trial, acquitted person, convicted offender, witness, expert, translator, interpreter or victim

Use of violence against a suspect, the accused, the accused at trial, an acquitted person, a convicted offender, a witness, expert, translator, interpreter or victim in order to prevent him or her from performing his or her duties or exercising his or her rights in criminal procedure, or to take revenge for his or her lawful activities in criminal procedure, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 323¹. Violation of confidentiality requirement

A person who discloses information relating to a proceeding which became known to him or her in the course of a court proceeding held in camera or violates the confidentiality requirement

imposed on him or her by a ruling
shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

Division 3

Offences against Enforcement of Punishment

§ 324. Unlawful treatment of prisoners or persons in detention or custody

An official of a custodial institution who, taking advantage of his or her official position, degrades the dignity of a prisoner or a person in detention or custody, or discriminates against such person or unlawfully restricts his or her rights, shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 325. Unlawful delivery of substance or object in custodial institution

(1) Delivery, in a custodial institution, of a prohibited substance or object to a prisoner or a person in detention or custody is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed:

1) at least twice;

2) by an official of the custodial institution; or

3) the object of the delivery is money or alcohol,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this section.

§ 326. Unlawful release of prisoners, persons in detention or custody

Unlawful release of a prisoner, a person in detention or custody from a custodial institution by an official of the custodial institution or any other person who was required to prevent escape of the prisoner from the custodial institution

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 327. Mutiny in prison

(1) A person who in a custodial institution organises activities which are contrary to the internal procedure rules of the institution or participates in such activities shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance, is punishable by 1 to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) The same act if it causes:

1) serious damage to the health of a person; or

2) the death of a person,

is punishable by 6 to 15 years' imprisonment.

§ 328. Escape of prisoners, persons in detention or custody

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1) Escape of a prisoner, a person in detention or custody is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed:

1) by using violence; or

2) by a group,

is punishable by up to 5 years' imprisonment.

§ 329. Evasion of service of sentence

Evasion of resumption of the service of a sentence by a prisoner who has been permitted to leave the custodial institution, or evasion of the service of any other sentence which has been imposed for an offence by a court judgment and enforced,

is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2002, 56, 350 - entry into force 01.09.2002]

§ 330. Manufacture, acquisition, possession, or consumption without prescription of alcoholic beverages or other substances containing spirit by prisoner or person in detention or custody

A prisoner or a person in detention or custody who manufactures, acquires, possesses or consumes without a prescription alcoholic beverages or other substances containing spirit shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 331. Preparation, acquisition and possession of narcotic drugs or psychotropic substances by prisoner or person in detention or custody and consumption by prisoner or person in detention or custody of such drugs or substances without prescription

A prisoner or person in detention or custody who prepares, acquires or possesses narcotic drugs or psychotropic substances or consumes such drugs or substances without a prescription

shall be punished by up to 3 years' imprisonment.
[RT I 2003, 83, 557 - entry into force 01.01.2004]

Division 4

Offences against Enforcement of Court Decision

[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 331¹. Failure to enforce court decision

Failure to enforce a court decision made in a civil matter whereby a person is required to surrender a child or a thing, to perform an act which cannot be substituted or to refrain from performing such act, if the person has been punished by a fine or detention in an execution proceeding for such act,

is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 331². Violation of restriction order

Violation of a restriction order or other measure of protection of personality right imposed by a court decision, if this poses a danger to the life, health or property of persons, or repeated violation of a restriction order or other measure of protection of personality right is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2009, 59, 388 - entry into force 20.12.2009]

§ 331³. Knowingly unlawful seizure and sale of property by bailiff

(1) A bailiff who knowingly and unlawfully seizes or sells property shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if significant proprietary damage is thereby caused, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 331⁴. Violation of supervisory requirements and obligations of supervision of conduct after service of sentence

Intentional violation of supervisory requirements or obligations imposed subject to supervision of conduct by a person subjected to supervision of conduct after service of the sentence is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I 2009, 39, 261 - entry into force 24.07.2009]

Chapter 19
OFFENCES AGAINST PUBLIC TRUST

Division 1
Counterfeiting of Payment Means, Official Stamps or Markings

§ 332. Payment means, official stamps or markings of foreign states

The provisions of this Division apply also to counterfeiting of money, bank cards and other payment means, securities, revenue stamps, postal payment means and state fineness marks used in foreign states.

§ 333. Counterfeiting of payment means or securities

(1) Counterfeiting of bank cards or other payments means, including electronic money or securities, with the intention of use, if it does not contain the necessary elements of an offence provided for in § 333 of this Code,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2010, 11, 54 - entry into force 28.03.2010]

(2) The same act, if committed:

1) at least twice; or

2) on a large-scale basis;

is punishable by 1 to 6 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by compulsory dissolution.

§ 333¹. Counterfeiting money

(1) Counterfeiting of money with the intention of use

is punishable by a pecuniary punishment or up to 8 years' imprisonment.

(2) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(3) This section applies regardless of whether the object of counterfeiting is the money put into circulations or not yet in circulation, if this is intended for circulation and is a currency used as a legal tender.

[RT I 2010, 11, 54 - entry into force 28.03.2010]

§ 334. Handling of counterfeit payment means or securities

[RT I 2010, 11, 54 - entry into force 28.03.2010]

(1) Use, exchange, delivery, bringing counterfeit money into circulation in any other manner, acquisition, holding, import and export or handling thereof in any other manner with the aim of bringing it into circulation, and use of a counterfeit bank card or other payment means or security,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2010, 11, 54 - entry into force 28.03.2010]

(2) The same act, if committed:

1) at least twice; or

2) on a large-scale basis;

is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(5) This section applies regardless of whether the object of counterfeiting is the money put into circulations or not yet in circulation, if this is intended for circulation and is a currency used as a legal tender.

[RT I 2010, 11, 54 - entry into force 28.03.2010]

§ 334¹. Refusal to hand over counterfeit payment means

(1) Failure to hand counterfeit money over to a police authority by an employee of Eesti Post, credit institutions or financial institutions provided for in the Credit Institutions Act, or providers of payment services or providers of currency exchange services specified in the Money Laundering and Terrorist Financing Prevention Act is punishable by a fine of up to 300 fine units.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) The same act, if committed by a legal person,

is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 334². Handling of medals and tokens similar to euro coins

(1) Manufacture of medals or tokens with similar visual characteristics, approximate size or similar metallic characteristics as the euro coins described in Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, pp. 1 - 6) for commercial purposes or the sale, import or distribution of such medals

or tokens
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 20,000 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) A police authority or court shall, pursuant to the provisions of § 83 of this Code, apply
confiscation of an object which was the direct object of the commission of an offence provided
for in this section.
[RT I 2009, 62, 405 - entry into force 01.01.2010]

§ 335. Counterfeiting of revenue stamps

(1) Counterfeiting, with the intention of use, an excise stamp, mark, sticker, clip-mark, overprint
or special marking, except for a postal payment means or the impression thereof provided for in
§ 338 of this Code, which is attached to an object of tax or the packaging thereof as proof of
payment of the tax,
is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:
1) at least twice; or
2) on a large-scale basis;
is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment or compulsory dissolution.

§ 336. Use and bringing into circulation of counterfeit revenue stamps

(1) Use, transfer, or bringing into circulation in any other manner of counterfeit revenue stamps
is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:
1) at least twice; or
2) on a large-scale basis;
is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment or compulsory dissolution.

§ 337. Counterfeiting of postal payment means or impressions thereof

(1) Counterfeiting, with the intention of use, a postage stamp, including postage stamps removed from circulation or not in use, an international reply coupon, franking machine impression or a franking impression made by a printing press

is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 338. Bringing into circulation counterfeit postal payment means or impressions thereof

(1) Use, exchange, transfer or bringing into circulation in any other manner of counterfeit postage stamps, including counterfeit postage stamps removed from circulation or not in use, a counterfeit international reply coupon, counterfeit franking machine impression or counterfeit franking impression made by a printing press

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 339. Counterfeiting of fineness marks and use of counterfeit fineness marks

(1) Counterfeiting of state fineness marks or use thereof on a material not corresponding to the mark with the intention of bringing such products into circulation

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 340. Preparation for counterfeiting of money, bank cards, other payment means, securities, revenue stamps, postal payment means or impressions thereof, or state fineness marks

(1) Acquisition, manufacture, adaptation, storage or transfer of a device or other equipment necessary for counterfeiting money, bank cards or other payment means, securities, revenue stamps, postal payment means or impressions thereof or fineness marks, and holograms or other anti-counterfeiting features on money,

is punishable by a pecuniary punishment.

[RT I 2010, 11, 54 - entry into force 28.03.2010]

(2) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) This section applies regardless of whether the object of counterfeiting being prepared for is the money put into circulations or not yet in circulation, if this is intended for circulation and is a currency used as a legal tender.

[RT I 2010, 11, 54 - entry into force 28.03.2010]

§ 341. Counterfeiting of honorary decorations

Counterfeiting honorary decorations of the Republic of Estonia with the intention to use the decorations

is punishable by a pecuniary punishment.

§ 342. Counterfeiting of transport tickets or cards

Counterfeiting a transport ticket or card, or use or sale of counterfeit transport tickets or cards, is punishable by a fine of up to 300 fine units or by detention

§ 343. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this Division.

Division 2

Counterfeiting or Damaging of Documents

§ 344. Counterfeiting of documents, seals or blank document forms

(1) Counterfeiting a document, seal or blank document form on the basis of which it is possible to obtain rights or release from obligations is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 345. Use of counterfeit documents, seals or blank document forms

(1) Use of a counterfeit document, seal or blank document form with the intention to obtain rights or release from obligations is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 346. Destruction, damaging, theft or concealment of documents, seals or stamps

Destruction, damaging, theft or concealment of an official document, seal or stamp is punishable by a pecuniary punishment.

§ 347. Falsification of important identity documents

(1) Falsification of an important identity document is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 348. Use of or grant of permission to use falsified important identity document

A person who knowingly uses or grants permission to use a falsified important identity document is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2008, 19, 132 - entry into force 23.05.2008]

§ 349. Fraudulent use of important identity documents

A person who uses an important identity document issued in the name of another person or grants permission to another person to use an important identity document issued in his or her own name, with the intention to obtain rights or release from obligations, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 350. Important identity document

For the purposes of this Division, an important identity document is an identity card, digital identity card, residence permit card, Estonian passport, diplomatic passport, seafarer's service record book, alien's passport, temporary travel document, travel document for a refugee, certificate of record of service on Estonian ships, certificate of return, authorisation for return, travel document of a foreign state, travel document of an international organisation or motor vehicle driver's licence.

[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 351. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in §§ 344 to 348 of this Code.

Chapter 20

OFFENCES AGAINST ENVIRONMENT

§ 352. Causing risk of fire in nature

(1) A person who in a forest or elsewhere in nature causes a risk of fire or violates the requirements for ensuring fire safety and preventing the spread of a fire shall be punished by a fine of up to 200 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 353. Activities dangerous to flora

(1) Driving a motor vehicle in a natural or agricultural area if driving in such area is prohibited or permitted only with a permit and the person concerned does not hold such permit, or failure to implement measures obligatory for possessors of land in order to prevent plant diseases or pests or the spread of weeds, is punishable by a fine of up to 200 fine units or by detention.

(2) The same act, if significant damage is thereby caused to flora or if a plant disease or pests or weeds spread outside the cadastral unit and cause significant damage to the flora outside the cadastral unit, is punishable by a pecuniary punishment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a fine of up to 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 354. Damaging or destruction of trees or shrubs

(1) Damaging or destroying trees or shrubs in violation of the requirements for the protection or use of forests or other green areas, if significant damage is thereby caused to the environment, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if significant damage is thereby caused to the environment through negligence, is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 355. Damaging or destruction of trees or shrubs through negligence

(1) Damaging or destruction of trees or shrubs through negligence in violation of the requirements for the protection or use of forests or other green areas, if major damage is thereby caused to the environment, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 356. Illegal cutting of trees or shrubs

(1) Illegal cutting of trees or shrubs, if significant damage is thereby caused to the environment, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) An act provided for in subsection (1) of this section, if significant damage is thereby caused to the environment through negligence, is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 357. Violation of requirements for protection of protected natural objects

(1) Violation of the requirements for the use or protection of a protected natural object, if significant damage is thereby caused to the protected natural object, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if significant damage is thereby caused to the protected natural object through negligence, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 358. Violation of requirements for protection of protected natural objects through negligence

(1) Violation of the requirements for the use or protection of a protected natural object through negligence, if major damage is thereby caused to the protected natural object, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 359. Damaging of landscape

(1) Violation of the requirements for the protection or use of shores, banks or other natural objects, if significant damage is thereby caused to a shore, bank or landscape, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if significant damage is thereby caused to the shore, bank or other natural objects through negligence, is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 360. Damaging of landscape through negligence

(1) Violation of the requirements for the protection or utilisation of shores, banks or other natural objects through negligence, if major damage is thereby caused to a shore, bank or landscape, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 361. Damaging of wild fauna

(1) Violation of the requirements for hunting, catching or other utilisation of wild game, fish or other wild fauna, if significant damage is thereby caused to the environment, or unlawfully organising the hunting or catching of wild game, fish or other wild fauna, is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

(2) An act provided for in subsection (1) of this section, if significant damage is thereby caused to the environment through negligence, is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 362. Violation of requirements for transportation, storage or processing of natural products

(1) Violation of the requirements for transportation, storage or processing of natural products is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 363. Acting without natural resource utilisation permit or pollution permit

(1) Acting without a natural resource utilisation permit or pollution permit where such permit is required, or violation of the requirements set forth in the permit, is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 364. Polluting environment

(1) Unlawful release of substances, energy or waste into the environment, or causing noise exceeding the established limits if it causes a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to the individuals of animal or plant species or parts thereof, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it causes significant damage to the quality of water, soil or ambient air, or to the individuals of animal or plant species or parts thereof, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2¹) The same act, if it causes:

1) significant damage to the quality of water, soil or ambient air, or to the individuals of animal or plant species or parts thereof;

2) serious damage to the health of a person; or

3) the death of a person,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(3) An act provided for in subsections (1), (2) or (2¹) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 365. Polluting environment through negligence

(1) Unlawful release of substances, energy or waste into the environment, or causing noise exceeding the established limits through negligence if it causes a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to the individuals of animal or plant species or parts thereof, is punishable by a pecuniary punishment.

(1¹) The same act, if it causes significant damage to the quality of water, soil or ambient air, or to the individuals of animal or plant species or parts thereof, is punishable by a pecuniary punishment or up to one year of imprisonment.

(1²) The same act, if it causes:

1) significant damage to the quality of water, soil or ambient air, or to the individuals of animal or plant species or parts thereof;

2) serious damage to the health of a person; or

3) the death of a person,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) An act provided for in subsections (1), (1¹) or (1²) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 365¹. Repeated violation of prohibition of pollutant discharges from ships into sea

(1) Prohibited discharge of pollutants from ships into sea and if a punishment for a misdemeanour has been imposed on the offender for the same act and such activities do not comprise the necessary elements of an offence provided for in § 364 of this Code, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 365². Repeated violation of prohibition of pollutant discharges from ships into sea through negligence

(1) Prohibited discharge of pollutants from ships into sea through negligence and if a punishment for a misdemeanour has been imposed on the offender for the same act and such activities do not comprise the necessary elements of an offence provided for in § 365 of this Code, is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 366. Violation of procedure for utilisation of natural resources or procedure for maintenance of records on pollution

(1) Violation of the procedure for utilisation of natural resources or the procedure for maintenance of records on pollution or the requirements for environmental monitoring is punishable by a fine of up to 100 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 367. Violation of requirements for handling chemicals and waste

[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

(1) Violation of the requirements for handling chemicals or waste if it causes a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to the

individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

(2) [Repealed – RT I, 11.03.2011, 1 - entry into force 21.03.2011]

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 368. Violation of requirements for handling chemicals and waste through negligence

[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

(1) Violation of the requirements for handling chemicals or waste through negligence if it causes a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to the individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 368¹. Violation of requirements for transboundary movement of waste

(1) Violation of the requirements for the transboundary movement of waste, if significant quantities of waste were moved,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 368². Illegal plant operation

(1) Illegal plant operation, which causes, outside the plant, a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to the individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 368³. Operation of products prohibited in order to protect ozone layer

(1) The production, import or export or placing on the market or unlawful use of products which are prohibited in order to protect the ozone layer is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 369. Causing of flood, paludification or prohibited reduction of amount of water

(1) Causing a flood, paludification or prohibited reduction of the amount of water in a water body or the aquifer, if significant damage is thereby caused to the environment, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if significant damage is thereby caused to the environment through negligence, is punishable by a pecuniary punishment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 370. Causing of flood, paludification or prohibited reduction of amount of water through negligence

(1) Negligently causing a flood, paludification or prohibited reduction of the amount of water in a water body or the aquifer, if significant damage is thereby caused to the environment, is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 371. Damaging of boundary markers or geodetic network marks

Damaging, destruction or unauthorised removal of boundary markers or local government or state basic network marks, altitudinal network marks or gravimetric network marks is punishable by a fine of up to 100 fine units or by detention.

Chapter 21 ECONOMIC OFFENCES

Division 1 Illegal Economic Activities

§ 372. Economic activities without activity licence and prohibited economic activities

(1) Economic activities in a field subject to a special prohibition, or activities without an activity licence, other licence, registration or through an unapproved enterprise in a field where such activity licence, other licence, registration or approval of enterprises is required, is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if:

- 1) it is committed by a person who has previously been punished by such act;
- 2) danger to the life or health of numerous people is caused thereby, or
- 3) it is committed within a field of activity related to health services, handling of infectious materials, aviation, railway traffic or provision of credit, insurance or financial services, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act specified in subsection (1) of this section, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) An act specified in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(5) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this section.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 372¹. Extra-territorial application of legislation adopted by third countries, and actions based thereon, and failure to notify of effects of legislation adopted by third countries, and actions based thereon to economic or financial interests

(1) A person who applies the legislation adopted by the states specified in the Annex to Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom (OJ L 309, 29.11.1996, pp. 1–6) and actions based thereon and, among other, complies with the requirements of a court outside of the Member States of the European Union, or fails to notify the European Commission of the effect of the legislation of the states specified in the Annex to such Regulation or actions based thereon to the economic or financial interests of the person shall be punished by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 373. Violation of prohibition on business or prohibition to work in particular profession or position

Violation of a prohibition on business or a prohibition to work in a particular profession or position, if such prohibition is prescribed by law or a court decision and the violation does not comprise the necessary elements of an offence provided for in § 329 of this Code, is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2008, 52, 288 - entry into force 22.12.2008]

§ 374. Illegal production of alcohol

(1) Manufacturing, bottling or processing of alcohol the handling of which is prohibited is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the substance or object which was the direct object of commission of an offence provided for in this section.

§ 375. Violation of procedure for handling alcohol

(1) Trading in alcohol not marked by a revenue stamp or alcohol which is not permitted to be handled, if the offender has been imposed a punishment for a misdemeanour for the same act or if the object of the act was alcohol in large quantities, as well as possession, storage or distribution of alcohol not marked by a revenue stamp or alcohol which is not permitted to be handled is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the substance which was the direct object of commission of an offence provided for in this section.

§ 376. Violation of procedure for handling tobacco products

(1) Trading in tobacco products not marked by a revenue stamp or packaged in a sales packaging not in compliance with other requirements, if a punishment for a misdemeanour has been imposed on the offender for the same act, or if the object of the act was a large quantity of tobacco products, as well as possession, storage or distribution of tobacco products not marked by a revenue stamp or packaged in a sales packaging not in compliance with other requirements is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

§ 376¹. Unlawful removal of additives from liquid fuel with fiscal marker and handling of liquid fuel obtained as result thereof

(1) Removal of additives used for fiscal marking from liquid fuel with a fiscal marker or possessing, storage, transfer or offer for sale of liquid fuel obtained as a result of such removal, if the object of the act is a large quantity of liquid fuel or if a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the substance or object which was the direct object of commission of an offence provided for in this section.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 376². Illegal handling of liquid fuel not in compliance with quality requirements

(1) Illegal production, import, storage and trade in liquid fuel which does not comply with quality requirements and the possession of such liquid fuel for commercial purposes, if the object of the act is a large quantity of liquid fuel which does not comply with quality requirements or if a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

(3) The court shall confiscate the substance or object which was the direct object of commission of an offence provided for in this section.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 2 Offences Relating to Companies

§ 377. Unjustified disclosure and use of business secrets

(1) A person who discloses or uses a business secret of which the person became aware in connection with his or her professional or official duties without the permission of the relevant undertaking, if such act was committed for commercial purposes or with the aim to cause damage shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 378. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 379. Failure to submit or incorrect submission of results of audit or special audit

(1) A sworn auditor or a person conducting a special audit who in a report fails to submit or incorrectly submits significant facts which became known to him or her in the conduct of an audit or special audit shall be punished by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.
[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

§ 380. Failure to call meeting of shareholders and members of commercial association

Failure to call a general meeting of shareholders or members of a commercial association pursuant to the prescribed procedure where it is evident from the balance sheet that the net assets of the company are less than one-half of the share capital or that the net assets of the company are less than the minimum amount of share capital established by law is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 381. Failure to submit information or submission of incorrect information concerning financial situation of or other verifiable circumstances relating to company

A founder, member of the management board or substituting body, supervisory body or liquidator of a company who fails to submit essential information or submits of incorrect information concerning the financial situation of or other verifiable circumstances relating to the company to the founders, shareholders, members, auditor or special auditor of the company shall be punished by a pecuniary punishment or up to one year of imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 381¹. Violation of obligation to maintain accounting

(1) A person who knowingly violates the requirements for maintaining accounting or knowingly and unlawfully destroys, conceals or damages accounting documents, or fails to submit information or submits incorrect information in accounting documents if the possibility to obtain

an overview of the financial situation of the accounting entity is thereby significantly reduced shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if the court has announced the bankruptcy of the accounting entity or terminated bankruptcy proceedings due to abatement, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act specified in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 382. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 383. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 3

Offences Relating to Bankruptcy and Enforcement Procedure

§ 384. Causing insolvency

(1) A debtor who is a natural person, or a member of the managing board or substituting body or the supervisory body of a debtor who is a legal person knowingly destroys, damages, squanders, unjustifiably grants or assigns assets, invests them in a foreign state, assumes unjustified obligations, or prefers one creditor to another if a material decline in the solvency of the debtor or the insolvency thereof is caused thereby, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The act provided in subsection (1) of this section is punishable only if the court has announced the bankruptcy of the person who performed such act or the debtor who is a legal person, or has terminated bankruptcy proceedings due to abatement.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 385. Concealment of property in bankruptcy and execution proceedings

(1) A debtor who is a natural person, or a member of the managing board or substituting body or the supervisory body of a debtor who is a legal person who, in a bankruptcy or execution proceeding, conceals the property of the debtor, or submits incorrect information concerning this or other circumstances important to the debtor shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it involves perjury, is punishable by a pecuniary punishment or up to 2 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 385¹. Failure to perform obligation to submit petition in bankruptcy

Failure to perform the obligation to submit a petition in bankruptcy provided by law is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 4 **Tax Fraud**

§ 386. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 387. [Repealed - RT I 2002, 44, 284 - entry into force 01.09.2002]

§ 388. [Repealed - RT I 2002, 44, 284 - entry into force 01.09.2002]

§ 389. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 389¹. Tax evasion to large extent

(1) Failure to submit information or submission of incorrect information to the tax authority for the purpose of reduction of an obligation to pay a tax or obligation to withhold, or increase or creation of a claim for refund, or violation of an obligation to withhold if the act results in a tax underpayment, refund, set off or compensation without basis of an amount corresponding to or exceeding major damage,
is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act if it results in a tax underpayment, refund, set off or compensation without basis in the amount of 320,000 euros or more
is punishable by up to 5 years' imprisonment.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 389². Major tax fraud

(1) A person who knowingly submits incorrect information to the tax authority for the purpose of increase or creation of a claim for refund, if such act results in a tax underpayment, refund, set off or compensation without basis of an amount corresponding to or exceeding major damage,
shall be punished by a pecuniary punishment or by 1 to 5 years' imprisonment.

(2) The same act if it results in a tax underpayment, refund, set off or compensation without basis in the amount of 320,000 euros or more
is punishable by 1 to 7 years' imprisonment.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 390. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 391. Illicit traffic

(1) A person who, while carrying goods to be declared across the frontier of the Community customs territory, evades customs control, fails to declare the goods, declares the goods under an incorrect tariff classification or using a false description, or uses any other fraud, if the object of the act is a large quantity of goods or a punishment for a misdemeanour has been imposed on the offender for the same act, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by an official taking advantage of his or her official position; or

2) by a group,

is punishable by 1 to 5 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this section.

(5) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 392. Illicit import and export of prohibited goods or goods requiring a special permit

(1) Carriage of prohibited goods, or radioactive substances, explosive substances, narcotic drugs or psychotropic substances, precursors for narcotic drugs or psychotropic substances, non-narcotic medicinal products, dangerous chemicals or waste, strategic goods, firearms or ammunition without a mandatory document or without an entry in the state register across the frontier of the Community customs territory or a state border is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed:

1) by an official taking advantage of his or her official position; or

2) by a group,
is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) The court shall confiscate the substance or object which was the direct object of commission
of an offence provided for in this section.

(5) For the criminal offence provided in this section, the court shall impose extended
confiscation of assets or property acquired by the criminal offence pursuant to the provisions of §
83² of this Code.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 393. Unlawful acts with goods subject to customs preferences

(1) Unlawful acts or transactions with goods brought into Estonia from a non-EC state with
customs preferences or with goods under customs supervision, where the object of the acts or
transactions was a large quantity of goods or a punishment for a misdemeanour has been
imposed on the offender for the same act,
are punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2004, 54, 387 - entry into force 01.07.2004]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a
substance or object which was the direct object of the commission of an offence provided for in
this section.

Division 5

Offences Relating to Money Laundering

§ 394. Money laundering

(1) Money laundering
is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

1) by a group;

2) at least twice;

3) on a large-scale basis; or

4) by a criminal organisation,

is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(5) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a property which was the direct object of the commission of an offence provided for in this section.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

(6) For the criminal offence provided in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83² of this Code.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 395. Failure to comply with identification requirement

(1) Failure to comply with the identification requirement, a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2004, 54, 387 - entry into force 01.07.2004]

§ 396. Failure to report suspicious transaction, submission of incorrect information

(1) Failure to report a suspicious transaction or a suspicion of terrorist financing or submission of incorrect information to the Financial Intelligence Unit, if a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2004, 54, 387 - entry into force 01.07.2004]

Division 6

Offences Relating to Securities Circulation

§ 397. Illegal investment

(1) Violation of restrictions provided by law on investment of assets is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 398. Abuse of inside information

(1) An insider who directly or indirectly acquires or transfers, on behalf of himself or herself or a third person, or advises or influences a third person to acquire or transfer a financial instrument or a related derivative instrument which is a subject of inside information shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 398¹. Market manipulation

(1) A person who owns a share in the share capital of an issuer or is connected to an issuer through his or her professional or official duties and performs a transaction or makes a transaction order which is misleading or is likely to be misleading with the purpose of influencing a regulated market, the market price of a financial instrument, or the market price of a financial instrument admitted for trading in a regulated trading system, or disseminates information which he knows to be incorrect or misleading concerning a financial instrument of the issuer shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 7

Offences Relating to Competition

§ 399. Abuse of dominant position

(1) A person who establishes unfair trading conditions, or who limits production, services, goods market, technical development or investments to the prejudice of buyers, or engages in activities involving abuse of the dominant position on the market by the enterprise, if a punishment for a misdemeanour has been imposed on the offender for the same act, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1¹) Sale of the services of a water, heating, electricity or gas undertakings in violation of the approved price conditions or failure to have the price approved, where approval is required, or sale of the service at an illegal price for other reasons, if this involves abuse of the dominant position on the market by the enterprise,

is punishable by a pecuniary punishment.
[RT I 2010, 56, 363 - entry into force 01.11.2010]

(2) An act provided for in subsection (1) or (1¹) of this section, if committed by a legal person, is punishable by a pecuniary punishment.
[RT I 2010, 56, 363 - entry into force 01.11.2010]

§ 400. Agreements, decisions and concerted practices prejudicing free competition

(1) Entry into agreements, making decisions or concerted practices between undertakings which have as their object or effect the restriction of competition is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) Entry into agreements, making decisions or concerted practices between competitors, including upon participation in public procurements, which:

- 1) directly or indirectly determine price or other trading terms with respect to third persons;
- 2) limit production, service, goods markets, technical development or investment; or
- 3) share markets or sources of supply, restrict access to goods markets to third persons or attempt to exclude third persons from these markets,

is punishable by a pecuniary punishment or by 1 to 3 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment of up to 5 per cent of the turnover of the legal person.

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment of 5 to 10 per cent of the turnover of the legal person.
[RT I 2010, 8, 34 - entry into force 27.02.2010]

§ 401. Failure to give notice of concentration, enforcement of concentration without permission to concentrate and concentration which damages competition [RT I 2007, 13, 69 - entry into force 15.03.2007]

(1) Failure to give notice of concentration, enforcement of concentration without permission to concentrate, as well as violation of a prohibition on concentration or the terms of the permission to concentrate, if the offender has been imposed a punishment for a misdemeanour for the same act, is punishable by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 402. Violation of obligations of undertakings with special or exclusive rights or in control of essential facilities

(1) A person who denies other undertakings access to a network, infrastructure or other essential facility under reasonable and non-discriminatory conditions, or engages in other activities which create violation of the obligations provided by law for undertakings with special or exclusive rights or essential facilities, if a punishment for a misdemeanour has been imposed on the offender for the same act, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

Division 8

Offences Relating to Political Parties

[RT I 2003, 90, 601 - entry into force 01.01.2004]

§ 402¹. Violation of restrictions established on economic activities and assets of political party

(1) Violation of the restrictions established on the economic activities or assets of a political party is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 402². Violation of prohibition on acceptance of donations to political party [Repealed - RT I, 10.12.2010, 1 - entry into force 01.04.2011]

Chapter 22

OFFENCES DANGEROUS TO PUBLIC

Division 1

Offences Relating to Poisoning, Arson or Causing Explosion

§ 403. Poisoning dangerous to public

(1) A person who intentionally poisons air, public water supplies or an object intended for transfer or grant of use, or knowingly delivers or hands over a poisoned object, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 404. Arson

A person who sets on fire an object which belongs to him or her or to another person and thereby causes a danger to human life or health shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

§ 405. Causing explosion

(1) Causing an explosion which results in a danger to the life or health of another person or to property

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by using an explosive device or explosive substance, is punishable by 5 to 10 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) The same act, if committed by using nuclear energy or in a dangerous enterprise or an enterprise liable to be affected by a major accident,

is punishable by 8 to 20 years' imprisonment or life imprisonment.

Division 2

Offences Relating to Damaging Vital Public Utilities Systems or Structures or to Life-threatening Construction Work, Production or Other Activities

§ 406. Interference with or damaging vital public utilities systems

(1) Damaging or destruction of a structure or device of the energy, communication, signalling, water supply or sewerage system, traffic control or other vital public utilities system, if it causes a danger to the proper functioning of a vital public utilities system, is punishable by a pecuniary punishment.

(2) The same act, if it causes interference with or interruption of the functioning of a vital public utilities system,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 407. Damaging vital constructions

(1) Damaging or destruction of a road, railway, bridge, sluice, barrage, dam, viaduct, tunnel or a protective facility thereof, drainage or ventilation equipment of a mine, facilities used for transporting workers into and out of a mine, or any other vital construction, if it causes a danger to the life or health of a large number of people,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 408. Construction of structure dangerous to life or health

(1) Construction of a structure which is not in compliance with the construction requirements, if it causes a danger to human life or health, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 409. Manufacture, processing or marketing of products not in conformity with requirements of technical regulations

(1) Manufacture, processing or marketing of a product which is not in conformity with the requirements of a technical regulation, if a danger to human life or health or to the environment is thereby caused, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 410. Causing radio interference or transmission of false or misleading messages

(1) Causing radio interference or transmission of false or misleading messages, if a danger to the life or health of a large number of people or to the environment is thereby caused, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

Division 3

Offences Relating to Ionizing Radiation

§ 411. Unlawful radiation practice

(1) Engagement in radiation practices without a corresponding licence is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 412. Violation of requirements for handling radiation sources

(1) Other violation of the requirements for manufacture, possession, use, transportation or handling of radiation sources, if it causes a danger to the life or health of a large number of people or a risk of significant damage to the quality of water, soil or ambient air, or to the individuals of animal or plant species,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.

Division 4

Offences Relating to Explosive Substances

§ 413. Explosive device

For the purposes of this Act, an explosive device is deemed to be a device containing an explosive substance and a mechanism capable of creating an explosion.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 414. Unlawful handling of explosive substances

(1) Unlawful manufacture, possession, acquisition, transfer, marketing or other unlawful handling of explosive substances

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if:

1) committed at least twice; or

2) the object of the act is a large quantity of explosive,

is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

(4) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(5) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or

2) the court imposes, pursuant to the provisions of § 83² of this Code, extended confiscation of the property obtained by the criminal offence.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 415. Unlawful handling of explosive device or essential component thereof

(1) Unlawful manufacture, acquisition, storage, delivery, transfer, handing over or other unlawful handling of an explosive device or an essential component thereof, except for an explosive substance,

is punishable by a pecuniary punishment or 2 to 10 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment or compulsory dissolution.

(3) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or

2) the court imposes, pursuant to the provisions of § 83² of this Code, extended confiscation of the property obtained by the criminal offence.

[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 416. Violation of requirements for handling explosive substances

(1) Violation of the requirements for storage, use, keeping records, transportation or other handling of explosive substances or pyrotechnical products, if such violation causes a danger to the life or health of a large number of people,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if a danger to the life or health of a large number of people is thereby caused through negligence,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

§ 417. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this Division.

Division 5

Offences Relating to Firearms and Ammunition

§ 418. Unlawful handling of firearms or essential components thereof or ammunition

(1) Unlawful handling of firearms or essential components thereof or ammunition, except for the unlawful handling of small quantities of cartridges,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if:

1) committed at least twice;

2) the object of the act is a large quantity of firearms, essential components thereof or ammunition; or

3) the act is committed by a group;

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a criminal organisation,

is punishable by 2 to 10 years' imprisonment.

(4) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 418¹. Unlawful handling of firearms prohibited for civilian use or essential components thereof or ammunition

(1) Unlawful handling of firearms prohibited for civilian use or essential components thereof or ammunition, except for the unlawful handling of small quantities of cartridges, is punishable by 1 to 5 years' imprisonment.

(2) The same act, if:

1) committed at least twice; or

2) the object of the act is a large quantity of firearms, essential components thereof or ammunition,

is punishable by 5 to 15 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a criminal organisation,

is punishable by 6 to 20 years' imprisonment.

(4) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 419. Negligent storage of firearms

Negligent storage of a firearm, if this causes health damage to another person or results in a criminal offence committed by using such firearm,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 420. Unlawful handling of silencers, laser sights or night sights of firearms

(1) Unlawful handling of a silencer, laser sight or night sight of a firearm

is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.

§ 421. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this Division.

Chapter 23 TRAFFIC OFFENCES

§ 422. Violation of traffic requirements or vehicle operating rules by driver

(1) A driver of a motor vehicle, aircraft, water craft, tram or rail vehicle who violates traffic requirements or vehicle operating rules and thereby causes major damage to the health of a person or the death of a person through negligence shall be punished by up to 5 years' imprisonment.

(2) The same act, if it causes the death of two or more persons, is punishable by 3 to 12 years' imprisonment.

§ 423. Violation of traffic requirements or vehicle operating rules by driver through negligence

(1) A driver of a motor vehicle, aircraft, water craft, tram or rail vehicle who violates traffic requirements or vehicle operating rules and thereby causes major damage to the health of a person or the death of a person through negligence shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if it causes the death of two or more persons, is punishable by 1 to 5 years' imprisonment.

§ 424. Driving power-driven vehicle, off-road vehicle or tram in state of intoxication

Driving a power-driven vehicle, off-road vehicle or tram in state of intoxication is punishable by a pecuniary punishment or up to 3 years' imprisonment.

[RT I 2010, 44, 261 - entry into force 01.01.2011]

§ 424¹. Driving power-driven vehicle, off-road vehicle or tram in state of intoxication through negligence

Driving a power-driven vehicle, off-road vehicle or tram in state of intoxication through negligence

is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2010, 44, 261 - entry into force 01.01.2011]

§ 425. Violation of traffic safety requirements or vehicle operating rules

(1) Violation of traffic safety requirements or vehicle operating rules by a person responsible for organising railway, water, air or road traffic, if such violation causes a danger to human life or health, property or the environment,
is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if it causes:

- 1) the death of a person;
- 2) damage to the health of a person; or
- 3) major damage,

is punishable by 3 to 12 years' imprisonment.

§ 426. Unlawful use of identification marks of emergency vehicles

Unlawful application to a motor vehicle of a colour combination similar to a colour combination of an emergency vehicle, or unlawful installation of a special signalling device to a motor vehicle, or use or driving of a motor vehicle with such markings
is punishable by a pecuniary punishment.

§ 427. Violation of international air traffic rules

Unauthorised entry into or exit from the air space of the Republic of Estonia, failure to adhere to the route, compulsory reporting point or flight altitude indicated in a permit, or other violation of international air traffic requirements
is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 428. Carriage of highly flammable or caustic substances on board aircraft by passenger

(1) Carriage of highly flammable or caustic substances on board aircraft by a passenger
is punishable by a pecuniary punishment.

(2) The same act, if significant damage is thereby caused,
is punishable by 1 to 5 years' imprisonment.

§ 429. Failure upon collision of ships to take measures to save other ship

The master of a ship who in the case of the collision of ships fails to take measures necessary to save the other ship, if it is possible to take such measures without causing a serious danger to own passengers, crew or ship,
shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 430. Unauthorised stopping of train without reason

Stopping a train without reason by pulling an emergency brake or cutting off the main air brake pipe or in any other manner, if through negligence such act results in:

- 1) serious damage to the health of a person;
- 2) the death of a person, or
- 3) major damage,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

Chapter 24

OFFENCES RELATING TO SERVICE IN DEFENCE FORCES

[[RT I 2005, 68, 529](#) - entry into force 01.01.2006]

§ 431. Punishment for offences provided for in this Chapter

(1) Persons serving in the Defence Forces can be punished for commission of offences relating to service in the Defence Forces.

[[RT I, 10.07.2012, 2](#) - entry into force 01.04.2013]

(2) [Repealed - [RT I, 10.07.2012, 2](#) - entry into force 01.04.2013]

§ 432. Refusal to obey orders

(1) Refusal to obey a lawful service-related order of a commander by a person with respect to whom a disciplinary punishment for such misconduct is in force is punishable by up to 2 years' imprisonment.

[[RT I 2002, 56, 350](#) - entry into force 01.09.2002]

(2) The same act, if committed publicly by a group, is punishable by up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed during a state of emergency or a state of war, is punishable by 2 to 10 years' imprisonment.

§ 433. Failure to obey orders

(1) Failure to obey a lawful service-related order of a commander by a person with respect to whom a disciplinary punishment for such misconduct is in force is punishable by up to 1 year imprisonment.

[[RT I 2002, 56, 350](#) - entry into force 01.09.2002]

(2) An act provided for in subsection (1) of this section, if committed during a state of emergency or a state of war, is punishable by 2 to 10 years' imprisonment.

§ 434. Threatening person serving in Defence Forces

A person who, with the intention to terminate performance of duties related to service in the Defence Forces or to alter the nature of such duties, threatens to kill, cause health damage to or destroy or damage property of a person who is in active service or his or her family member shall be punished by up to 3 years' imprisonment.

[\[RT I, 10.07.2012, 2\]](#) - entry into force 01.04.2013]

§ 435. Violence against person serving in Defence Forces

[\[RT I, 10.07.2012, 2\]](#) - entry into force 01.04.2013]

(1) Causing serious health damage to or use of violence against a person who is serving in the Defence Forces or his or her family member with the intention to terminate performance of duties related to service in the Defence Forces or alter the nature of such duties, is punishable by 4 to 12 years' imprisonment.

[\[RT I, 10.07.2012, 2\]](#) - entry into force 01.04.2013]

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 5 to 15 years' imprisonment

§ 436. Unauthorised departure from military unit or other place of service

(1) Unauthorised departure from a military unit or any other place of service or failure to return to service within the specified term after an authorised departure, if unauthorised absence lasts for more than three days, is punishable by up to 1 year imprisonment.

(2) The same act, if unauthorised absence lasts for more than thirty days, is punishable by up to 2 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed during a state of emergency or a state of war, regardless of the duration of unauthorised absence, is punishable by 1 to 5 years' imprisonment.

§ 437. Unauthorised departure from military unit or other place of service while carrying service weapon

Unauthorised departure from a military unit or any other place of service while carrying a service weapon

is punishable by 1 to 5 years' imprisonment.

§ 438. Unauthorised abandoning of military unit or other place of service in battle situation

Unauthorised abandoning of a military unit or any other place of service in a battle situation is punishable by 2 to 10 years' imprisonment.

§ 439. Desertion

(1) Unauthorised departure from a military unit or any other place of service with the intention to evade service in the Defence Forces is punishable by 1 to 5 years' imprisonment.

[RT I 2005, 68, 529 - entry into force 01.01.2006]

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 2 to 10 years' imprisonment.

§ 440. Evasion of service in Defence Forces

(1) A person who evades service in the Defence Forces by causing an injury to himself or by having an injury caused to him by another person, or by simulating an illness, falsifying documents or using any other fraud shall be punished by 1 to 5 years' imprisonment.

(2) The same act, if committed with the intention to evade performance of duties related to service in the Defence Forces, is punishable by up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed during a state of emergency or a state of war, is punishable by 2 to 10 years' imprisonment.

[RT I 2005, 68, 529 - entry into force 01.01.2006]

§ 441. Violation of requirements for driving or operating machinery

Violation of the requirements for operating battle equipment or special or transportation machinery, if through negligence such violation causes:

- 1) the death of a person;
 - 2) serious damage to the health of a person; or
 - 3) major damage,
- is punishable by 1 to 5 years' imprisonment.

§ 442. Violation of requirements for flights or preparation for flights

Violation of the requirements for flights or preparation for flights, if through negligence such violation causes:

- 1) the death of a person;
 - 2) serious damage to the health of a person; or
 - 3) major damage,
- is punishable by 2 to 10 years' imprisonment.

§ 443. Violation of requirements for navigation of vessels

Violation of the requirements for navigating a vessel, if through negligence such violation causes:

- 1) the death of a person;
 - 2) serious damage to the health of a person;
 - 3) a shipwreck; or
 - 4) major damage,
- is punishable by 2 to 10 years' imprisonment.

§ 444. Violation of internal or disciplinary regulations [Repealed - [RT I, 10.07.2012, 2](#) - entry into force 01.04.2013]

§ 445. False service report

(1) Submission of a false oral or written service report is punishable by up to 1 year imprisonment.

(2) The same act, if it causes:

- 1) the death of a person;
- 2) damage to the health of a person; or
- 3) major damage,

is punishable by 6 to 15 years' imprisonment.

(3) [Repealed - [RT I, 10.07.2012, 2](#) - entry into force 01.04.2013]

§ 446. Abuse of authority

(1) A commander who makes excessive use of his or her authority or exceeds the limits of the authority or acts in excess of the authority arising from his or her position in service and thereby causes significant damage to the rights or interests of another person that are protected by law or to the interests of the state shall be punished by up to 5 years' imprisonment.
[[RT I 2010, 17, 93](#) - entry into force 10.05.2010]

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 1 to 5 years' imprisonment.

§ 447. Negligence in service

1) A person in active service of the Defence Forces who fails to perform or inadequately performs his or her official duties due to unconscientious or careless attitude towards the duties, thereby causing significant damage to the rights or interests of a person that are protected by law or to the interests of the state shall be punished by up to 2 years' imprisonment.
[[RT I, 10.07.2012, 2](#) - entry into force 01.04.2013]

(2) The same act, if committed during a state of emergency or a state of war, is punishable by up to 5 years' imprisonment.

§ 448. Dissipation of property of Defence Forces

(1) Pledging, abandoning, losing, unconscientious storing or damaging of weapons, technology, equipment or other property of the Defence Forces, if major damage is thereby caused, is punishable by up to 5 years' imprisonment.

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 1 to 5 years' imprisonment.

§ 449. Surrendering armed units or surrendering property to enemy

[\[RT I, 10.07.2012, 2](#) - entry into force 01.04.2013]

A commander who without authorisation surrenders armed units entrusted to his or her responsibility to an enemy or surrenders a fortification, battle equipment or other property to an enemy, unless this is necessary in a battle situation, shall be punished by 3 to 12 years' imprisonment.

[\[RT I, 10.07.2012, 2](#) - entry into force 01.04.2013]

§ 450. Abandoning sinking warship

(1) Abandoning of a sinking warship by the commander who failed to perform his or her official duties in full, or by a crew member without the corresponding order of the commander, is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 2 to 10 years' imprisonment.

Chapter 25 IMPLEMENTING PROVISION

§ 451. Implementation of Penal Code

The Penal Code shall be implemented by a separate Act.

¹ Directive 2001/29/EC of the European Parliament and of the Council on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.06.2001, pp. 10–19); Directive 2005/35/EC of the European Parliament and of the Council on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.09.2005, pp 11–21); Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law (OJ L 328, 06.12.2008, pp. 28–37); Directive 2009/123/EC of the European Parliament and of the Council amending Directive 2005/35/EC on

ship-source pollution and on the introduction of penalties for infringements (OJ L 280, 27.10.2009, pp. 52–55).

[RT I, 11.03.2011, 1 - entry into force 21.03.2011]