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- 16 February 2006 [shall come into force from 22 March 2006];
- 12 October 2006 [shall come into force from 15 November 2006];
- 14 December 2006 [shall come into force from 1 January 2007];
- 21 June 2007 [shall come into force from 19 July 2007];
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- 2 December 2010 [shall come into force from 1 January 2011];
- 16 June 2011 [shall come into force from 13 July 2011];
- 8 July 2011 [shall come into force from 1 October 2011];
- 8 September 2011 [shall come into force from 4 October 2011];
- 1 December 2011 [shall come into force from 1 January 2012];
- 13 December 2012 [shall come into force from 1 April 2013];
- 14 March 2013 [shall come into force from 1 April 2013];
- 20 March 2014 [shall come into force from 3 April 2014];
- 3 April 2014 [shall come into force from 9 April 2014];
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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

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

# The Criminal Law

## General Part

### Chapter I General Provisions

#### Section 1. Basis of Criminal Liability

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

(2) To be found guilty of committing a criminal offence and to impose a criminal punishment may be done by a judgment of a court and in accordance with law.

(3) In the cases provided for by Law, also a public prosecutor shall find a person guilty of committing a criminal offence and determine a punishment by drawing up a penal order.

(4) An offence may not be considered criminal by applying the law by analogy.

(5) Nobody shall be tried or punished again for an offence for which he or she has already been acquitted or punished by a ruling made in accordance with the procedures laid down in law and in effect in a criminal case or a case of administrative violation. The abovementioned shall not exclude the re-examination of a case in accordance with the law if new circumstances have been found or if significant violation of material or procedural norms which could affect the outcome of the case, has been made in the previous proceedings.

*[28 September 2005; 13 December 2012; 15 May 2014]*

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

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

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

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

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

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

(1) Latvian citizens, non-citizens, and foreigners who have a permanent residence permit in the Republic of Latvia, shall be held liable, in accordance with this Law, in the territory of Latvia for an offence committed in the territory of another state or outside the territory of any state irrespective of whether it has been recognised as criminal and punishable in the territory of commitment.

(1<sup>1</sup>) For an offence committed by a natural person acting in the interests of a legal person registered in the Republic of Latvia, for the benefit of the person or as a result of insufficient supervision or control thereof in the territory of another state or outside the territory of any state irrespective of whether it has been recognised as criminal and punishable in the territory of commitment the coercive measures provided for in this Law may be applied to the legal person.

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

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

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

*[17 October 2002; 16 December 2004; 21 May 2009; 21 October 2010; 25 September 2014]*

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

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

(2) A law which recognises an offence as not punishable, reduces the punishment or is otherwise beneficial to a person, unless otherwise provided for in the applicable law, has retrospective effect, that is, it applies to offences which have been committed prior to the applicable law coming into force, as well as to a person who is serving a punishment or has served a punishment but regarding whom conviction remains in effect.

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

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

## **Chapter II Criminal Offences**

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

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

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

*[13 December 2012]*

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

(1) Criminal offences shall be divided into criminal violations and crimes according to the nature and harm of the threat to the interests of a person or the society. Crimes shall be divided as follows: less serious crimes, serious crimes and especially serious crimes.

(2) A criminal violation is an offence for which the deprivation of liberty for a period exceeding fifteen days, but not exceeding three months (temporary deprivation of liberty), or a type of lesser punishment is provided for in this Law.

(3) A less serious crime is an intentional offence for which the deprivation of liberty for a period exceeding three

months but not exceeding three years is provided for in this Law, as well as an offence which has been committed through negligence and for which the deprivation of liberty for a period not exceeding eight years is provided for in this Law.

(4) A serious crime is an intentional offence for which the deprivation of liberty for a period exceeding three years but not exceeding eight years is provided for in this Law, as well as an offence which has been committed through negligence and for which the deprivation of liberty for a time period exceeding eight years is provided for in this Law.

(5) An especially serious crime is an intentional offence for which the deprivation of liberty for a period exceeding eight years or life imprisonment is provided for in this Law.

(6) If this Law provides for the deprivation of liberty for a period not exceeding five years for a crime, also a type of lesser punishment may be provided for therein for the relevant crime.

*[21 May 2009; 1 December 2011; 13 December 2012]*

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

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

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

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

(1) A criminal offence shall be considered to have been committed deliberately (intentionally) if the person has committed it with a direct or indirect intent.

(2) A criminal offence shall be considered to have been committed with a direct intent if the person has been aware of the harm caused by his or her act or failure to act and has knowingly committed or allowed it or also been aware of the harm caused by his or her act or failure to act, foreseen the harmful consequences of the offence and has desired them.

(3) A criminal offence shall be considered to have been committed with an indirect intent if the person has been aware of the harm caused by his or her act or failure to act, foreseen the harmful consequences of the offence and, although has not desired such consequences, has knowingly allowed them to result.

*[13 December 2012]*

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

(1) A criminal offence shall be considered to be committed through negligence if the person has committed it through criminal self-reliance or criminal neglect.

(2) A criminal offence shall be considered to have been committed through criminal self-reliance if the person has foreseen the possibility that the harmful consequences of his or her act or failure to act would result and nevertheless carelessly relied on these being prevented.

(3) A criminal offence shall be considered to have been committed through criminal neglect if the person did not foresee the possibility that the consequences of his or her act or failure to act would result, although according to the actual circumstances of the offence he or she should have and could have foreseen the referred to harmful consequences.

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

*[13 December 2012]*

### **Section 11. Age at which the Criminal Liability Applies**

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

### **Section 12. Liability of a Natural Person in the Case of a Legal Person**

A natural person who has committed a criminal offence acting in the interests of a legal person governed by private law, for the benefit of the person or as a result of insufficient supervision or control thereof shall be held criminally liable, but the coercive measures provided for in this Law may be applied to the legal person.

[14 March 2013]

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

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

(2) On a person who has been found to have a lack of mental capacity, the court may impose the compulsory measures of a medical nature laid down in this Law.

[20 March 2014]

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

(1) If a person, at the time of the commission of a criminal offence, due to mental disorder or mental disability, was not able to understand his or her acts fully or control them, that is, was in a state of diminished mental capacity, the court may reduce the punishment to be adjudged or release such person from punishment, according to the actual circumstances of the offence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Section 19. Participation**

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

### **Section 20. Joint Participation**

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

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

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

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

(5) A joint participant shall be held liable in accordance with the same Section of this Law which provides for the liability of the perpetrator.

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

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

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

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

### **Section 21. Organised Groups**

(1) An organised group is an association formed by more than two persons which has been created for the purpose of jointly committing one or several crimes and the participants of which in accordance with previous agreement have divided responsibilities.

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

*[25 April 2002; 13 December 2012]*

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

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

(2) The betrothed, spouse, parents, children, brothers and sisters, grandparents and grandchildren of a person who has committed a crime, as well as the person with whom the natural person who has committed a crime is living together and with whom he or she has a joint (single) household are not liable for previously unpromised concealment or failure to inform.

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

*[25 September 2014]*

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

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

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



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

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

(5) [13 December 2012]

*[13 December 2012]*

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

(1) Multiplicity of criminal offences is the commission (or allowing) by one person of two or several separate offences (act or failure to act) which correspond to the constituent elements of several criminal offences, or the commission (or allowing) by a person of one offence (act or failure to act) which corresponds to the constituent elements of at least two different criminal offences.

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

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

*[20 June 2002; 13 December 2012]*

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

[13 December 2012]

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

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

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

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

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

(5) If one criminal offence conforms to the general and special norm provided for in the Special Part of this Law, there shall be no aggregation of criminal offences and criminal liability shall set it only according to the special norm.

*[13 December 2012]*

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

Recidivism of a criminal offence is constituted by a new intentional criminal offence committed by a person after the conviction of such person for an intentional criminal offence committed earlier, if at the time of commission of the new criminal offence the criminal record for it has not been set aside or extinguished in accordance with the procedures laid down in Law.

*[12 November 2015]*

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

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

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

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

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

(2) Protective acts obviously disproportionate to the nature and danger of the assault which were not necessary for prevention or repelling of the assault and as a result of which harm is caused to the assailant, shall be considered as exceeding the limits of the necessary self-defence.

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

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

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

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

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

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

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

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

(1) Detention causing personal harm is an act which is directed against such person who is committing or has committed a criminal offence. Criminal liability for this act shall not apply if apparent non-conformity of the harm caused to the person with the nature of the offence, non-compliance or resistance is not allowed.

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

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

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

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

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

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

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

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

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

(1) Execution of a criminal command or a criminal order by the person who has executed it is justifiable only in those cases when the person did not know of the criminal nature of the command or the order and it was not obvious. In such cases, criminal liability shall nonetheless apply if crimes against humanity and peace, war crimes or genocide have been committed.

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



## Chapter IV Punishment

### Section 35. Punishment and Its Purpose

(1) Punishment as provided for in The Criminal Law is a compulsory measure which a court, within the limits of this Law, adjudges on behalf of the State against persons guilty of the commission of a criminal offence or in the cases provided for by law, determined by a public prosecutor by drawing up a penal order.

(2) The purpose of punishment is:

- 1) to protect the public safety;
- 2) to restore justice;
- 3) to punish the offender for a committed criminal offence;
- 4) to resocialize the punished person;
- 5) to achieve that the convicted person and other persons comply with the law and refrain from committing criminal offences.

*[28 September 2005; 13 December 2012]*

### Section 36. Forms of Punishment

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

- 1) [1 December 2011];
- 2) deprivation of liberty;
- 3) [13 December 2012];
- 4) [13 December 2012];
- 5) community service; or
- 6) a fine.

(2) In addition to a basic punishment, the following additional punishments may be adjudged against a convicted person:

- 1) confiscation of property;
- 2) deportation from the Republic of Latvia;
- 2<sup>1</sup>) community service;
- 3) a fine;
- 4) restriction of rights;
- 5) [8 July 2011];
- 5<sup>1</sup>) probationary supervision; and
- 6) [13 December 2012].

(3) For a person who has committed a criminal violation, a less serious crime or a serious crime for which a punishment of deprivation of liberty for a period of up to five years is provided for, a public prosecutor in drawing up a penal order may specify a fine or community service, as well as an additional punishment - restriction of rights or probationary supervision.

(4) The procedures for serving a punishment shall be determined in accordance with law.

*[12 February 2004; 28 September 2005; 8 December 2005; 21 May 2009; 8 July 2011; 1 December 2011; 13 December 2012; 10 March 2016]*

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

[1 December 2011]

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

(1) Deprivation of liberty is the compulsory imprisonment of a person.

(2) Deprivation of liberty shall be determined for a period of fifteen days and up to twenty years.

(2<sup>1</sup>) In cases specifically provided for in this Law, temporary deprivation of liberty for a period not exceeding three months may be determined for criminal violations and crimes for which deprivation of liberty for a period up to five years is provided for in this Law.

(3) In cases specifically provided for in this Law, deprivation of liberty may be determined for life (life imprisonment).

(4) The period of deprivation of liberty shall be determined in years, months and days.

*[16 June 2009; 13 December 2012; 29 September 2014; 12 November 2015]*

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

[13 December 2012]

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

(1) Community service as a basic punishment or additional punishment is compulsory participation in indispensable public service which a convicted person or a person for whom community service has been determined with a public prosecutor's penal order, serves as punishment by doing work in the area of the place of residence, as specified by the community service implementation authority during free time outside regular employment or studies and without remuneration. Community service shall be determined for a period of forty hours and up to two hundred and eighty hours. A public prosecutor in determining community work in the penal order may apply not more than one half of the length of the maximum community service provided for in this Section. Community service as an additional punishment may be determined for a period of forty hours and up to one hundred hours to persons to whom a suspended sentence has been imposed.

(2) Community service is not applicable to persons disabled from working.

(3) If a person convicted with community service or a person for whom community service has been specified with a public prosecutor's penal order evades, in bad faith, serving the punishment, a court shall substitute temporary deprivation of liberty for the unserved punishment, calculating four hours of work as one day of temporary deprivation of liberty.

(4) Upon proposal of a punishment execution institution a court may release a person who has been convicted with community service or to whom community service has been imposed by a public prosecutor's penal order from serving of the punishment, if community service has been determined for a period of eighty hours and if a person executes community service and other duties imposed thereto in an exemplary manner, and if actually less than a half of the punishment imposed has been served.

*[25 April 2002; 17 October 2002; 28 April 2005; 28 September 2005; 16 June 2009; 13 December 2012]*

### **Section 41. Fines**

(1) A fine is a monetary amount imposed for payment by a court or a public prosecutor in favour of the State within 30 days in the amount set out in this Section as a basic punishment, but the court - also as an additional punishment.

(2) A fine as a basic punishment proportionate to the harmfulness of the criminal offence and the financial status of the offender shall be determined:

1) for a criminal violation - in the amount of three and up to one hundred minimum monthly wages specified in the Republic of Latvia;

2) for a less serious crime - in the amount of five and up to one thousand minimum monthly wages specified in the Republic of Latvia;

3) for a serious crime for which deprivation of liberty for a period not exceeding five years is provided for in this Law - in the amount of ten and up to two thousand minimum monthly wages specified in the Republic of Latvia.

(2<sup>1</sup>) A fine shall be determined in the amount of the minimum monthly wage specified in the Republic of Latvia at the time of the rendering of the judgment by indicating the amount of the fine in the monetary units of the Republic of Latvia in the judgement. A public prosecutor may impose a fine in the amount of not more than a half of the amount of

the maximum fine provided for in Paragraph two of this Section, taking into account the minimum monthly wage specified in the Republic of Latvia at the time, when the penal order is drawn up, and indicating the amount of this fine in the monetary units of the Republic of Latvia in the penal order.

(2<sup>2</sup>) According to the harmfulness of the criminal offence and the financial status of the offender a court may determine a fine as a basic punishment also for the commission of such serious crime for which deprivation of liberty for a period of up to five years is provided for in this Law, and the commission of an especially serious crime, if the crime has not resulted in death of a human being, has not caused serious bodily injuries or disorders of psychological nature to at least one person or less serious bodily injuries or disorders of psychological nature to several persons, is not related to violence or threat of violence, is not related to illegal handling of narcotic and psychotropic substances and has not been committed in an organised group, in the amount of three hundred and one and up to ten thousand minimum monthly wages specified in the Republic of Latvia.

(3) A fine as an additional punishment proportionate to the harmfulness of the criminal offence and the financial status of the offender shall be determined in the amount of not less than one and up to one hundred times of the minimum monthly wage specified in the Republic of Latvia at the time of the rendering of the judgement, indicating the amount of the fine in the monetary units of the Republic of Latvia in the judgment.

(4) The financial status of the offender shall be determined by evaluating his or her possibilities to pay the fine without delay or to acquire foreseeable income which could provide the possibility for him or her to pay the fine imposed within the time period specified in the Law.

(5) A court or public prosecutor as appropriate may divide the payment of the fine into terms or suspend the payment for a time period which does not exceed a year from the day when a judgement or the penal order has entered into legal effect. If the fine exceeds the amount of three hundred minimum monthly wages, a court or the public prosecutor as appropriate may divide the payment of the fine into terms or suspend the payment for a time period which does not exceed three years from the day when a judgement or the penal order has entered into legal effect.

(6) The amount of the fine not paid in due time, if it does not exceed the amount of thirty minimum monthly wages, shall be substituted with temporary deprivation of liberty, calculating one minimum monthly wage as four days of temporary deprivation of liberty, however, not exceeding three months; the unpaid fine, if it does not exceed the amount two hundred minimum monthly wages, shall be substituted with deprivation of liberty, calculating one minimum monthly wage as four days of deprivation of liberty, however, not exceeding one year; the unpaid fine, if it exceeds two hundred minimum monthly wages, shall be substituted with deprivation of liberty, calculating one minimum monthly wage as five days of deprivation of liberty, however, not exceeding five years.

(7) If a fine or a part thereof is paid during the time a convicted person is serving a punishment of deprivation of liberty instead of a fine, the convicted person shall be released, or the period of deprivation of liberty shall be reduced, according to the portion of the fine paid. In reducing the period of the punishment as indicated, the time of deprivation of liberty shall be included according to the proportions determined by a court.

*[16 June 2009; 13 December 2012; 12 November 2015; 29 October 2015; 10 March 2016]*

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

(1) Confiscation of property is compulsory alienation of the property owned by a convicted person to the State ownership without compensation. Confiscation of property may be specified as an additional punishment. Property owned by a convicted person which he or she has transferred to another natural or legal person, may also be confiscated.

(2) Confiscation of property may be specified only in the cases provided for in the Special Part of this Law.

(3) A court, in determining confiscation of property, shall specifically indicate which property is to be confiscated.

(4) The indispensable property of the convicted person or of his or her dependants which may not be confiscated, shall be determined in the law.

*[12 February 2004; 6 October 2005; 21 May 2009; 13 December 2012; 22 June 2017]*

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

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

(1<sup>1</sup>) Deportation from the Republic of Latvia shall not apply to a citizen of the European Union Member State, state of the European Economic Area or the Swiss Confederation, as well as to his or her spouse, child up to twenty one years of age, parents or a person with whom he or she is living together and with whom he or she has a joint (single) household or who is dependent on him or her, except cases when a court recognises that, taking into account the circumstances of the case, the nature of the criminal offence and the personality of the guilty person, his or her

presence in the Republic of Latvia causes serious threats to public order or national security. If such person has stayed in the Republic of Latvia for the previous ten years or is a minor, then deportation shall be applicable thereto only if a court recognises that, taking into account the circumstances of the case, the nature of the criminal offence and the personality of the guilty person, his or her presence in the Republic of Latvia causes serious threats to national security. Deportation from the Republic of Latvia shall be applicable to a minor also if it conforms to the interests of the minor in accordance with international agreements binding upon the Republic of Latvia.

(2) This punishment may be adjudged as an additional punishment jointly with deprivation of liberty or a fine, determining the entry ban for a period from three to ten years and executing it only after the basic punishment has been served or after conditional release prior to completion of punishment in accordance with the procedures laid down in law, or after entering into effect of a judgment in case of suspended sentence. The period of serving of the additional punishment shall be counted from the day when the person has been deported from the Republic of Latvia.

*[13 December 2007; 13 December 2012; 16 October 2014]*

#### **Section 44. Restriction of Rights**

(1) Restriction of rights is the deprivation of specific rights or determination of such prohibition which precludes a person from executing specific rights, taking up a specific office, performing a specific professional or other type of activity, visiting of specific places or events.

(2) Restriction of rights is an additional punishment adjudged by a court, or determined by a public prosecutor in drawing up a penal order for a period from one year up to five years, depriving the rights provided for in the relevant Section in the Special Part of this Law or determining a prohibition. Taking into account the type and nature of the criminal offence in the cases provided for in the Special Part of this Law a person may also be restricted the rights for a longer period, however, the period may not exceed ten years.

(3) According to the nature of the criminal offence a court may also adjudge restriction of rights in cases when such punishment has not been provided for in the sanction of the relevant Section of the Special Part of this Law, or in addition to the restriction provided for in the sanction of the relevant Section of the Special Part of this Law another restriction of rights may also be determined.

(4) If a person has been convicted with deprivation of liberty and with restriction of rights, then the prohibition referred to in this Section shall apply not only to the period when the person is serving the deprivation of liberty, but also to the period to be served for the additional punishment adjudged in the judgment, calculated from the day when he or she completes serving the basic punishment. In the determining of such additional punishment jointly with suspended sentence, the period of serving the additional punishment shall be calculated from the day when the probationary period specified for the person starts. In determining of such additional punishment jointly with other forms of basic punishment, the period for serving the additional punishment shall be calculated from the day when the judgement of conviction or the public prosecutor's penal order has entered into effect.

*[13 December 2012; 12 November 2015; 10 March 2016]*

#### **Section 44.<sup>1</sup> Prohibition to Become a Candidate in Saeima, European Parliament, City Council, County Council and Parish Council Elections**

*[13 December 2012]*

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

*[8 July 2011 / [1 January 2015] See Paragraph 10 of Transitional Provisions]*

#### **Section 45.<sup>1</sup> Probationary Supervision**

(1) Probationary supervision is an additional punishment which a court may adjudge or a public prosecutor determine in a penal order as a compulsory measure, in order to ensure the supervision of the behaviour of a convicted person or person whose additional punishment has been determined by public prosecutor's order, encourage social reintegration of this person and prevent him or her from committing new criminal offences.

(2) Probationary supervision shall be imposed only in the cases set out in the Special Part of this Law, for a period of one year and up to three years. The public prosecutor, when determining probationary supervision in the penal order, may impose no more than half of the maximum duration of probationary supervision provided for in the respective Section of the Special Part of this Law. In the cases provided for in the Special Part of this Law a person may also be applied probationary supervision for a longer period, however, the period may not exceed five years.

(3) During the period of probationary supervision the convicted person or person whose additional punishment has been determined by a public prosecutor's penal order, shall fulfil the duties stipulated by the State Probation Service.

(4) If probationary service is applied together with deprivation of liberty, execution thereof shall be commenced after serving of the basic punishment, but if a fine or community service is imposed - from the moment when the judgement

of conviction and a public prosecutor's penal order has entered into effect. In cases where a person is conditionally released from execution of the punishment of deprivation of liberty prior to completion thereof, the additional punishment - probationary supervision - shall be commenced from the moment that the supervision of a person after conditional release prior to completion of punishment has ended.

(5) A court may reduce the period of probationary supervision, or revoke it, according to a submission by the State Probation Service.

(6) If a convicted person or a person whose additional punishment has been determined by public prosecutor's penal order commits a new crime during the period of serving the additional punishment, a court shall substitute the additional unserved punishment period with deprivation of liberty and shall determine the final punishment in accordance with the provisions provided for in Sections 51 and 52 of this Law.

(7) If a person who has been determined probationary supervision by the judgment of court or the public prosecutor's penal order violates provisions thereof without a justified reason, a court, after receipt of a submission from the State Probation Service, may substitute the additional unserved punishment term, counting two probationary supervision days as one day of deprivation of liberty.

*[8 July 2011; 13 December 2012; 12 November 2015]*

## **Chapter V Determination of Punishment**

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

(1) A punishment shall be determined to the extent provided for the committed criminal offence by the sanction of the relevant Section of the Special Part of this Law, conforming to the provisions of the General Part of this Law.

(2) In determining the type of punishment, the nature of and harm caused by the criminal offence committed, as well as the personality of the offender shall be taken into account.

(3) In determining the amount of punishment, the circumstances mitigating or aggravating the liability shall be taken into account.

(4) The punishment of deprivation of liberty for a criminal violation and a less serious crime shall be applied if the purpose of the punishment cannot be achieved by determining any of the types of lesser punishment provided for in the sanction of the relevant Section.

*[13 December 2012]*

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

(1) The following circumstances shall be considered as circumstances mitigating the liability:

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

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

3) the offender has voluntarily compensated the harm caused by the criminal offence to the victim or has eliminated the harm caused;

4) the offender has facilitated the disclosure of a crime of another person;

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

6) the criminal offence was committed exceeding the conditions regarding the necessary self-defence, extreme necessity, detention of the person committing the criminal offence, justifiable professional risk, the legality of the execution of a command and order;

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

(2) In determining a punishment, circumstances which are not provided for in this Law and which are related to the criminal offence committed, may be considered as circumstances mitigating the liability.

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

*[13 December 2012]*

## **Section 48. Aggravating Circumstances**

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

- 1) the criminal offence constitutes recidivism of criminal offences;
- 2) the criminal offence was committed while in a group of persons;
- 3) the criminal offence was committed, taking advantage in bad faith of an official position or trust of another person;
- 4) the criminal offence has caused serious consequences;
- 5) the criminal offence was committed against a woman, knowing her to be pregnant;
- 6) the criminal offence was committed against a person who has not attained sixteen years of age or against a person taking advantage of his or her helpless condition or of infirmity due to old-age;
- 7) the criminal offence was committed against a person taking advantage of his or her official, financial or other dependence on the offender;
- 8) the criminal offence was committed with particular cruelty or with humiliation of the victim;
- 9) the criminal offence was committed taking advantage of the circumstances of a public disaster;
- 10) the criminal offence was committed employing weapons or explosives, or in some other generally dangerous way;
- 11) the criminal offence was committed out of a desire to acquire property;
- 12) the criminal offence was committed under the influence of alcohol, narcotic, psychotropic, toxic or other intoxicating substances;
- 13) the person committing the criminal offence, for the purpose of having his or her punishment reduced, has knowingly provided false information regarding a criminal offence committed by another person;
- 14) the criminal offence was committed due to racist, national, ethnic or religious motives;
- 15) the criminal offence related to violence or threats of violence, or the criminal offence against morality and sexual inviolability was committed against a person to whom the perpetrator is related in the first or second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household.

(2) Taking into account the nature of the criminal offence, it may be decided not to consider any of the circumstances referred to in Paragraph one of this Section as aggravating.

(3) In determining punishment, such circumstances may not be considered as aggravating which are not set out in this Law.

(4) A circumstance which is provided for in this Law as a constituent element of a criminal offence shall not be considered an aggravating circumstance.

*[27 May 2004; 12 October 2006; 21 October 2010; 13 December 2012; 15 May 2014; 25 September 2014]*

## **Section 49. Determination of a Lesser Punishment than the Punishment Provided for by Law**

(1) If a court, by taking into account various mitigating circumstances and the personality of the offender, considers it necessary to impose a punishment which is less than the minimum limit for the relevant criminal offence provided for by the Law, it may reduce the punishment accordingly, setting out the reasons for such ruling in the judgment.

(1<sup>1</sup>) In determining the punishment of deprivation of liberty which is less than the minimum limit for the relevant criminal offence provided for by the Special Part of the Law, a person may not be adjudged less than:

1) half of the minimum punishment for committing a serious crime provided for in the sanction of the relevant Section;

2) two thirds of the minimum punishment for committing an especially serious crime provided for in the sanction of the relevant Section.

(2) Taking into account several circumstances mitigating the liability and the personality of the offender, a court may determine a type of lesser punishment for the commission of such serious crime for which deprivation of liberty for a period exceeding five years is provided for in this Law, and for the commission of an especially serious crime, if the



crime has not resulted in death of a human being, has not caused serious bodily injuries or disorders of psychological nature to at least one person or less serious bodily injuries to several persons, is not related to violence or threat of violence, is not related to illegal handling of narcotic and psychotropic substances and has not been committed in an organised group.

(3) Paragraphs one and two of this Section are not applicable if the court has found that the criminal offence was committed in aggravating circumstances.

(4) [8 November 2007]

[25 April 2002; 8 November 2007; 13 December 2012]

#### **Section 49.<sup>1</sup> Determination of Punishment if the Rights to Termination of Criminal Proceedings within Reasonable Time Period has not been Observed**

(1) If the court determines that the rights of a person to termination of criminal proceedings within reasonable time period have not been observed, it may:

1) take this circumstance into consideration when determining the punishment and mitigate the punishment;

2) determine a punishment which is lower than the minimum limit provided for the relevant criminal offence by the law; or

3) determine another, lesser type of punishment than provided for the relevant criminal offence by the law.

(2) If the court determines that the rights of a person to the termination of criminal proceedings within reasonable time period have not been observed and the person has committed a crime for which life imprisonment is provided for in the sanction of the Special Part of The Criminal Law, the court may determine a deprivation of liberty for twenty years instead of life imprisonment.

[21 October 2010; 1 December 2011]

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

(1) If a person has committed several independent criminal offences, a court in rendering a judgment or the public prosecutor by drawing up a penal order shall determine punishment separately for each criminal offence. In such case the final punishment shall be determined according to the aggregation of the criminal offences, including the lesser punishment within the more serious or also completely or partially adding together the punishments imposed.

(2) If all criminal offences constituting the aggregation of criminal offences are criminal violations or less serious crimes, the final punishment shall be determined including the lesser punishment within the more serious or also completely or partially adding together the punishments imposed. In such case the total amount or period of the punishment may exceed the maximum amount or period of the punishment provided for the most serious of the committed criminal offences, but not more than a half of the maximum amount or period of the punishment provided for the most serious of the criminal offences committed. In drawing up a penal order the public prosecutor may not determine the total amount or period of the punishment which exceeds the maximum amount or term of the punishment provided for the most serious of the criminal offences committed.

(3) If at least one criminal offence constituting the aggregation of criminal offences is a serious or especially serious crime, the final punishment shall be determined completely or partially adding together the punishments imposed. In such case the total amount or period of the punishment may exceed the maximum amount or period of the punishment provided for the most serious of the committed criminal offences, but not more than a half of the maximum amount or period of the punishment provided for the most serious of the criminal offences committed. The total period of the punishments of deprivation of liberty (except life imprisonment) added together shall not exceed twenty five years, but, if an especially serious crime has been committed resulting in death of the victim, the total period of the punishment of deprivation of liberty may also be determined for the whole life (life imprisonment).

(4) At first an additional punishment, the same as a basic punishment, shall be determined separately for each of the criminal offences and afterwards for the aggregation of criminal offences together with a basic punishment. Additional punishments adjudged separately for each of the criminal offences shall be added to the basic punishment determined for the aggregation of criminal offences.

(5) The court shall determine the punishment in accordance with the same procedure if, after a judgment has been rendered or a public prosecutor's penal order has been drawn up, it is established that the person is also guilty of another criminal offence which he or she had committed prior to entering into effect of the judgment or the public prosecutor's penal order in respect of the first matter. In such case, the period of the punishment shall include the punishment which has already been totally or partially served after the first judgment. If the period of deprivation of liberty determined conditionally in a judgment exceeds the period of deprivation of liberty determined in another judgment, the period of deprivation of liberty determined conditionally shall be completely or partially added to the period of deprivation of liberty.

(6) The total amount or period of the final punishment determined in accordance with the procedures laid down in this Section may exceed the maximum amount or period determined for the relevant type of punishment.

*[21 October 2010; 13 December 2012; 25 September 2014]*

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

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

(1<sup>1</sup>) In determining a punishment after several judgments, not less than one third of the punishment unserved shall be added to the punishment if:

1) a person who has been punished for a serious or especially serious crime has committed a serious or especially serious crime during the unserved punishment;

2) recidivism of criminal offences has been established;

3) the new criminal offence has been committed during the probationary period specified by a court;

4) the new criminal offence has been committed during the time when a person has been conditionally released prior to completion of the basic punishment.

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

(3) In adding together punishments for several judgments, the total amount or period of the punishment shall not exceed the maximum amount or period set out for the relevant form of punishment, but not more than a half of the maximum amount or period determined for the relevant type of punishment. The total period of punishments of deprivation of liberty added up (except life imprisonment) shall not exceed thirty years, but if an especially serious crime has been committed resulting in death of a victim the total period of the punishment of deprivation of liberty may also be determined for the whole life (life imprisonment).

(4) A judgment within the meaning of Sections 51 and 52 of this Law is also a public prosecutor's penal order.

*[13 December 2007; 21 October 2010; 13 December 2012; 25 September 2014]*

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

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

1) [13 December 2012];

2) eight hours of community service;

3) [8 July 2011];

4) two days of probationary supervision.

(2) A fine, restriction of rights shall, if such punishments are imposed in conjunction with a punishment of deprivation of liberty, community service, be executed independently. In case of a suspended sentence the additional punishment - community service - shall be executed independently upon commencement of the probationary period.

(2<sup>1</sup>) If basic punishments - community service and deprivation of liberty, the period of which jointly does not exceed three years - have been adjudged for several criminal offences in one judgment or according to several judgments, the punishment - community service - shall be executed independently. In such cases execution of community service shall be commenced after serving of the punishment of deprivation of liberty, but in case of a suspended sentence - immediately after entering into effect of the judgment.

(3) In determining punishments which have not been mentioned in Paragraph one of this Section, a court, taking into account any arrest, the part of a punishment already served, or a period of application of compulsory measures of a medical nature, may reduce the punishment or totally release the offender from serving punishment.

(4) The period of a punishment shall be calculated in years, months, and days. A court shall count arrest as part of the period of a punishment, calculating one day of arrest as one day of deprivation of liberty.

(5) Arrest or a part of a served punishment shall be counted as part of the punishment in accordance with the

provisions of Paragraph one of this Section.

(6) House arrest shall be counted as part of the period of punishment of deprivation of liberty. One house arrest day shall be the equivalent of one day of deprivation of liberty.

*[12 June 2003; 28 September 2005; 16 June 2009; 8 July 2011; 13 December 2012; 15 May 2014 / See Paragraph 10 of Transitional Provisions]*

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

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

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

(1) In determining punishment for joint participants in a criminal offence, a court shall take into account the nature of participation of each person and his or her role in the committed criminal offence.

(2) Aggravating or mitigating circumstances pertaining to an individual joint participant shall be taken into account by a court only in determination of punishment for this joint participant.

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

(1) If, in determining a punishment - deprivation of liberty - for a period longer than three months, but not exceeding five years, a court, taking into account the nature of the committed criminal offence and the harm caused, the personality of the offender and other circumstances of the matter, becomes convinced that the offender, without serving the punishment, will not commit violations of the law in the future, it may punish the offender with a sentence that is suspended.

(2) In such case, the court shall decide that the execution of sentence is suspended if, within the period of probation adjudicated by it, the convicted person does not commit a new criminal offence, does not violate public order, and fulfils the obligations provided for in the law governing the execution of criminal punishments and stipulated by the State Probation Service.

(3) In imposing suspended sentence, the court shall determine a period of probation of not less than six months and up to five years. The period of probation shall commence on the day of the entering into effect of the court judgment. The specified period of probation may not be less than the applied period of deprivation of liberty.

(4) In imposing suspended sentence, circumstances, which the court has found material for not serving the punishment, shall be set out in the judgment.

(5) In imposing suspended sentence, additional punishments, except for probationary supervision, may be imposed.

(6) [16 October 2014]

(7) [16 October 2014]

(8) [16 October 2014]

(9) If a convicted person upon whom a suspended sentence has been imposed, without justifiable reason does not fulfil the obligations provided for in the law governing the execution of criminal punishments or stipulated by the State Probation Service, the court, on the basis of a submission by the State Probation Service, may take a decision to serve the punishment determined in the judgment for the convicted person, or to extend the period of probation up to one year.

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

(10<sup>1</sup>) If a convicted person, upon whom a suspended sentence has been imposed, commits a new criminal offence through negligence or is a minor and if he or she is released from criminal liability for the new criminal offence in accordance with Section 58 of this Law or is released from the punishment in accordance with Section 59 of this Law, or a fine or community service has been determined as the basic punishment to him or her for the new criminal offence, a court may take a decision to extend the probationary period up to one year.

(11) Imposing of a suspended sentence shall not be determined for a person for committing of an intentional criminal offence, if the person has been previously convicted with deprivation of liberty and the criminal record thereof has not been set aside or extinguished in accordance with the procedures laid down in law. Imposing of a suspended sentence shall not be determined for a person who has committed the crime provided for in Section 159 or 160 of this

Law.

*[18 December 2003; 12 February 2004; 27 May 2004; 21 June 2007; 8 November 2007; 13 December 2007; 8 July 2011; 13 December 2012; 25 September 2014; 16 October 2014]*

## **Chapter VI**

### **Release from Criminal Liability and Punishment**

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

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

- 1) [21 October 2010];
- 2) two years after the day of committing a criminal violation;
- 3) five years after the day of committing a less serious crime;
- 4) ten years after the day of committing a serious crime;

5) fifteen years after the day of committing an especially serious crime, except a crime for which, in accordance with the law, life imprisonment may be adjudged;

- 6) [12 November 2015].

(1<sup>1</sup>) A person may not be held criminally liable if from the day when he or she committed the criminal offence against morality and sexual inviolability of a minor, the victim has attained eighteen years of age, twenty years have elapsed, except a crime for which, in accordance with the law, life imprisonment may be adjudged.

(2) The limitation period shall be calculated from the day when the criminal offence has been committed or in the case provided for in Paragraph 1.<sup>1</sup> of this Section from the day when the victim has attained eighteen years of age, until when charges are brought or the accused has been issued an official extradition request if the accused resides in another state and has been declared as wanted.

(3) The limitation period is interrupted if, before expiry of the time periods laid down in Paragraph one or 1.1 of this Section, the person who has committed the criminal offence commits a new criminal offence. In such case, the limitation period provided for the more serious of the committed criminal offences shall be calculated from the time of the committing the new criminal offence.

(4) The issue of application of a limitation period to a person who has committed a crime for which life imprisonment may be adjudged, shall be decided by a court, if from the day of committing the crime or from the day when the victim of a crime against morality and sexual inviolability of a minor, has attained eighteen years of age, thirty years have elapsed.

*[20 May 2004; 28 September 2005; 12 October 2006; 21 October 2010; 1 December 2011; 13 December 2012; 12 November 2015]*

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

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

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

(1) A person who has committed a criminal offence in relation to which the elements set out in this Law are present, but which has not caused such harm as requires that a criminal punishment be adjudged, may be released from criminal liability.

(2) A person who has committed a criminal violation or a less serious crime, except criminal offences resulting in death of a human being, may be released from criminal liability if there is a settlement effected with the victim or with his or her representative and within the last year the person has not been released from criminal liability for committing an intentional criminal offence by reaching a settlement and has completely eliminated the harm caused by the criminal offences committed or has reimbursed for the losses caused.

(3) A person who has given substantial assistance in the uncovering of a serious or especially serious crime which is more serious or dangerous than the crime committed by the person himself or herself, may be released from criminal liability. This provision shall not apply to a person who is held criminally liable for especially serious crimes

provided for in Sections 116, 117, 118, 125, 159, 160, 176, 190.<sup>1</sup>, 251, 252, and 253.<sup>1</sup> of this Law or to a person who has established or managed himself or herself an organised group or a gang.

(4) A person may also be released from criminal liability in particular cases provided for in the Special Part of this Law.

(5) A person may also be released from criminal liability, if it is established that his or her rights to termination of criminal proceedings within reasonable time period have not been observed.

(6) A person may be released from criminal liability, if he or she has committed a criminal offence during a period when he or she was subjected to human trafficking and was forced to commit it.

*[25 April 2002; 28 September 2005; 21 May 2009; 21 October 2010; 13 December 2012]*

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

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

(1<sup>1</sup>) A person who is accused of committing a serious crime and who has given substantial assistance in the uncovering of a serious or especially serious crime, which is more serious or dangerous than the crime committed by the person himself or herself, may be also conditionally released from criminal liability by a prosecutor in accordance with the procedures laid down in the Law. This provision shall not apply to a person who is held criminally liable for committing the serious crimes provided for in Sections 125, 159, 160, 176, 190.<sup>1</sup>, 251, 252, and 253.<sup>1</sup> of this Law, or to a person who has been an organiser of a crime.

(2) In conditionally releasing from criminal liability, the public prosecutor shall decide not to continue the criminal prosecution of the person for the offence, if in the probationary period the person does not commit a new criminal offence and fulfils the duties imposed, as well as in case if a settlement has been reached the conditions thereof will be fulfilled.

(3) In conditionally releasing from criminal liability, the public prosecutor shall determine for the person a probationary period of not less than three and up to eighteen months. The probationary period shall commence on the day of the entering into effect of the public prosecutor's decision.

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

1) to apologise to the victim;

2) to rectify the harm caused within a specific time period;

2<sup>1</sup>) not to change his or her place of residence without consent of the State Probation Service;

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

3<sup>1</sup>) to notify regarding change of the place of residence;

4) to refrain from specific types of actions or activities;

5) to receive medical treatment for alcoholism, narcotic, psychotropic, toxic substance addiction or other addictions.

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

*[20 June 2002; 18 December 2003; 27 May 2004; 21 June 2007; 21 May 2009; 16 June 2009; 15 May 2014]*

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

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

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

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

(4) A court may release a person who has committed a criminal violation or a less serious crime due to alcoholism, narcotic, psychotropic addiction or toxic substance addiction, from serving a punishment, if this person has agreed to medical treatment for alcoholism, narcotic, psychotropic addiction or toxic substance addiction. The punishment shall be served if the person has not commenced undergoing the medical treatment within the time stipulated by the court or, after this, has avoided the medical treatment.

(5) If a person who has been convicted of a criminal offence or for whom a punishment has been specified with a public prosecutor's penal order, after the judgment is proclaimed or after a public prosecutor has issued a penal order, has become ill with a mental illness which has deprived him or her of the ability to understand his or her actions or to control them, a court shall release such person from serving a punishment. Compulsory measures of a medical nature may be imposed on him or her in accordance with the provisions laid down in this Law.

(6) If a person who has been convicted of a criminal offence or for whom a punishment has been determined with a public prosecutor's penal order, has become ill with another serious incurable illness, a court may release such person from serving the punishment.

*[27 May 2004; 13 December 2007; 13 December 2012]*

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

If a convicted person has helped uncover a crime committed by another person which is as serious, more serious or more dangerous than the criminal offence committed by the person, the court by whose judgment such person has been convicted, may reduce the punishment specified in the judgment, but where life imprisonment has been adjudged, may substitute it with twenty years of deprivation of liberty.

*[21 May 2009; 1 December 2011]*

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

(1) A person who has been convicted with deprivation of liberty, except temporary deprivation of liberty, may be conditionally released prior to completion of his or her basic punishment, if there is a reason to believe that he or she is able to adapt in the society after release without committing a criminal offence.

(2) Taking into account the personality and behaviour of the convicted person, conditional release prior to completion of punishment may be ordered, if:

1) the convicted person has reached a certain result of resocialisation;

2) the convicted person to the extent possible has voluntarily made compensation for the losses caused by his or her crime;

3) the convicted person has the possibilities to acquire means of subsistence in legal way after his or her release;

4) the period specified in a law governing the execution of criminal punishments after imposition of a punishment for the violation of the punishment serving regime has lapsed and there are no effective punishments for administrative violations committed during execution of the punishment of deprivation of liberty;

5) the convicted person is solving and is ready to continue to solve his or her psychological problems which have caused or may cause commitment of criminal offence;

6) the convicted person has agreed to treatment for alcoholism or addiction to narcotic, psychotropic or toxic substances, if he or she has committed the criminal offence due to alcoholism or addiction to narcotic, psychotropic or toxic substances.

(<sup>21</sup>) Upon conditional release prior to completion of punishment a convicted person may be applied electronic monitoring in conformity with the following conditions:

1) the convicted person agrees to electronic monitoring;

2) implementation of electronic monitoring is possible at the place of residence of the convicted person;

3) application of electronic monitoring will promote inclusion of the convicted person in the society.

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

1) not less than half of the punishment imposed for a less serious crime committed;



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

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

4) twenty-five years of a punishment of deprivation of liberty, if the convicted person is a person for whom life imprisonment has been imposed.

(3<sup>1</sup>) If application of electronic monitoring is possible in accordance with that laid down in Paragraph 2.<sup>1</sup> of this Section, conditional release prior to completion of punishment with determination of electronic monitoring may be proposed, if the convicted person has actually served:

1) not less than one third of the punishment imposed for a less serious crime;

2) not less than half of the punishment imposed, if it has been imposed for a serious crime, as well as if the convicted person is a person who has previously been convicted with deprivation of liberty for an intentional crime and the criminal record for this crime has not been set aside or extinguished;

3) not less than two-thirds of the punishment imposed, if it has been adjudged for an especially serious crime, as well as if the convicted person is a person who has previously been conditionally released prior to completion of punishment and has newly committed an intentional crime during the period of the unserved punishment;

4) not less than twenty-four years of a punishment of deprivation of liberty, if the convicted person is a person for whom life imprisonment has been imposed.

(4) During the unserved part of the punishment a person who has been conditionally released prior to completion of punishment shall fulfil the obligations provided for in the law governing the execution of criminal punishments or stipulated by the State Probation Service. If a convicted person upon whom a suspended sentence has been imposed, does not fulfil the abovementioned obligations without a justifiable reason, the court, on the basis of a submission by the State Probation Service, may take a decision to execute the part of unserved punishment.

(4<sup>1</sup>) If a person who has been conditionally released prior to completion of punishment and who has been applied electronic monitoring, without justifiable reason does not fulfil the obligations related to electronic monitoring laid down in the law governing the execution of criminal punishments, revokes his or her consent to electronic monitoring or implementation of electronic monitoring is not possible anymore in the conditions in which he or she lives, the court, on the basis of a submission by the State Probation Service, may take a decision to execute the part of unserved punishment.

(4<sup>2</sup>) If a person who has been conditionally released prior to completion of punishment and who has been applied electronic monitoring, has, in exemplary manner, fulfilled the obligations provided for in the law governing the execution of criminal punishments or stipulated by the State Probation Service and the period laid down in Section 61, Paragraph three of this Law has set in, according to which conditional release prior to completion of punishment is possible without determination of electronic monitoring, the court, on the basis of a submission by the State Probation Service, may take a decision to revoke electronic monitoring. If the court takes a decision to revoke electronic monitoring, the convicted person is monitored in accordance with the provisions for monitoring of the convicted persons conditionally released prior to completion of punishment provided for in the laws and regulations governing the execution of criminal punishments.

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

(6) Conditional release prior to completion of punishment shall not be applied, if it has been imposed on a person of legal age for an especially serious crime committed against a person who has not attained the age of sixteen years, and is related to sexual violence.

*[27 May 2004; 21 June 2007; 30 October 2008; 8 July 2011; 1 December 2011; 13 December 2012; 15 May 2014; 16 October 2014 / Paragraphs 2.<sup>1</sup>, 3.<sup>1</sup>, 4.<sup>1</sup> and 4.<sup>2</sup> shall come into force on 1 July 2015. See Paragraph 19 of Transitional Provisions]*

### **Section 61.<sup>1</sup> Electronic Monitoring**

(1) Electronic monitoring are intense control measures determined by the court in order to restrict free movement of a convicted person. In order to implement electronic monitoring, an electronic device is attached to the body of the convicted person in order to control his or her location at a specific time and place.

(2) The court shall determine electronic monitoring for a time period from one month to twelve months.

(3) The term of electronic monitoring shall start from the day when the electronic device is attached to the body of the convicted person. Upon termination of the term for electronic monitoring stipulated by the court, the convicted person is monitored in accordance with the provisions for monitoring of the convicted persons conditionally released prior to completion of punishment provided for in the laws and regulations governing the execution of criminal punishments, if the term of unserved punishment has not ended.

*[16 October 2014 / Section shall come into force from 1 July 2015. See Paragraph 19 of Transitional Provisions]*

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

(1) A judgment of conviction and a public prosecutor's penal order shall not be executed, if from the day when it comes into legal effect, it has not been executed within the following time periods:

1) within two years, if temporary deprivation of liberty, community service, or a fine has been adjudged;

1<sup>1</sup>) within two years after serving of the punishment of deprivation of liberty, if the punishment - community service - is to be executed independently in the cases provided for in Section 52, Paragraph 2.<sup>1</sup> of this Law;

2) within three years, if deprivation of liberty has been adjudged for a period not exceeding two years;

3) within five years, if deprivation of liberty has been adjudged for a period not exceeding five years;

4) within ten years, if deprivation of liberty has been adjudged for a period not exceeding ten years;

5) within fifteen years, if a more severe punishment has been adjudged than deprivation of liberty for ten years.

(2) A limitation period is interrupted if a convicted person evades serving the punishment or before the time of expiration of the limitation period commits a new criminal offence for which a court has adjudged deprivation of liberty for a period of one year. If a new criminal offence has been committed, the limitation period shall be calculated from the time of its commission, but if the convicted person has avoided serving the punishment, from the time he or she arrives to serve the punishment or from the time when a convicted person who has been in hiding, is detained. However, the judgment of conviction shall not be carried out if from the time it has entered into effect fifteen years have elapsed and a new criminal offence has not interrupted the limitation period. The issue of whether the convicted person has evaded serving the punishment shall be decided by a court.

(3) The issue of a limitation period in respect of a person for whom life imprisonment has been imposed shall be decided by a court.

*[12 February 2004; 13 December 2007; 1 December 2011; 13 December 2012; 14 March 2013; 25 September 2014; 29 October 2015]*

### **Section 63. Extinguishment and Setting Aside of Criminal Record**

(1) Criminal record is the legal consequences of the convicting or determination of punishment for a person who has committed a criminal offence, which is in effect during the period of punishment imposed by a court or in a public prosecutor's penal order, as well as afterwards until the criminal record is extinguished or set aside in accordance with the procedures laid down in law.

(2) A person shall be considered to be convicted from the day the judgment of conviction or the public prosecutor's penal order enters into effect.

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

1) persons who have been released from a punishment by a court judgment or have been acquitted;

2) persons in relation to whom the limitation period for execution of a judgment of conviction provided for in the law is applicable;

3) persons upon whom a suspended sentence has been imposed - one year after the end of the probationary period, but in case of application of an additional punishment - one year after the end of serving the additional punishment. If for a person upon whom a suspended sentence has been imposed the adjudged punishment has been executed, the period for extinguishing of criminal record shall be calculated taking into account the punishment actually served;

4) after one year - persons who have served a punishment of temporary deprivation of liberty, community service, or a fine;

5) after two years - persons who have served a punishment of deprivation of liberty not exceeding three years;

6) after five years - persons who have served a punishment of deprivation of liberty exceeding three years but not exceeding five years;

7) after eight years - persons who have served a punishment of deprivation of liberty exceeding five years but not exceeding ten years;

8) after ten years - persons who have served a punishment of deprivation of liberty exceeding ten years.

(4) The period for extinguishing of criminal record shall be calculated from the day when the person has completed his or her basic punishment and additional punishment in full extent. Execution of the additional punishment - confiscation of property - shall not affect the calculation of the period for extinguishing of criminal record.

(5) If, in accordance with the procedures laid down in law, a person is released from punishment before completion of the term of his or her punishment, the period for extinguishing of a criminal record shall be calculated from the day when he or she has been released from serving the punishment, taking into account the period of the punishment actually served.

(6) [13 December 2012].

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

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

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

*[17 October 2002; 12 February 2004; 28 September 2005; 8 November 2007; 21 October 2010; 13 December 2012; 15 May 2014; 25 September 2014; 10 March 2016]*

## **Chapter VII**

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

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

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

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

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

1) deprivation of liberty;

2) [13 December 2012];

3) community service;

4) fine,

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

(2) For a person who has committed a criminal offence prior to attaining eighteen years of age, the period of deprivation of liberty may not exceed: ten years - for especially serious crimes; five years - for serious crimes which are related to violence or the threat of violence, or have given rise to serious consequences; two years - for other serious crimes. For criminal violations and for less serious crimes the punishment of deprivation of liberty shall not be applied for such person.

(2<sup>1</sup>) If a person has committed a criminal offence prior to attaining eighteen years of age regarding which the minimum limit of the applicable punishment of deprivation of liberty has been provided for in the sanction of the relevant Section of Special Part of this Law, a court may impose a punishment which is lower than this minimum limit also in the cases when a court has recognised that a criminal offence has been committed under liability aggravating circumstances.

(2<sup>2</sup>) For a person who has committed a criminal offence prior to attaining eighteen years of age a punishment for several criminal offences or after several judgments shall be determined in accordance with the provisions of Sections 50 and 51 of this Law, taking into account that the total period of the added up punishments of deprivation of liberty for several criminal offences may not exceed twelve years and six months and after several judgments - fifteen years.

(3) Conditional release from a punishment before serving the term may be proposed in relation to a person who has committed a criminal offence prior to attaining eighteen years of age, if he or she has served not less than half of the imposed punishment.

(3<sup>1</sup>) Conditional release from a punishment before serving the term with determination of electronic monitoring may be proposed in relation to a person who has committed a criminal offence prior to attaining eighteen years of age, if he or she has served not less than one third of the imposed punishment.

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

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

*[20 June 2001; 12 June 2003; 16 June 2009; 13 December 2012; 16 October 2014 / Paragraph 3.<sup>1</sup> shall come into force on 1 July 2015. See Paragraph 19 of Transitional Provisions]*

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

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

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

*[31 October 2002]*

#### **Section 67. Suspended Sentence for a Minor**

*[21 May 2009]*

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

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

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

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

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

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

*[15 May 2014]*

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

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

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

(3) A court may adjudge punishment for a person who, after committing a criminal offence or proclamation of a court judgment, has become ill with a mental illness which has removed the ability of the person to understand his or her actions or to control them, after he or she recovers his or her health, if the period of limitation has not expired or there is no other basis for releasing him or her from criminal liability and punishment.

(4) A court shall terminate provision of a compulsory measure of a medical nature or alter it to a less restrictive measure, if the person concerned has recovered his or her health or his or her state of health has improved, or it is established that the state of health of such person has changed to such a degree that he or she is not dangerous to the public.

(4<sup>1</sup>) A court may alter a compulsory measure of a medical nature to a more restrictive measure, if the person does not fulfil the compulsory measure of a medical nature imposed on him or her.

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

*[15 May 2014; 25 September 2014]*

### **Section 69.<sup>1</sup> Provision of Compulsory Measures of a Medical Nature after Several Rulings**

If a person on whom a compulsory measure of medical nature has been imposed commits a new criminal offence after the provision thereof for which a compulsory measure of medical nature is imposed on him or her, a court shall add the previously provided compulsory measure of medical nature to the compulsory measure of medical nature provided in the new ruling, including the less restricting compulsory measure of medical nature into the more restricting measure.

*[15 May 2014]*

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

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

## **Chapter VIII<sup>1</sup> Coercive Measures Applicable to Legal Persons**

*[5 May 2005]*

### **Section 70.<sup>1</sup> Basis for the Application of a Coercive Measure to a Legal Person**

For the criminal offences provided for in the Special Part of this Law, a court or in the cases provided for by the Law - a public prosecutor may apply a coercive measure to a legal person governed by private law, including State or local government capital company, as well as partnership, if a natural person has committed the offence in the interests of the legal person, for the benefit of the person or as a result of insufficient supervision or control, acting individually or as a member of the collegial authority of the relevant legal person:

- 1) on the basis of the right to represent the legal person or act on the behalf thereof;
- 2) on the basis of the right to take a decision on behalf of the legal person;
- 3) in implementing control within the scope of the legal person.

*[14 March 2013]*

### **Section 70.<sup>2</sup> Types of Coercive Measures Applicable to a Legal Person**

(1) For a legal person one of the following coercive measures may be specified:

- 1) liquidation;
- 2) restriction of rights;
- 3) confiscation of property;

4) recovery of money.

(2) For a legal person one or several of the coercive measures provided for in Paragraph one of this Section may be applied. In applying liquidation, other coercive measures shall not be specified.

(3) The procedures for executing coercive measures shall be determined in accordance with the law.

(4) For a criminal violation, a less serious crime or a serious crime for which deprivation of liberty for a period of up to five years is provided for in the Special Part of this Law a public prosecutor, in drawing up a penal order regarding the coercive measure, may determine the recovery of money or restriction of rights as a coercive measure to a legal person.

*[14 March 2013; 10 March 2016]*

### **Section 70.<sup>3</sup> Liquidation**

(1) Liquidation is the compulsory termination of activities of a legal person.

(2) A legal person shall be liquidated only in such cases, if the legal person has been especially established for the committing of a criminal offence or if a serious or especially serious crime has been committed.

(3) In liquidating a legal person, all of the existing property thereof shall be alienated without compensation to the ownership of the State.

*[14 March 2013]*

### **Section 70.<sup>4</sup> Restriction of Rights**

(1) Restriction of rights is the deprivation of specific rights or permits or the determination of such prohibition which prevents a legal person from exercising certain rights, receive State support or assistance, participate in a State or local government procurement procedure, to perform a specific type of activity for a period of one year and up to ten years.

(2) *[10 March 2016]*

*[14 March 2013; 10 March 2016]*

### **Section 70.<sup>5</sup> Confiscation of Property**

(1) Confiscation of property is the compulsory alienation of the property owned by a legal person to the State ownership without compensation.

(2) A court, when determining the confiscation of property, shall specifically indicate which property is to be confiscated.

(3) *[14 March 2013]*

(4) Property owned by a legal person which has been transferred to another person, may also be confiscated.

*[13 December 2012; 14 March 2013]*

### **Section 70.<sup>6</sup> Recovery of money**

(1) The recovery of money is a sum of money which is imposed by a court or public prosecutor to be paid for the benefit of the State within 30 days in the amount laid down in this Section.

(1<sup>1</sup>) The recovery of money proportionate to the harmfulness of the criminal offence and the financial status of the legal person shall be determined:

1) for a criminal violation - in the amount of five and up to ten thousand minimum monthly wages prescribed in the Republic of Latvia;

2) for a less serious crime - in the amount of ten and up to fifty thousand minimum monthly wages prescribed in the Republic of Latvia;

3) for a serious crime - in the amount of twenty and up to seventy five thousand minimum monthly wages prescribed in the Republic of Latvia;

4) for an especially serious crime - in the amount of thirty and up to hundred thousand minimum monthly wages prescribed in the Republic of Latvia.



(1<sup>2</sup>) At the time of the rendering of the ruling, the amount of the money to be recovered shall be indicated in the ruling in the monetary units of the Republic of Latvia. A public prosecutor may, in a penal order regarding a coercive measure, apply not more than half of the maximum amount of the money to be recovered provided for in this Section, conforming to the amount of the minimum wage prescribed in the Republic of Latvia at the time of drawing up the abovementioned penal order.

(2) The recovery of money which has been imposed upon a legal person, shall be paid from the funds of the legal person.

(3) A court or public prosecutor accordingly may divide the payment for the recovery of money into periods or postpone for a time period not exceeding one year from the day when a ruling or injunction on coercive measure has entered into effect.

(4) If recovery of money has not been paid, the coercive measure shall be implemented by compulsory procedures.

*[14 March 2013; 29 October 2015]*

### **Section 70.<sup>7</sup> Compensation for Harm Caused**

*[14 March 2013]*

### **Section 70.<sup>8</sup> Conditions for the Application of Coercive Measures to a Legal Person**

(1) In determining the type of coercive measure, the nature of the criminal offence and the harm caused shall be taken into account.

(2) In determining the extent of a coercive measure the following conditions shall be taken into account:

- 1) the actual action of a legal person;
- 2) the nature and consequences of the acts of a legal person;
- 3) measures which a legal person has performed in order to prevent the committing of a criminal offence;
- 4) the size, type of activities, and financial circumstances of a legal person;
- 5) measures which a legal person has performed in order to compensate for the losses caused or prevent the damage caused;
- 6) whether a legal person has reached a settlement with the victim.

(3) If a legal person in accordance with Section 70.<sup>2</sup>, Paragraph two of this Law has been applied several coercive measures, each of them shall be executed independently.

(4) In a criminal case for several independent criminal offences, a court in rendering a judgement or a public prosecutor by drawing up a penal order on a coercive measure shall impose a coercive measure to a legal person separately for each criminal offence. In such case the set of the applicable coercive measures shall be determined according to the aggregation of the criminal offences, in the following order:

- 1) including the lesser recovery of money in the more serious or also completely or partially adding them together;
- 2) fully adding together restrictions of rights;
- 3) fully adding together confiscations of property.

(5) If a legal person after the judgement or the public prosecutor's penal order on a coercive measure has entered into effect, but before full execution of the coercive measure is involved in new criminal proceedings regarding application of a coercive measure, the court shall add to the coercive measure determined in the new judgement a coercive measure that has not been executed after the previous judgement or the public prosecutor's coercive measure, in the following order:

- 1) fully or partially adding together the money to be recovered;
- 2) fully adding together restrictions of rights;
- 3) fully adding together confiscations of property.

(6) If liquidation has been applied, then in the cases referred to in Paragraphs four and five of this Section other coercive measures are included in the liquidation.

(7) In the cases referred to in Paragraphs four and five of this Section the total amount or term of the coercive

measure may exceed the maximum amount or term of the coercive measure provided for the most serious of the criminal offences committed, but not more than half of the maximum amount or term of the coercive measure provided for the most serious of the criminal offences committed. In drawing up a penal order for a coercive measure, a public prosecutor may not determine the total amount or term of the coercive measure which exceeds the maximum amount or term of the coercive measure provided for the most serious of the criminal offences committed.

*[14 March 2013; 29 October 2015]*

#### **Section 70.<sup>9</sup> Calculation of the Limitation Period**

(1) The limitation period of application of a coercive measure shall be calculated from the day when a criminal offence was committed until the moment when a legal person is notified regarding commencing the proceedings regarding application of a coercive measure, in conformity with the time periods laid down in Section 56, Paragraph one, Clauses 2-6 and Section 57 of this Law.

(2) A judgment or a prosecutor's order regarding application of a coercive measure shall not be executed, if five years have passed from the day when it entered into legal effect.

*[15 May 2014]*

## **Chapter VIII<sup>2</sup> Special Confiscation of Property**

*[22 June 2017 / See Paragraph 21 of Transitional Provisions]*

#### **Section 70.<sup>10</sup> Concept of a Special Confiscation of Property**

Special confiscation of property is the compulsory alienation of a criminally acquired property or object of a criminal offence, or the property connected to a criminal offence to the State ownership without compensation. The special confiscation of property is not a criminal punishment.

*[22 June 2017]*

#### **Section 70.<sup>11</sup> Confiscation of a Criminally Acquired Property**

(1) Criminally acquired property is a property which has come into the ownership or possession of a person as a direct or indirect result of a criminal offence.

(2) If the value of the property is not proportionate to the legitimate income of the person and the person does not prove that the property is acquired in a legitimate way, as a criminally acquired property can also be recognised the property that belongs to a person:

- 1) who has committed a crime which in its nature is focused on the gaining of financial or other kind of benefit;
- 2) who is a member of an organised group or abets such group;
- 3) who is connected with terrorism.

(3) A property which is at the disposal of such person who maintains permanent family, economic or other kind of property relationships with the person referred to in Paragraph two of this Section can also be recognised as a criminally acquired property, if the value of the property is not proportionate to the legitimate income of the person and the person does not prove that the property is acquired in a legitimate way.

(4) The criminally acquired property, proceeds of crime which the person has obtained from the disposal of such property, and also the yield received as a result of the use of the criminally acquired property shall be confiscated, unless it must be returned to the owner or legal possessor.

*[22 June 2017]*

#### **Section 70.<sup>12</sup> Confiscation of an Object of a Criminal Offence**

(1) Object of a criminal offence is the instrumentalities or means which were foreseen or used for the commission of a criminal offence.

(2) The objects of a criminal offence shall be confiscated.

*[22 June 2017]*

### **Section 70.<sup>13</sup> Confiscation of the Property Connected with a Criminal Offence**

(1) Property connected with a criminal offence are objects whose circulation is prohibited or whose origin or ownership in the respective criminal case has not been established, or such property of a perpetrator of a criminal offence which should not be left in the ownership of the person due to the committed criminal offence.

(2) The property connected with a criminal offence shall be confiscated.

(3) Animals might be confiscated if they should not be left in the ownership of the perpetrator of the criminal offence due to the committed criminal offence.

(4) The vehicle that belongs to a perpetrator of the criminal offence might be subject to confiscation, if the criminal offences against traffic safety is committed under the influence of alcohol, narcotic, psychotropic, toxic and other intoxicating substances.

*[22 June 2017]*

### **Section 70.<sup>14</sup> Replacement of the Confiscated Property**

(1) If the object of criminal offence belongs to another person, the value of the object of a criminal offence can be recovered.

(2) If a criminally acquired property has been alienated, destroyed, concealed or disguised, and the confiscation of such property is not possible, the value of the property being confiscated can be recovered.

(3) If the confiscation of a criminally acquired property has been imposed on a person, the property being confiscated can be substituted with financial resources the value of which is equal to the value of such property. The property which has a historical, artistic or scientific value cannot be substituted.

(4) If a criminally acquired property cannot be confiscated because it is alienated, destroyed, concealed or disguised and the perpetrator of the criminal offence does not have any other property against which the recovery proceedings could be brought, the following can be confiscated:

1) the property which the person has alienated after the commencement of the criminal offence free of charge or for a value which is significantly lower or higher than the market value;

2) the property of the perpetrator of a criminal offence and the joint property of a spouse thereof, unless separate ownership of the property of the spouses has been specified at least one year before the commencement of the criminal offence;

3) the property which belongs to another person with whom the perpetrator of a criminal offence has a joint (single) household, if this property has been acquired after the commencement of the criminal offence.

*[22 June 2017]*

## **Special Part**

### **Chapter IX**

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

### **Section 71. Genocide**

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

the applicable punishment is life imprisonment or deprivation of liberty for a period of three and up to twenty years.

*[21 May 2009]*

### **Section 71.<sup>1</sup> Invitation to Genocide**

For a person who commits public invitation to genocide,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[28 April 2005]*

## **Section 71.<sup>2</sup> Crimes against Humanity**

For a person who commits crime against humanity, that is, for an activity which is performed as a part of vast or systematic offensive to civilians and which has been expressed as homicide, extermination, enslavement, deportation or forced movement, unlawful deprivation or limitation of liberty, torture, rape, involvement of a person into sexual slavery, compelling the engaging in prostitution, forced fertilisation or sterilisation, or sexual violence of similar degree of severity, apartheid, persecution of any group of people or union on the basis of political, racial, national, ethnical, cultural, religious or gender affiliation or other reasons which have been recognised as inadmissible in the international law, in relation to any activity indicated in this Section or genocide, or war crime or other activity provided for in the international law binding upon the Republic of Latvia, which causes serious physical or mental suffering,

the applicable punishment is life imprisonment or deprivation of liberty for a period of three and up to twenty years.

*[21 May 2009]*

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

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

the applicable punishment is life imprisonment or deprivation of liberty for a period of three and up to twenty years.

*[16 October 2014]*

## **Section 73. Manufacture, Storage, Movement, Use and Distribution of Weapons of Mass Destruction**

For a person who commits manufacture, storage, movement, use or distribution of nuclear, chemical, biological, bacteriological, toxic or other weapons of mass destruction,

the applicable punishment is life imprisonment or deprivation of liberty for a period of three and up to twenty years.

*[19 November 2009]*

## **Section 73.<sup>1</sup> Financing of Manufacture, Storage, Movement, Use and Distribution of Weapons of Mass Destruction**

(1) For a person who commits financing of manufacture, storage, movement, use and distribution of weapons of mass destruction, that is, direct or indirect collection of financial means or other property acquired in any way, or transferring thereof for the purpose of using them, or knowing that they will fully or partially be used for financing of manufacture, storage, movement, use and distribution of weapons of mass destruction,

the applicable punishment is life imprisonment or deprivation of liberty for a period of eight and up to twenty years, with confiscation of property.

(2) For a person who commits financing of manufacture, storage, movement, use and distribution of weapons of mass destruction if it has been done on a large scale,

the applicable punishment is life imprisonment or deprivation of liberty for a period of fifteen and up to twenty years, with confiscation of property.

*[10 March 2016]*

## **Section 74. War Crimes**

For a person who commits war crimes, that is, commits violation of provisions regarding conduct of war prohibited in international law binding upon the Republic of Latvia or of international humanitarian law, including murder, torture of a person protected by humanitarian law or inhuman treatment of such person, taking of hostages, illegal deportation, movement, limitation of liberty, unjustifiable destruction of cities and other entities, or other prohibited activity,

the applicable punishment is life imprisonment or deprivation of liberty for a period of three and up to twenty years.

*[21 May 2009]*

## **Section 74.<sup>1</sup> Acquittal of Genocide, Crime against Humanity**

For a person who commits public glorification of genocide, crime against humanity, crime against peace or war

crime or glorification, denial, acquittal or gross trivialisation of committed genocide, crime against humanity, crime against peace or war crime, including genocide, crime against humanity, crime against peace or war crime committed by the U.S.S.R. or Nazi Germany against the Republic of Latvia and its inhabitants,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[21 May 2009; 13 December 2012; 15 May 2014]*

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

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

the applicable punishment is deprivation of liberty for a period of three and up to fifteen years.

#### **Section 76. Pillaging**

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

the applicable punishment is deprivation of liberty for a period up to eight years.

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

For a person who commits public invitation to a war of aggression or to triggering of an armed conflict,

the applicable punishment is deprivation of liberty for a period up to eight years.

#### **Section 77.<sup>1</sup> Unlawful Participation in an Armed Conflict**

For a person who commits unlawful participation in an armed conflict, that is, active participation in an armed conflict taking place outside the territory of the Republic of Latvia which is directed against territorial integrity or political independence of a state or is otherwise in contradiction with international law binding upon the Republic of Latvia, violating laws and regulations or the international agreements binding upon the Republic of Latvia,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with probationary supervision for a period of up to three years.

*[12 February 2015]*

#### **Section 77.<sup>2</sup> Financing of an Armed Conflict**

For a person who commits direct or indirect collection or transfer of financial resources acquired in any way or other property to a party that is involved in an armed conflict taking place outside the territory of the Republic of Latvia and whose action is directed against territorial integrity or political independence of a state or is otherwise in contradiction with international law binding upon the Republic of Latvia, as well as for recruitment, training or sending of a person for him or her to unlawfully participate in an armed conflict taking place outside the territory of the Republic of Latvia,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with probationary supervision for a period of up to three years.

*[12 February 2015]*

#### **Section 77.<sup>3</sup> Recruitment, Training and Sending for an Armed Conflict**

For a person who commits recruitment, training or sending of a person for him or her to unlawfully participate in an armed conflict taking place outside the territory of the Republic of Latvia,

the applicable punishment is the deprivation of liberty for a period of up to eight years, with probationary supervision for a period of up to three years.

*[12 February 2015]*

#### **Section 78. Triggering of National, Ethnic and Racial Hatred**

(1) For a person who commits acts directed towards triggering national, ethnic, racial or religious hatred or enmity,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the same acts, if they have been committed by a group of persons or a public

official, or a responsible employee of an undertaking (company) or organisation, or if they have been committed using an automated data processing system,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For committing the act provided for in Paragraph one of this Section, if it is related to violence or threats or if it is committed by an organised group,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without probationary supervision for a period of up to three years.

*[25 September 2014 / See Paragraph 16 of Transitional Provisions]*

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

For a person who commits intentional destruction of such values which constitute part of the cultural or national heritage,

the applicable punishment is deprivation of liberty for a period up to twelve years.

*[13 December 2012]*

## **Chapter X Crimes against the State**

#### **Section 80. Action Directed against the Republic of Latvia**

(1) For an action that is directed against national independence, sovereignty, territorial integrity, State power or administrative order of the Republic of Latvia in a manner that is not provided for in the Constitution,

the applicable punishment is the deprivation of liberty for a period of up to eight years, with probationary supervision for a period of up to three years.

(2) For a person who commits the same acts, if they have been committed using violence or if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of five years and up to fifteen years and with probationary supervision for a period up to three years.

*[21 April 2016]*

#### **Section 80.<sup>1</sup> Merger in an Organised Group with the Purpose to Take Action against the Republic of Latvia**

For a merger of more than two persons in an organised group with the purpose to take action against national independence, sovereignty, territorial integrity, State power or administrative order of the Republic of Latvia in a manner that is not provided for in the Constitution,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to three years.

*[21 April 2016]*

#### **Section 81. Invitation Directed against the Republic of Latvia**

For a person who makes a public invitation to take action against national independence, sovereignty, territorial integrity, State power or administrative order of the Republic of Latvia in a manner that is not provided for in the Constitution or for distribution of materials containing such invitation,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to three years.

*[21 April 2016]*

#### **Section 81.<sup>1</sup> Assistance to a Foreign State in Action Directed against the Republic of Latvia**

For a person who commits activities with the purpose to assist a foreign state or a foreign organisation to take action against national independence, sovereignty, territorial integrity, State power or administrative order of the



Republic of Latvia,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to three years.

*[21 April 2016]*

#### **Section 82. Invitation to Destroy Independence of the Republic of Latvia as a State**

*[21 April 2016]*

#### **Section 83. Invitation to Destruction of the Territorial Integrity of the Republic of Latvia**

*[21 April 2016]*

#### **Section 84. Violation of Sanctions Imposed by International Organisations and the Republic of Latvia**

(1) For a person who commits intentional violation of laws and regulations governing implementation of the sanctions determined by the United Nations Security Council, European Union or other international organisations in the Republic of Latvia or which govern implementation of the national sanctions of the Republic of Latvia,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For the criminal offence provided for in Paragraph two of this Section, if it has been committed by a group of persons according to a prior agreement or if it has been committed by a public official,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[1 June 2000; 13 December 2012; 29 October 2015; 28 January 2016 / See Paragraph 20 of Transitional Provisions]*

#### **Section 85. Espionage**

(1) For a person who commits illegal collecting of non-disclosable information for the purposes of transferring it or commits transferring thereof to a foreign state or foreign organisation, either directly or through mediation of another person, or who commits illegal collecting of other information or transferring thereof to a foreign intelligence service on its behalf, directly or with the intermediation of another person,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with probationary supervision for a period of up to three years.

(2) For a person who commits illegal collecting of an official secret or transferring thereof to a foreign state or foreign organisation, either directly or with the intermediation of another person,

the applicable punishment is deprivation of liberty for a period of three and up to twenty years, with probationary supervision for a period up to three years.

*[21 April 2016]*

#### **Section 86. Endangerment of the Life and Health of the President of the Republic of Latvia, Member of the Saeima, Member of the Cabinet and other Public Official**

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

the applicable punishment is deprivation of liberty for a period up to fifteen years and with or without probationary supervision for a period up to three years.

*[13 December 2012 / See Paragraph 16 of Transitional Provisions]*

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

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

related to the endangerment of the life or health of this person,

the applicable punishment is deprivation of liberty for a period up to fifteen years and with or without probationary supervision for a period up to three years.

(2) For the commission of the same acts, if such have caused serious consequences for the Republic of Latvia,

the applicable punishment is deprivation of liberty for a period of five and up to twenty years, with or without probationary supervision for a period up to three years.

*[13 December 2012 / See Paragraph 16 of Transitional Provisions]*

### **Section 88. Terrorism**

(1) For a person who commits use of explosives, use of fire, use of nuclear chemical, chemical, biological, bacteriological, toxic or other weapons of mass destruction, mass poisoning, spreading of epidemics and epizootic diseases, kidnapping of persons, taking of hostages, hijacking of air, land or sea means of transport or other activities if they have been committed for the purpose of intimidating inhabitants or for the purpose of inciting the State, its institutions or international organisations to take any action or refrain therefrom, or for the purpose of harming the State or its inhabitants or the interests of international organisations (terrorism),

the applicable punishment is life imprisonment or deprivation of liberty for a period of eight and up to twenty years, with or without confiscation of property and with probationary supervision for a period up to three years.

(2) For a person who commits destruction or damage to physical objects, automated data processing systems, electronic networks, as well as other objects located in the territory or the continental shelf of the State, if such activities are committed for the purpose provided for in Paragraph one of this Section,

the applicable punishment is life imprisonment or deprivation of liberty for a period of eight and up to twenty years, with or without confiscation of property and with probationary supervision for a period up to three years.

(3) For a person who commits the acts provided for in Paragraph one or two of this Section if they are committed by a group of persons according to a prior agreement (a terrorist group),

the applicable punishment is life imprisonment or deprivation of liberty for a period of ten and up to twenty years, with or without confiscation of property and with probationary supervision for a period up to three years.

(4) For a person who commits establishment or leading of a terrorist group,

the applicable punishment is life imprisonment or deprivation of liberty for a period of fifteen and up to twenty years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[13 December 2007; 13 December 2012 / See Paragraph 16 of Transitional Provisions]*

### **Section 88.<sup>1</sup> Financing of Terrorism**

(1) For financing of terrorism,

the applicable punishment is life imprisonment or deprivation of liberty for a period of eight and up to twenty years, with or without confiscation of property.

(2) For a person who commits financing of terrorism if it has been committed by a group of persons according to a prior agreement or it committed on large scale,

the applicable punishment is life imprisonment or deprivation of liberty for a period of fifteen and up to twenty years, with or without confiscation of property.

*[28 April 2005; 13 December 2007; 13 December 2012; 25 September 2014]*

### **Section 88.<sup>2</sup> Invitation to Terrorism and Terrorism Threats**

For a person who commits a public invitation to terrorism or threat to commit an act of terror, if there is a basis for considering that it may be committed,

the applicable punishment is the deprivation of liberty for a period of up to eight years, with or without probationary supervision for a period of up to three years.

*[13 December 2007; 13 December 2012 / See Paragraph 16 of Transitional Provisions]*

### **Section 88.<sup>3</sup> Recruitment and Training of Persons for the Commitment of Acts of Terror**

For a person who commits recruitment or training of persons for committing acts of terror,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.

*[13 December 2007; 13 December 2012 / See Paragraph 16 of Transitional Provisions]*

### **Section 89. Sabotage**

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

the applicable punishment is deprivation of liberty for a period of five and up to twelve years, with or without confiscation of property.

*[11 December 2003; 13 December 2012]*

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

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

the applicable punishment is deprivation of liberty for a period of eight and up to seventeen years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

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

the applicable punishment is life imprisonment or deprivation of liberty for a period of ten and up to twenty years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[25 April 2002; 13 December 2012 / See Paragraph 16 of Transitional Provisions]*

### **Section 90. Hindrance of Exercising the Right to Vote, the Right to Participate in Initiation of Legislation, Initiation of National Referendums and Supporting of the European Citizens' Initiative**

(1) For a person who knowingly commits hindrance of exercising the right to freely participate in a collection of signatures organised in accordance with the laws of the Republic of Latvia for the initiation of legislation or national referendum or for supporting of the European Citizens' Initiative, by the use of violence, fraud, threats, payoffs, or other unlawful means,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who knowingly commits hindrance of exercising the right to freely elect members of the parliament and to be elected or to freely participate in a national referendum organised in accordance with the laws of the Republic of Latvia, by the use of violence, fraud, threats, payoffs, or other unlawful means,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

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

*[12 June 2003]*

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

For a person who commits falsification of signature collection for the initiation of election or national referendum or for supporting of the European Citizens' Initiative, or falsification of election or national referendum documents, or knowingly miscounting votes, as well as knowingly commits violation of the right of secret ballot, where committed by a public official or a member of the Election Committee,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

*[13 December 2012]*

### **Section 93. Desecration of State Symbols**

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

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 94. Intentional Disclosure of Official Secrets**

For a person who intentionally discloses an official secret, where the offence is committed by a person who had been warned regarding non-disclosure of an official secret, however, the offence does not contain characteristics of espionage,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment or the right to take up a specific office for a period of up to five years.

*[21 October 2010; 13 December 2012]*

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

For a person who commits disclosure of official secrets through negligence, where committed by a person who had been warned regarding non-disclosure of an official secret, or for losing of an object of official secret where committed by a person to whom the object of official secret had been entrusted, and if substantial harm results thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[21 October 2010; 13 December 2012]*

### **Section 95.<sup>1</sup> Service in a Foreign Country**

For a person who commits violation of prohibition of requirements of laws and regulations to serve in the armed forces, internal security forces, military organisation, intelligence service or security service, police (militia), or services of institution of justice of foreign states or other subjects of the international law or established in their territories,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[15 December 2016]*

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

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

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

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[21 October 2010; 13 December 2012]*

### **Section 97. Violation of Provisions Regarding the Use of the Natural Resources of the Sea**

(1) *[21 October 2010]*

(2) For a person who commits violation of the provisions regarding the researching or use of natural resources of the territorial sea, continental shelf or exclusive economic zone of the Republic of Latvia, if substantial harm is caused to the sea or coastal area, or other substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 October 2010; 13 December 2012]*

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

(1) [21 October 2010]

(2) For a person who commits a violation of the provisions regarding the production, acquisition, movement, storage, processing or use of radioactive substances or other sources of ionising radiation, dangerous biological, bacteriological, toxic, chemical substances or mixtures, or other dangerous substances or materials, preparations or viruses, if substantial harm has been caused thereby to the environment, human health or property or economic interests,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

(3) For violation of the provisions indicated in Paragraph two of this Section, if serious consequences have been caused thereby or if it has been committed by an organised group,

the applicable punishment is the deprivation of liberty for a period of up to eight years, with or without probationary supervision for a period of up to three years.

(4) For violation of the provisions indicated in Paragraph two of this Section, if it has resulted in death of two or several human beings,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without probationary supervision for a period of up to three years.

*[12 February 2004; 12 October 2006; 13 December 2007; 21 October 2010; 8 July 2011; 13 December 2012; 25 September 2014 / See Paragraph 11 of Transitional Provisions]*

#### **Section 98.<sup>1</sup> Unlawful Activities Involving Ozone Depleting Substances**

(1) For a person who commits a violation of the provisions for the production, purchase, disposal, movement, storage, treatment or use of ozone depleting substances,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[25 September 2014]*

#### **Section 99. Violation of Provisions Regarding Waste Management**

(1) [21 October 2010]

(2) For a person who commits a violation of the provisions for the waste management, if substantial harm has been caused thereby to the environment, human health, or property or economic interests,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

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

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(4) For a person who commits a violation of the provisions in Paragraph two of this Section or the acts provided for in Paragraph three of this Section, if it has been committed by an organised group,

the applicable punishment is deprivation of liberty for a period up to seven years and with probationary supervision for a period up to three years.

*[12 February 2004; 13 December 2007; 21 October 2010; 8 July 2011; 13 December 2012; 25 September 2014 /*

*See Paragraph 11 of Transitional Provisions]*

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

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

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

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

the applicable punishment is deprivation of liberty for a period of three and up to twenty years.

*[18 May 2000; 12 February 2004; 13 December 2012]*

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

(1) [21 October 2010]

(2) For a person who commits polluting of the sea with dangerous or other polluting substances, materials or waste, if substantial harm has been caused thereby to the environment, human health, property or economic interests,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits polluting of the sea with dangerous or other harmful polluting, materials or waste, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to ten years.

*[12 February 2004; 13 December 2007; 21 October 2010; 13 December 2012; 29 October 2015]*

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

(1) [21 October 2010]

(2) For a person who commits polluting with dangerous or other polluting substances, materials or waste, littering or otherwise harmfully affecting the earth, forests, or internal waters (surface water or groundwater) in any way, if substantial harm has been caused thereby to the environment, or property or economic interests,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits polluting with dangerous or other polluting substances, materials or waste, littering or otherwise harmfully affecting the earth, forests, or internal waters (surface water or groundwater) in any way, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to ten years.

*[12 February 2004; 13 December 2007; 21 October 2010; 13 December 2012]*

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

(1) [21 October 2010]

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

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 October 2010; 13 December 2012; 29 October 2015]*

#### **Section 104. Operation of Facilities without Treatment Structures**

For operation of industrial, agricultural, municipal or other facilities, if such are not equipped with structures and systems necessary for treatment and for collection of hazardous substances and dust, or if they are in a condition not suitable for operation, and if substantial harm has been caused thereby to the environment, human health, or to property or economic interests,



the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[21 October 2010; 13 December 2012]*

#### **Section 104.<sup>1</sup> Unlawful Operation of Facilities**

For unlawful operation of a facility laid down in a regulatory enactment governing pollution, in which activities posing danger to the environment are carried out or hazardous substances or preparations are used, if substantial harm has been caused thereby to the environment, human health, or to property or economic interests,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[25 September 2014]*

#### **Section 105. Failure to Take Measures for the Elimination of Environmental Pollution**

For a person who commits failing to take or improper taking of necessary measures included in the duties of persons regarding rectification of pollution and prevention of other harmful effects on the environment, or failing to give notice if harmful effects have resulted,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 February 2004; 21 October 2010; 13 December 2012]*

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

(1) For a person who fails to notify concerning pollution of sea waters or other harmful effects arising from vehicles or structures, if committed by a person having a duty to give notification,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

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

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[21 October 2010; 13 December 2012]*

#### **Section 107. Forest Arson**

(1) For a person who commits intentional forest arson,

the applicable punishment is temporary deprivation of liberty or community service, or a fine, with or without probationary supervision for a period up to three years.

(2) For the commission of the same acts, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

(3) For the commission of the same acts, if death of a human being or other serious consequences have been caused due to the negligence of the offender,

the applicable punishment is the deprivation of liberty for a period of up to eight years, with or without probationary supervision for a period of up to three years.

*[13 December 2012 / See Paragraph 16 of Transitional Provisions]*

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

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

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if loss of human life or other serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 October 2010; 13 December 2012]*

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

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

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits arbitrary cutting, destroying or damaging trees in a specially protected nature territory, micro-reserve, park, public square, alley or environmental and natural resources protection zone,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

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

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(4) For a person who commits arbitrary cutting, destroying or damaging trees, if it has been committed by an organised group,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[13 December 2007; 21 October 2010; 13 December 2012; 29 October 2015]*

### **Section 110. Arbitrary Fishing and Acquisition of Aquatic Animals**

(1) [21 October 2010]

(2) For a person who commits catching or other acquisition of fish or aquatic animals without appropriate authorisation, during conservation period, or in restricted areas, or with prohibited gear or methods (arbitrary acquisition) if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(21) For the criminal offence provided for in Paragraph two of this Section, if it has been committed by a group of persons according to a prior agreement or in a specially protected nature territory,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits arbitrary acquisition of fish or aquatic animals by using electrical currents, explosive substances, poisonous substances or other generally dangerous means or methods,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[25 April 2002; 21 October 2010; 13 December 2012; 25 September 2014]*

### **Section 111. Illegal Manufacture, Acquisition, Storage, Sale, Transportation and Forwarding of Electro-Fishing Equipment**

For a person who commits illegal manufacture, acquisition, storage, disposal, transportation, or forwarding of electro-fishing equipment,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 October 2010; 13 December 2012]*

### **Section 112. Illegal Hunting**

(1) [21 October 2010]

(2) For a person who commits illegal hunting, if it has been committed by a group of persons according to a prior agreement or in a specially protected nature territory, or if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

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

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[18 December 2003; 12 February 2004; 21 October 2010; 13 December 2012]*

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

For a person who commits blasting, land amelioration, preparation of timber or other actions in violation of provisions regarding protection of animals, if substantial harm is caused to fish resources, birds or other wild animals by such actions,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 February 2004; 21 October 2010; 13 December 2012]*

### **Section 114. Destruction and Damaging of Special Areas of Protection**

For a person who commits destruction or damaging of specially protected nature territories, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[21 October 2010; 13 December 2012]*

### **Section 115. Destruction and Damaging of Specially Protected Animals and Plants**

For a person who commits catching, holding or destruction of specially protected animals, acquisition, keeping, damaging or destruction of specially protected plants, mushrooms or lichens, or destruction or damaging of habitats of specially protected species or specially protected biotopes, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[21 October 2010; 13 December 2012; 25 September 2014]*

### **Section 115.<sup>1</sup> Violation of the Trading Provisions of Specimens of Endangered Wild Animal and Plant Species**

For a person who commits violation of the trading provisions of specimens of endangered wild animal or plant species or parts or products thereof, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[21 October 2010; 13 December 2012]*

## **Chapter XII Homicide**

### **Section 116. Murder**

For a person who commits intentional unlawful homicide (murder) of another person,

the applicable punishment is a life imprisonment or deprivation of liberty for a period of five years and up to twenty years and with probationary supervision for a period up to three years.

*[8 July 2011; 13 December 2012; 15 May 2014 / See Paragraph 11 of Transitional Provisions]*

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

For a person who commits murder, if:

- 1) a woman is murdered, the offender knowing her to be pregnant;
- 2) a person is murdered, the offender knowing that the person is in a state of helplessness;
- 3) it is committed in a way dangerous to the life of several persons;
- 4) it is committed with particular cruelty;
- 5) the corpse is defiled thereafter;
- 6) it is related to robbery;
- 7) it is related to rape;
- 8) it is committed with intent to conceal another criminal offence or to facilitate its commission;
- 9) it is committed for the purpose of acquiring property;
- 10) it is committed by a group of persons;
- 11) it is committed by a person who has been confined to a place to be held in temporary detention or in prison;
- 12) a minor is murdered,

the applicable punishment is life imprisonment, or deprivation of liberty for a period of ten years and up to twenty years and probationary supervision for a period up to three years, with or without confiscation of property.

*[18 May 2000; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

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

For a person who commits murder:

- 1) related to the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other unlawful offence, or having provided testimony in court or at a pre-trial criminal proceedings;
- 2) if two or several persons have been murdered;
- 3) [13 December 2012];
- 4) if it is committed by a person serving a term of life imprisonment;
- 5) if it has been committed by an organised group,

the applicable punishment is life imprisonment, or deprivation of liberty for a period of fifteen years and up to twenty years and probationary supervision for a period up to three years, with or without confiscation of property.

*[13 December 2007; 8 July 2011; 1 December 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

#### **Section 119. Murder of a Newborn Child**

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

the applicable punishment is deprivation of liberty for a period up to five years or temporary deprivation of liberty, or community service.

*[13 December 2012]*

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

For a person who commits murder in a sudden state of extreme mental agitation resulting from violence or serious insult to dignity on the part of the victim,

the applicable punishment is deprivation of liberty for a period up to five years or temporary deprivation of liberty, or community service.

*[13 December 2012]*

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

For a person who commits murder in the course of exceeding the limits of necessary self-defence, the applicable punishment is deprivation of liberty for a period up to two years or temporary deprivation of liberty, or community service.

*[13 December 2012]*

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

(1) For a person who commits murder in the course of violating provisions regarding detention of a person, the applicable punishment is deprivation of liberty for a period up to two years or temporary deprivation of liberty, or community service.

(2) For the commission of the same acts, if they have been committed by a public official, the applicable punishment is deprivation of liberty for a period up to three years or temporary deprivation of liberty, or community service.

*[13 December 2012]*

### **Section 123. Homicide through Negligence**

(1) For a person who commits unlawful homicide through negligence, the applicable punishment is deprivation of liberty for a period up to three years or temporary deprivation of liberty, or community service.

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

the applicable punishment is deprivation of liberty for a period up to five years or temporary deprivation of liberty, or community service.

*[13 December 2012]*

### **Section 124. Leading to Suicide**

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

the applicable punishment is deprivation of liberty for a period up to three years or temporary deprivation of liberty, or community service.

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

the applicable punishment is deprivation of liberty for a period up to five years or temporary deprivation of liberty, or community service, with or without probationary supervision for a period up to three years.

*[13 December 2012 / See Paragraph 16 of Transitional Provisions]*

## **Chapter XIII Criminal Offences against Health of a Person**

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

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

the applicable punishment is deprivation of liberty for a period up to seven years, with or without probationary supervision for a period up to three years.

(2) For the commission of the same acts, if:

1) their commission is related to the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other unlawful offence, or having provided testimony in court or at a pre-trial criminal proceedings;

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

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

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

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

6) [13 December 2012];

7) they have been committed by a person who has been confined to a place to be held in short-term detention or in prison;

8) they have been committed against a person in the state of helplessness,

the applicable punishment is deprivation of liberty for a period of two and up to ten years, with or without probationary supervision for a period up to three years.

(3) For a person who commits intentional infliction of serious bodily injury which, as a result of the negligence of the offender, has been the cause of the death of the victim, or who commits intentional infliction of serious bodily injury if it is committed by an organised group,

the applicable punishment is deprivation of liberty for a period of three years and up to fifteen years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

(4) [13 December 2012]

*[13 December 2007; 30 October 2008; 21 May 2009; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

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

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

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if:

1) their commission is related to the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other unlawful offence, or having provided testimony in court or at a pre-trial criminal proceedings;

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

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

4) [13 December 2012];

5) they have been committed by a person who has been confined to a place to be held in short-term detention or in prison;

6) they have been committed against a person in the state of helplessness,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

*[30 October 2008; 21 May 2009; 13 December 2012 / See Paragraph 16 of Transitional Provisions]*

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

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

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.



*[13 December 2012]*

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

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

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

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

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

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a public official,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

**Section 130. Intentional Slight Bodily Injury**

(1) *[21 October 2010]*

(2) For a person who commits intentional infliction of slight bodily injury,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(3) For the commission of the same acts, if:

1) their commission is related to the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other unlawful offence, or having provided testimony in court or at a pre-trial criminal proceedings;

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

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

4) they have been committed by a person who has been confined to a place to be held in short-term detention or in prison;

5) they have been committed against a person in the state of helplessness,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[21 October 2010; 13 December 2012; 25 September 2014]*

**Section 130.<sup>1</sup> Torture**

For a person who commits torture, if such acts have not had the consequences provided for in Section 125, 126 or 130 of this Law,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[25 September 2014]*

**Section 131. Negligent Bodily Injury**

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

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

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

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

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

### **Section 133. Infection with Human Immunodeficiency Virus and Hepatitis B and C Virus**

For a person who knowingly commits infection of a person with human immunodeficiency virus or hepatitis B or C virus,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[21 May 2009; 13 December 2012]*

### **Section 133.<sup>1</sup> Infection with a Dangerous Agent of Infectious Disease**

For a person who knowingly commits infection of a person with a dangerous agent of the infectious disease, if as a result thereof serious bodily injury has been committed or it has been a cause for the death of victim,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[21 May 2009; 13 December 2012]*

### **Section 134. Infection with Agent of Sexually Transmitted Disease**

(1) For a person who knowingly commits intentional infection of a person with an agent of sexually transmitted disease,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who knowingly commits intentional infection of a minor with an agent of sexually transmitted disease,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 May 2009; 13 December 2012]*

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

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

the applicable punishment is temporary deprivation of liberty or community service, or a fine, with deprivation of the right to engage in the practice of medical treatment for a period up to five years.

(2) For a person who commits abortion on a pregnant woman in unsanitary conditions, or if it has been committed by a person who does not have the right to perform abortions,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of right to engage in the practice of medical treatment for a period of up to five years.

(3) *[13 December 2012]*.

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

the applicable punishment is deprivation of liberty for a period of three years and up to twelve years, with deprivation of right to engage in the practice of medical treatment for a period up to ten years.

*[12 February 2004; 13 December 2012]*

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

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

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

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

(1) For a person who commits unauthorised medical treatment, if such has caused health disorder to the victim, the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

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

the applicable punishment is deprivation of liberty for a period up to eight years.

*[12 February 2004; 13 December 2012]*

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

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

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

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

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 May 2009; 13 December 2012]*

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

(1) For a person who commits illegal removal of tissue or organs from a deceased human being in order to use such for medical purposes, where it is committed by a medical practitioner,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in the practice of medical treatment for a period of up to five years.

(2) For a person who commits illegal removal of tissue or organs from a living human being in order to use such for medical purposes, where it is committed by a medical practitioner,

the applicable punishment is deprivation of liberty for a period up to seven years, with deprivation of the right to engage in the practice of medical treatment for a period up to five years.

*[13 December 2012]*

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

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

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 141. Abandonment without Assistance**

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

the applicable punishment is community service, or a fine.

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

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(3) For the acts provided for in Paragraph one or two of this Section, if failure to provide assistance has resulted in death of two or several human beings,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012; 25 September 2014]*

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

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

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

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

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

## **Chapter XIV Criminal Offences against Fundamental Rights and Freedoms of a Person**

#### **Section 143. Transgression of Inviolability of the Dwelling of a Person**

(1) For a person who commits illegal entering a dwelling against the will of a person residing there,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts by using violence, threats, fraud or appropriation of the title of a public official,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012; 30 March 2014]*

#### **Section 144. Violating the Confidentiality of Correspondence and Information to be Transmitted over Telecommunications Networks**

(1) For a person who commits intentional violation of the confidentiality of personal correspondence,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits unlawful interception of publicly unavailable data transmissions or signals in telecommunications networks, as well as unlawful acquisition of publicly unavailable electromagnetic data from a telecommunications network in which such data is present,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For committing the acts provided for in Paragraph one or two of this Section, if they are committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[25 September 2014]*

#### **Section 145. Illegal Activities Involving Personal Data of Natural Persons**

(1) For illegal activities involving personal data of a natural person, if it has caused substantial harm,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For illegal activities involving personal data of a natural person, if they have been performed by a personal data processing administrator or operator for the purpose of vengeance, acquisition of property or blackmail,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

(3) For influencing a personal data processing administrator or operator or the data subject, using violence or threats or using trust in bad faith, or using deceit in order to perform illegal activities involving personal data of a natural person,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[10 September 2009; 13 December 2012]*

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

(1) For a person who commits violation of the requirements of laws and regulations governing labour protection or technical safety, if it is committed by the manager of an undertaking (company), institution or organisation, or another person responsible for conformity therewith, and if such offence has caused bodily injury with health disorder or permanent loss of ability to work,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

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

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

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

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

the applicable punishment is community service, or a fine.

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

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[17 October 2002; 12 February 2004; 13 December 2012]*

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

(1) For a person who commits infringement of copyright or neighbouring right, if such infringement has caused substantial harm to rights and interests protected by law of a person,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of

liberty, or community service, or a fine.

(3) For a person who commits infringement of copyright or neighbouring right if it is committed in large scale or by an organised group, or by compelling, by means of violence, threats or blackmail, the renouncing of authorship, or commits compelling of joint authorship, if it is committed by means of violence, threats or blackmail,

the applicable punishment is deprivation of liberty for a period up to six years, with deprivation of the right to engage in specific employment for a period up to five years and with or without probationary supervision for a period up to three years.

*[21 October 2010; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

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

[21 October 2010]

##### **Section 149.<sup>1</sup> Violation of the Prohibition of Discrimination**

(1) For a person who commits discrimination due to racial, national, ethnic or religious belonging or for the violation of the prohibition of any other type of discrimination, if substantial harm is caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the criminal offence provided for in Paragraph one of this Section, if it has been committed by a public official, or a responsible employee of an undertaking (company) or organisation, or a group of persons, or if it is committed using an automated data processing system,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[25 September 2014]*

##### **Section 150. Incitement of Social Hatred and Enmity**

(1) For a person who commits an act oriented towards inciting hatred or enmity depending on the gender, age, disability of a person or any other characteristics, if substantial harm has been caused thereby,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the criminal offence provided for in Paragraph one of this Section, if it has been committed by a public official, or a responsible employee of an undertaking (company) or organisation, or a group of persons, or if it is committed using an automated data processing system,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For committing the act provided for in Paragraph one of this Section, if it is related to violence or threats or if it is committed by an organised group,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[25 September 2014]*

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

[13 December 2012]

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

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

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

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed in a manner dangerous to the life or health



of the victim, or if they are related to causing of physical suffering to him or her, or they have continued for more than a week, or they have been committed repeatedly, or they have been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

(3) For a person who commits illegal deprivation of liberty, if serious consequences have been caused thereby or if it has been committed by an organised group,

the applicable punishment is deprivation of liberty for a period up to seven years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[12 February 2004; 13 December 2007; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 153. Kidnapping**

(1) For a person who commits a seizure, using violence or threats, or abduction of a person by fraud or using the state of helplessness of a person (kidnapping),

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

(2) For the commission of the same acts, if they have been committed repeatedly, as well as for a person who kidnaps a minor,

the applicable punishment is deprivation of liberty for a period of up to seven years, with or without confiscation of property and with probationary supervision for a period up to three years.

(3) For a person who commits kidnapping, if serious consequences have been caused thereby or it has been committed against an underaged person, or it has been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of three and up to twelve years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[13 December 2007; 30 October 2008; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

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

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

the applicable punishment is deprivation of liberty for a period of two years and up to ten years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

(2) For the commission of the same acts, if they have been committed against a minor or they have been committed by a group of persons according to a prior agreement,

the applicable punishment is deprivation of liberty for a period of three years and up to twelve years, with or without confiscation of property and with probationary supervision for a period up to three years.

(3) For a person who commits the acts provided for in Paragraph one of this Section, if serious consequences have been caused thereby or they have been committed against an underaged person, or they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[8 December 2005; 13 December 2007; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

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

(1) For a person who commits human trafficking,

the applicable punishment is deprivation of liberty for a period up to eight years, with or without confiscation of property.

(2) For a person who commits human trafficking if it has been committed against a minor, or if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is deprivation of liberty for a period of three and up to twelve years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

(3) For a person who commits human trafficking if it has endangered the life of a victim or serious consequences have been caused thereby, or it has been committed involving particular cruelty or against an underaged person, or it has been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[25 April 2002; 16 December 2004; 13 December 2007; 8 July 2011; 13 December 2012; 14 March 2013 / See Paragraph 11 of Transitional Provisions]*

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

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

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

(3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour, to provide services or to commit criminal offences, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the illegal removal of a person's tissues or organs.

(4) Within the meaning of this Section state of vulnerability means using the circumstances when a person does not have another actual or acceptable choice, only to submit to exploitation.

*[25 April 2002; 13 December 2012; 25 September 2014]*

## **Section 155. Illegal Commitment to a Psychiatric Hospital**

For a person who knowingly commits illegal commitment of a person to a psychiatric hospital,

the applicable punishment is temporary deprivation of liberty or community service, or a fine, with deprivation of the right to specific employment for a period up to five years.

*[12 February 2004; 13 December 2012]*

## **Section 156. Denigration**

[19 November 2009]

## **Section 157. Defamation**

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

the applicable punishment is community service, or a fine.

(2) For defamation in mass media,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 June 2003; 12 February 2004; 19 November 2009; 13 December 2012]*

## **Section 158. Denigration and Defamation in Mass Media**

[19 November 2009]

## Chapter XVI

### Criminal Offences against Morality and Gender Inviolability

#### Section 159. Rape

(1) For a person who commits an act of sexual intercourse taking advantage of the state of helplessness of a victim or an act of sexual intercourse against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim (rape),

the applicable punishment is deprivation of liberty for a period of four and up to ten years and with probationary supervision for a period up to five years.

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

the applicable punishment is a life imprisonment or deprivation of liberty for a period of five years and up to twenty years and with probationary supervision for a period up to five years.

(3) For a person who commits rape, if serious consequences have been caused thereby, or commits rape of such person who has not attained the age of sixteen years,

the applicable punishment is a life imprisonment or deprivation of liberty for a period of ten years and up to twenty years and with probationary supervision for a period up to five years.

*[15 May 2014; 12 November 2015]*

#### Section 160. Sexual Violence

(1) For a person who commits acts of sexual nature for the purpose of sexual gratification in physical contact with the body of the victim, if such acts have been committed taking advantage of the state of helplessness of a victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim,

the applicable punishment is deprivation of liberty for a period up to seven years and with probationary supervision for a period up to five years.

(2) For a person who commits anal or oral act or sexual gratification in an unnatural way which is related to vaginal, anal or oral penetration of the body of the victim, if such acts have been committed taking advantage of the state of helplessness of a victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim,

the applicable punishment is deprivation of liberty for a period of four and up to ten years and with probationary supervision for a period up to five years.

(3) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons or on a minor,

the applicable punishment is deprivation of liberty for a period of three and up to twelve years, with probationary supervision for a period up to five years.

(4) For a person who commits the criminal offence provided for in Paragraph one of this Section, if serious consequences have been caused thereby or if it has been committed on a person who has not attained the age of sixteen years,

the applicable punishment is deprivation of liberty for a period of five years and up to fifteen years and with probationary supervision for a period up to five years.

(5) For a person who commits the criminal offence provided for in Paragraph two of this Section, if it has been committed by a group of persons or on a minor,

the applicable punishment is a life imprisonment or deprivation of liberty for a period of five years and up to twenty years and with probationary supervision for a period up to five years.

(6) For a person who commits the criminal offence provided for in Paragraph two of this Section, if serious consequences have been caused thereby or if it has been committed on a person who has not attained the age of sixteen years,

the applicable punishment is a life imprisonment or deprivation of liberty for a period of ten years and up to twenty years and with probationary supervision for a period up to five years.

*[15 May 2014; 25 September 2014; 12 November 2015]*

### **Section 161. Acts of Sexual Nature with a Person who has not Attained the Age of Sixteen Years**

For a person who commits an act of sexual intercourse, anal or oral act, or sexual gratification in an unnatural way, or other acts of sexual nature in physical contact with the body of the victim, if it has been committed on a person who has not attained the age of sixteen years and if such offence has been committed by a person who has attained the age of majority,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to five years.

*[15 May 2014; 12 November 2015]*

### **Section 162. Leading to Depravity**

(1) For a person who commits leading to depravity of a person who has not attained the age of sixteen years or who is in the state of helplessness, that is, for a person who commits acts of sexual nature without physical contact with the body of the victim for the purpose of sexual gratification or to rouse sexual instinct in the victim, if such act has been committed by a person who has attained the age of majority or it has been committed taking advantage of the state of helplessness of the victim or against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to five years.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has caused serious consequences, or it has been committed on a minor,

the applicable punishment is deprivation of liberty for a period up to seven years and with probationary supervision for a period up to five years.

*[15 May 2014; 12 November 2015]*

### **Section 162.<sup>1</sup> Encouraging to Involve in Sexual Acts**

(1) For a person who encourages a person who has not attained the age of sixteen years to involve in sexual acts or encourages such person to meet with the purpose to commit sexual acts or enter into a sexual relationship using information or communication technologies or other means of communication, if such act has been committed by a person who has attained the age of majority,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to five years.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed on a minor,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to five years.

*[15 May 2014; 12 November 2015]*

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

*[13 December 2012]*

### **Section 163.<sup>1</sup> Establishment, Maintenance, Management and Financing of Brothel**

For a person who establishes, maintains, manages or finances a brothel (illegal place for organising and provision of prostitution services),

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[21 May 2009; 13 December 2012]*

### **Section 164. Involvement of a Person in Prostitution and Use of Prostitution**

(1) For a person who commits involvement of a person in prostitution,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(2) For a person who commits compelling to engage in prostitution or involvement of a person in prostitution, using their trust in bad faith, or by deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or intentional use of prostitution of a victim in human trafficking,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.

(3) For a person who commits acts provided for in Paragraphs one and two of this Section, if such acts have been committed by a group of persons, or commits encouraging, involving or compelling a minor to engage in prostitution, or commits providing premises to minors for the purpose of prostitution,

the applicable punishment is deprivation of liberty for a term not less than three years and up to eight years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

(3<sup>1</sup>) For a person who commits use of prostitution of a minor,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(4) For a person who commits encouraging, involving or compelling an underaged person to engage in prostitution,

the applicable punishment is deprivation of liberty for a period of five and up to twelve years, with or without confiscation of property and with probationary supervision for a period up to three years.

(5) For a person who commits the acts provided for in this Section, if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[18 May 2000; 12 February 2004; 13 December 2007; 21 May 2009; 8 July 2011; 13 December 2012; 15 May 2014 / See Paragraphs 12 and 14 of Transitional Provisions]*

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

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

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.

(2) For the commission of the same acts, if they have been committed by a group of persons, or they have been committed on a minor,

the applicable punishment is deprivation of liberty for a period up to eight years, with or without confiscation of property and with probationary supervision for a period up to three years.

(3) For the commission of the same acts, if they have been committed by an organised group or if they have been committed on a person who has not attained the age of sixteen years,

the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[18 May 2000; 13 December 2007; 21 May 2009; 8 July 2011; 13 December 2012; 15 May 2014 / See Paragraphs 12 and 14 of Transitional Provisions]*

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

(1) For a person who commits sending a person with his or her consent for sexual exploitation, that is, for any act which facilitate legal or illegal movement, transit or residence of a person for such purpose within the territory of one country or several countries,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of enrichment or if they have been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation

of property and with or without probationary supervision for a period of up to three years.

(3) For a person who commits the acts provided for in Paragraph one or two of this Section, if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[18 May 2000; 16 December 2004; 13 December 2007; 21 May 2009; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

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

[21 May 2009]

### **Section 166. Violation of Provisions Regarding the Demonstration of a Pornographic Performance, Restriction of Entertainment of Intimate Nature and Handling of a Material of Pornographic Nature**

(1) For a person who commits violation of the provisions regarding demonstration of a pornographic performance or other provisions regarding the restriction of entertainment of intimate nature, or provisions regarding the handling of a material of pornographic nature, if it has been committed on a significant scale or substantial harm has been caused by committing it,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits visiting or demonstration of such pornographic performance or handling of such materials of pornographic nature which contain child pornography, sexual activities of people with animals, necrophilia or sexual gratification in a violent way,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with probationary supervision for a period of up to three years.

(3) For a person who commits encouraging, involvement, forced participation or utilisation of minors in a pornographic performance or the production of a material of pornographic nature,

the applicable punishment is deprivation of liberty for a period up to six years, with or without confiscation of property and with probationary supervision for a period up to three years.

(4) For a person who commits encouraging, involvement, forced participation or utilisation of persons who have not attained the age of sixteen years in a pornographic performance or the production of a material of pornographic nature,

the applicable punishment is deprivation of liberty for a period of three years and up to twelve years, with or without confiscation of property and with probationary supervision for a period up to three years.

(5) For a person who commits the acts provided for in Paragraph three or four of this Section, if they have been committed by an organised group or if they have been committed by means of violence,

the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[15 May 2014; 29 October 2015]*

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

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

(1) For a person who commits intentional substitution of a newborn child for another,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits substitution of a newborn child for another for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

### **Section 168. Failure to Comply with the Rulings on Child Custody Rights, Care Rights and Access Rights**

For a person who avoids comply with a ruling of a court or Orphan's and Custody Court which arises from the child custody rights, care rights or access rights, as well as for failure to comply in bad faith or delaying in bad faith the compliance of a court ruling which provides for the delivery of a child back to the country of his or her place of residence,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[21 October 2010; 8 July 2011; 13 December 2012; 29 October 2015]*

### **Section 168.<sup>1</sup> Failure to Comply with a Ruling on the Protection against Violence**

For the failure to comply in bad faith with a ruling on the protection against violence,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[20 March 2014; 29 October 2015]*

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

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

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 169.<sup>1</sup> Illegal Acts in Handling of Adoptions**

(1) For a person who commits giving of consent for adoption of a minor if such consent was given by the mother, father or guardian of such minor for the purpose of acquiring property,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits asking of consent for adoption of a minor from the mother, father or guardian of such minor personally or through an intermediary using violence, threats, by means of fraud, bribes, or other unlawful means, as well as for such intermediation,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits any acts provided for by Paragraph two of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[21 June 2007; 13 December 2012]*

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

For a person who commits avoiding, the caring for and providing maintenance to his or her parents, grandparents, children, grandchildren, or other persons, if such an obligation has been imposed by a court judgement or the decision of a judge,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 February 2004; 13 December 2012; 29 October 2015]*

### **Section 171. Abuse of the Rights of a Guardian**

For a person who commits utilisation of a guardianship or trusteeship to the detriment of persons subject to the guardianship or trusteeship,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

### **Section 172. Involvement of a Minor in a Criminal Offence**

For a person who commits involving of a minor in a criminal offence,



the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 173. Causing Condition of Drunkenness of a Minor, Involving of a Minor in Non-medical Use of Therapeutic Medicaments and Other Means which Cause Intoxication**

(1) *[13 December 2012]*

(2) For a person who knowingly commits causing condition of drunkenness of a minor, or commits involving of a minor in non-medical use of therapeutic or other medicinal products which as are not narcotic or psychotropic substances but cause intoxication, if such has been committed using violence or threats,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 174. Cruelty Towards and Violence against a Minor**

(1) For a person who commits cruel or violent treatment of a minor, if physical or mental suffering has been inflicted upon the minor and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent and if the consequences provided for in Section 125 or 126 of this Law are not caused by these acts,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine and with probationary supervision for a period of up to three years.

(2) For the commission of the same acts, if they have been committed on an underaged person,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to three years.

*[30 October 2008; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

## **Chapter XVIII Criminal Offences against Property**

#### **Section 175. Theft**

(1) For a person who commits concealed or overt stealing (theft) of the movable property of another,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits theft, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits theft, if it has been committed by entering a apartment or other premises, or if it has been committed from a storage facility, from a system connecting storage facilities, or from a means of transport,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(4) For a person who commits theft, if it has been committed by an organised group, as well as commits theft of narcotic, psychotropic, powerfully acting, toxic or radioactive substances, or explosives, firearms or ammunition,

the applicable punishment is deprivation of liberty for a period of two years and up to ten years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[25 April 2002; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

#### **Section 176. Robbery**

(1) For a person who commits stealing of movable property of another related to violence or threatened violence (robbery),

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of

liberty, or community service, or a fine, with or without the confiscation of property and with probationary supervision for a period of up to three years.

(2) For a person who commits robbery, if it has been committed by a group of persons according to a prior agreement, or if it has been committed by entering an apartment or other premises, or if it has been committed from a property storage facility, a system connecting storage facilities, or a means of transport,

the applicable punishment is deprivation of liberty for a period up to eight years, with or without confiscation of property and with probationary supervision for a period up to three years.

(3) For a person who commits robbery, if it has been committed on a large scale, or such has been committed by an organised group, or who commits the robbery of narcotic, psychotropic, powerfully acting, poisonous or radioactive substances, or explosive substances, firearms or ammunition,

the applicable punishment is deprivation of liberty for a period of three years and up to twelve years, with or without confiscation of property and with probationary supervision for a period up to three years.

(4) For a person who commits robbery, if it has been committed using firearms or explosives, or if it is related to the infliction of serious bodily injury on the victim, or if other serious consequences have been caused thereby,

the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[25 April 2002; 12 February 2004; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 177. Fraud**

(1) For a person who commits acquiring property of another, or of rights to such property, by the use, in bad faith, of trust, or by deceit (fraud),

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits fraud, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits fraud, if it has been committed on a large scale, or it has been committed by an organised group, or it has been committed, acquiring narcotic, psychotropic, powerfully acting, poisonous or radioactive substances or explosive substances, firearms or ammunition,

the applicable punishment is deprivation of liberty for a period of two years and up to ten years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[12 February 2004; 13 December 2007; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 177.<sup>1</sup> Fraud in an Automated Data Processing System**

(1) For a person who commits the knowingly entering of false data into an automated data processing system for the acquisition of the property of another person or the rights to such property, or the acquisition of other material benefits, in order to influence the operation of the resources thereof (computer fraud),

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits computer fraud, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits computer fraud, if it has been committed on a large scale or if it has been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of two years and up to ten years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[28 April 2005; 13 December 2007; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 178. Insurance Fraud**

(1) For a person who commits intentional destruction, damage or concealment of the property of himself or herself for the purpose of receiving insurance compensation,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits compelling or persuading another person to destroy, damage or conceal insured property, or other influencing for the same purposes, if it has been committed by the owner of the property for the purpose of receiving insurance moneys,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits the acts provided for in Paragraphs one and two of this Section, if they have been committed for the purpose of obtaining a large amount of insurance money,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 179. Misappropriation**

(1) For a person who commits unlawful acquiring or wasting property of another, if it has been committed by a person to whom such property been entrusted or in whose charge it has been placed (misappropriation),

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(2) For a person who commits misappropriation, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits misappropriation, if it has been committed on a large scale, or who commits misappropriation of narcotic, psychotropic, powerfully acting, poisonous or radioactive substances or explosive substances, firearms or ammunition,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.

*[12 February 2004; 13 December 2012 / See Paragraph 16 of Transitional Provisions]*

### **Section 180. Theft, Fraud, Misappropriation on a Small Scale**

(1) For a person who commits theft, fraud, or misappropriation on a small scale, except for the crimes provided for in the Section 175, Paragraphs three and four; Section 177, Paragraph three and Section 179, Paragraph three of this Law,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) *[13 December 2012]*

*[15 January 2004; 13 December 2012]*

### **Section 181. Repeated Theft, Fraud, Misappropriation**

*[13 December 2012]*

### **Section 182. Arbitrary Consumption of Electricity, Thermal Energy and Gas, Arbitrary Utilisation of Electronic Communications Services**

(1) For a person who commits arbitrary consumption of electricity, thermal energy or gas services or arbitrary utilisation of electronic communications services, if it has been committed on a significant scale,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits arbitrary consumption of electricity, thermal energy or gas services or arbitrary

utilisation of electronic communications services, if it has been committed on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[21 June 2007; 13 December 2012; 29 October 2015]*

### **Section 182.<sup>1</sup> Illegal Acts with the Commercial Accounting of Consumed Electricity, Thermal Energy and Gas**

(1) For a person who commits interference with the operation of an electricity, thermal energy or gas meter for commercial accounting of electricity, thermal energy or gas or the distortion thereof or making, adaptation, distribution or installation of equipment, devices or software, if such acts provide persons with the possibility to arbitrarily consume electricity, thermal energy or gas,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a group of persons according to a prior agreement, or they have caused serious consequences,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For the acts provided for in Paragraph one of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[21 October 2010; 13 December 2012; 25 September 2014]*

### **Section 183. Extortion**

(1) For a person who commits demanding without legal basis therefor the surrender of property or rights to property, or the performing of any acts of a financial nature, therewith threatening violence against, or disclosure of defamatory information concerning, the victim or relatives of the victim, or to destroy their property or cause them other substantial harm (extortion),

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.

(2) For a person who commits extortion, if it has been committed by a group of persons according to a prior agreement, or using violence, firearms or explosives,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation of property and with probationary supervision for a period of up to three years.

*[8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 184. Extortion by an Organised Group**

(1) For a person who commits establishing an organised group or participating in such for the purpose of extortion,

the applicable punishment is deprivation of liberty for a period up to eight years, with or without confiscation of property and with probationary supervision for a period up to three years.

(2) For a person who commits extortion as a member of an organised group, if the extortion is committed using violence, threats, firearms or explosives,

the applicable punishment is deprivation of liberty for a period of three years and up to twelve years, with or without confiscation of property and with probationary supervision for a period up to three years.

(3) For a person who commits the acts provided for in Paragraph two of this Section if they have resulted in serious consequences,

the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 185. Intentional Destruction of and Damage to Property**

(1) For a person who commits intentional destruction of or damage to property of another,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits intentional destruction of or damage to property of another, if it has been committed by arson or in another generally dangerous way, or it has been committed on a large scale, or due to the negligence of the offender death of a human being has occurred or other serious consequences have been caused,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without probationary supervision for a period of up to three years.

*[12 February 2004; 13 December 2012; 29 October 2015]*

#### **Section 186. Negligent Destruction of and Damage to Property**

(1) For a person who commits destruction of or damage to the property of another through negligence, by careless handling of fire or in any other generally dangerous way,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits destruction of or damage to the property of another through negligence, if it has resulted in death of a human being or other serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits destruction of or damage to the property of another through negligence, if it has resulted in death of two or several human beings,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012; 25 September 2014]*

#### **Section 187. Intentional Destruction and Damaging of Electrical Network, Public Electronic Communications Network, Heating Network, Gas, Oil and Oil Product Pipelines**

(1) For a person who commits intentional destruction of or damage to an electrical network, public electronic communications network, heating network or gas, oil and oil product pipelines or installations thereof,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have resulted in death of a human being or an emergency, disaster or other serious consequences have been caused, or if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of two years and up to ten years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[13 December 2007; 21 October 2010; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

#### **Section 188. Negligent Destruction of and Damage to Natural Gas and Oil Pipelines**

(1) For a person who commits destruction of or damage to natural gas, oil or oil product pipelines or their installations through negligence,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have resulted in death of a human being or an emergency, disaster or other serious consequences have been caused,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For the acts provided for in Paragraph one of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[12 February 2004; 21 October 2010; 13 December 2012; 25 September 2014]*

## **Section 189. Irresponsible and Careless Guarding of Property**

For a person who, being a person who has been entrusted with the guarding of property, commits performing his or her duties irresponsibly and carelessly, if such conduct has been the cause of stealing, destruction or damage of such property on a large scale and if it is not the criminal offence of a public official or of a responsible employee of an undertaking (company) or organisation,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 February 2004; 13 December 2012]*

## **Chapter XIX Criminal Offences of an Economic Nature**

### **Section 190. Smuggling**

(1) For a person who commits bringing in of goods or other valuables into the customs territory of the Republic of Latvia or taking out thereof, by avoiding customs control or concealing such goods or other valuables from such control, or not declaring such goods or other valuables, or using false customs or other documents, or in any other illegal way (smuggling), if it is committed on a significant scale,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits smuggling, if it has been committed by an organised group or if it has been committed on a large scale,

the applicable punishment is deprivation of liberty for a period of two and up to eleven years, with or without confiscation of property, with or without probationary supervision for a period up to three years, with deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to engage in specific employment or the right to take up a specific office for a period up to five years.

(4) *[13 December 2012]*

*[28 April 2005; 13 December 2007; 13 December 2012; 29 October 2015]*

### **Section 190.<sup>1</sup> Movement of Goods and Substances the Circulation of which is Prohibited or Specially Regulated across the State border of the Republic of Latvia**

(1) For a person who commits moving of a narcotic or psychotropic substance, the source material (precursor) intended for the manufacture of such substances, new psychoactive substance or a product containing it the handling of which is prohibited or restricted, as well as radioactive or hazardous substance, goods of strategic importance or other valuable property, explosive, weapon and ammunition across the State border of the Republic of Latvia in any illegal way,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(2) For the commission of the same acts, if they have been committed by a group of persons according to a prior agreement, or if they have been committed on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation of property.

(3) For the commission of the same acts, if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period up to twelve years, with or without confiscation of property, with probationary supervision for a period up to three years, with deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to engage in specific employment or the right to take up a specific office for a period up to five years.

*[28 April 2005; 21 June 2007; 13 December 2007; 19 November 2009; 8 July 2011; 13 December 2012; 25*



### **Section 191. Unauthorised Activities with Goods and Other Valuable Property Subject to Customs Clearance**

(1) For a person who commits storage, transportation, forwarding or disposal of goods or other valuable property subject to customs clearance in the customs territory of the Republic of Latvia without the permission of the customs authorities, if it has been committed on a significant scale,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits storage, transportation, forwarding or disposal of goods or other valuable property subject to customs clearance in the customs territory of the Republic of Latvia without the permission of the customs authorities, if it has been committed on a large scale,

the applicable punishment is deprivation of liberty for a period up to six years, with or without confiscation of property, with or without probationary supervision, with deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to engage in specific employment or the right to take up a specific office for a period up to five years.

*[28 April 2005; 13 December 2012; 29 October 2015]*

### **Section 192. Manufacture, Distribution, Transportation, Forwarding, Acquisition and Storage of Counterfeit Money and State Financial Instruments**

(1) For a person who commits transportation, forwarding, acquisition or storage of counterfeit banknotes, coins, State financial instruments or foreign currency in circulation or intended for circulation in the Republic of Latvia for the purpose of distribution thereof or for its manufacture, or commits distribution of such counterfeits,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(2) For a person who commits manufacture of counterfeit banknotes, coins, State financial instruments or foreign currency in circulation or intended for circulation in the Republic of Latvia or distribution of such counterfeits, if it has been committed on a significant scale,

the applicable punishment is deprivation of liberty for a period up to eight years, with or without confiscation of property.

(3) For a person who commits the acts provided for by Paragraph one of this Section, if they have been committed on a large scale, or if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of two years and up to ten years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[10 April 2003; 18 December 2003; 5 May 2005; 13 December 2007; 8 July 2011; 13 December 2012; 28 January 2016]*

### **Section 192.<sup>1</sup> Manufacture, Acquisition, Storage, and Distribution of Equipment, Software Adapted for Money Counterfeiting**

For a person who commits manufacture, acquisition, storage or distribution of such equipment, software, data, protection (anti-counterfeiting) elements or any other means that have been adapted for counterfeiting of banknotes, coins, State financial instruments or foreign currency in circulation or intended for circulation in the Republic of Latvia,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[28 January 2016]*

### **Section 193. Illegal Activities with Financial Instruments and Means of Payment**

(1) *[28 January 2016]*



(2) For a person who commits stealing, destruction, damage or illegal utilisation of financial instruments or means of payment of another person,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits counterfeiting of financial instruments or means of payment, as well as commits circulating or using such counterfeits, if the elements of the crime provided for by Section 192 of this Law are not present,

the applicable punishment is deprivation of liberty for a period up to seven years, with or without confiscation of property.

(4) For a person who commits the acts provided for in Paragraphs two and three of this Section, if they have been committed on a large scale, or if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of two years and up to ten years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[18 December 2003; 13 December 2007; 8 July 2011; 13 December 2012; 29 October 2015; 28 January 2016]*

### **Section 193.<sup>1</sup> Obtaining, Manufacture, Distribution, Utilisation, and Storage of Data, Software and Equipment for Illegal Acts with Financial Instruments and Means of Payment**

(1) For a person who commits obtaining or distribution of such data which enables illegal utilisation of financial instruments or means of payment,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits use of such data which enables illegal utilisation of financial instruments or means of payment, or who commits manufacture or adaptation of software or equipment for committing the crimes provided for by Section 193 of this Law, or commits obtaining, storage or distribution of such software or equipment for the same purpose,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits the acts provided for in Paragraph one or two of this Section, if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of two years and up to ten years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[1 June 2000; 18 December 2003; 13 December 2007; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 193.<sup>2</sup> Illegal Use of Internal Information and Manipulations in Financial Markets**

(1) For a person who commits illegal use of internal information in financial markets, recommending to another person or encouraging another person to engage in illegal use of internal information in financial markets, as well as for manipulations in financial markets, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of two and up to ten years, with or without probationary supervision for a period up to three years.

*[28 January 2016 / See Section 24, Paragraph three of the law On the Procedures for the Coming into Force of the Criminal Law]*

### **Section 194. Unauthorised Issue of Financial Instruments**

(1) For a person who commits putting into circulation of financial instruments of a legal person before the legal person has commenced activity or without registration of financial instruments as laid down in the law, or knowingly providing false information regarding public issue of financial instruments,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits manufacturing and putting into circulation of financial instruments if they do not conform to the provisions of the articles of association, issuing prospectus or other document issued for this purpose, or issuing of a certificate of deposit (investment) without receipt of the relevant deposit,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[18 December 2003; 12 February 2004; 13 December 2012]*

#### **Section 194.<sup>1</sup> Dissemination of False Data or Information Regarding the Condition of the Finance System of the Republic of Latvia**

(1) For a person who knowingly commits dissemination of false data or information orally, written or in other ways regarding the condition of the finance system of the Republic of Latvia,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a group of persons according to a prior agreement, or if substantial harm to the State or to the interests and rights of persons protected by law has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits the acts provided for in Paragraph one of this Section, if they have been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

*[13 December 2007; 13 December 2012]*

#### **Section 195. Laundering of the Proceeds from Crime**

(1) For a person who commits laundering of criminally acquired financial resources or other property,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(2) For the commission of the same acts, if they have been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits the acts provided for by Paragraph one of this Section, if they have been committed on a large scale, or if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of three and up to twelve years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[28 April 2005; 13 December 2007; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

#### **Section 195.<sup>1</sup> Non-provision of Information and Provision of False Information Regarding Ownership of Resources and the True Beneficiary**

(1) For a person who knowingly commits provision of false information to a natural or legal person which is not a State institution and which is authorised by law to request information regarding transactions and the financial resources involved therein or the true owner of other property or the true beneficiary, as well as non-provision of the information specified in law regarding the true beneficiary or provision of knowingly false information to a legal person which is not a State institution,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if substantial harm has been caused thereby to the State or business, or to the rights and interests of other persons protected by law,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of

liberty, or community service, or a fine.

*[13 December 2012]*

## **Section 195.<sup>2</sup> Avoidance of Declaring of Cash**

(1) *[13 December 2012]*

(2) For a person who commits non-declaration or false declaration of cash as specified in laws and regulations, which in crossing the State border of the Republic of Latvia is brought into the customs territory of the European Union or taken out thereof, if it has been committed using criminally acquired cash or if it has been committed by an organised group,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[8 December 2005; 13 December 2012]*

## **Section 196. Use of and Exceeding Authority in Bad Faith**

(1) For a person who being a responsible employee of an undertaking (company) or organisation, that is, a person who, in an undertaking (company) or organisation, has the right to make decisions binding upon other persons or the right to deal with the property or financial resources of the undertaking (company) or organisation, or a person similarly authorised by an undertaking (company) or organisation, commits carrying out intentional acts, in bad faith using his or her authority or exceeding such, if these acts have caused substantial harm to rights and interests of the undertaking (company) or organisation, or to interests protected by law of another person,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with the deprivation of the right to take up a specific office for a period of up to three years.

*[11 December 2003; 12 February 2004; 13 December 2012]*

## **Section 197. Neglect**

For a person who commits neglectful fulfilment of duties of employment, if committed by a responsible employee of an undertaking (company) or organisation or a person similarly authorised by an undertaking (company) or organisation, if substantial harm has been caused thereby to the undertaking (company) or organisation, or to interests protected by law of another person,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 February 2004; 13 December 2012]*

## **Section 198. Unauthorised Receipt of Benefits**

(1) For a person who unlawfully accepts material values, property or benefits of other nature, or offers thereof, if accepted by an employee of an undertaking (company) or organisation, or a person who, on the basis of the law or a lawful transaction, is authorised to conduct the matters of another person, him or herself or through an intermediary, for performing or failing to perform some act, in the interests of the giver of the benefit or any other person, using his or her authority, irrespective of whether the material values, property or benefits of other nature accepted are intended for this person or any other person,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the acts provided for in Paragraph one of this Section, if they have been committed on a large scale, or they have been committed by a group of persons according to a prior agreement, or where material values, property or benefits of other nature have been requested,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who unlawfully accepts material values, property or benefits of other nature, or offers thereof, if accepted by a responsible employee of an undertaking (company) or organisation himself or herself or through an

intermediary, or a person similarly authorised by an undertaking (company) or organisation, or a person who, on the basis of the law or a lawful transaction, is authorised to resolve disputes or take binding decisions but who is not a public official, for performing or failing to perform some act, in the interests of the giver of the benefit or the offerer, or any other person, using his or her authority, irrespective of whether the accepted material values, property or benefits of other nature are intended for this person or any other person,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with the deprivation of the right to take up a specific office for a period of up to three years.

(4) For a person who commits the acts provided for in Paragraph three of this Section, if have been committed on a large scale, or they have been committed by a group of persons according to a prior agreement, or they are related to a demand for material values, property or benefits of other nature,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with the deprivation of the right to take up a specific office for a period of two years and up to five years.

*[16 February 2006; 19 November 2009; 13 December 2012]*

### **Section 199. Commercial Bribery**

(1) For a person who commits offering or giving of material values, property or benefits of other nature in person or through intermediaries to an employee of an undertaking (company) or organisation, or a person who, on the basis of the law or a lawful transaction, is authorised to conduct affairs of another person, or a responsible employee of an undertaking (company) or organisation, or a person similarly authorised by an undertaking (company) or organisation, or a person who, on the basis of the law or lawful transaction, is authorised to settle disputes so that he or she, using his or her authority, performs or fails to perform some act in the interests of the giver of the benefit or the offerer, or any other person irrespective of whether the material values, property or benefits of other nature are intended for this person or any other person,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to three years.

*[25 April 2002; 12 February 2004; 19 November 2009; 13 December 2012]*

### **Section 199.<sup>1</sup> Release of a Giver of Benefits from Criminal Liability**

A person who has unlawfully offered or given material values, property or benefits of other nature may be released from criminal liability if he or she, after committing of the criminal offence, voluntarily informs of the occurrence and actively furthers the disclosure and investigation of the criminal offence.

*[19 November 2009; 13 December 2012]*

### **Section 200. Disclosure of Non-disclosable Information which is not an Official Secret, Unauthorised Acquisition and Disclosure of Information Containing Commercial Secret, and Illegal Disclosure of Inside Information of the Financial Markets**

(1) For a person who commits disclosure of non-disclosable information which is not an official secret, if it has been committed by a person who not a public official and who in accordance with the law is liable for the storage of information,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits unauthorised acquisition of economic, scientific technical, or other information which is a commercial secret, for the use or disclosure by himself or herself or another person, or commits unauthorised disclosure of such information to another person for the same purpose, as well as commits illegal disclosure of inside information of the financial market,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits stealing of the information indicated in Paragraph one or two of this Section,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[26 May 2005; 13 December 2012; 28 January 2016]*

#### **Section 201. Usury**

For a person who commits making of loans in whatever form, knowingly taking advantage of the grave economic situation of the borrower of the loan, and the terms and conditions of which are excessively burdensome for the borrower (usury),

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 February 2004; 13 December 2012]*

#### **Section 202. Failing to Ensure Quality of Goods and Services**

For a person who knowingly commits manufacturing and disposal of such goods, or providing to consumers such services which fail to comply with the quality requirements laid down in laws and regulations or technical standards documents or agreements, as a result of which substantial harm has been caused to the health of the consumer, his or her property or the environment,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2007; 13 December 2012]*

#### **Section 203. Failing to Observe the Requirements Regarding Safety of Goods and Services**

For a person who commits failing to comply with the requirements regarding the safety of goods and services laid down in laws and regulations, in technical standards documents or agreements, or in standards approved by relevant authorised State institutions, as a result of which substantial harm has been caused to the health of consumers, their property or the environment,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2007; 13 December 2012]*

#### **Section 204. Defrauding Purchasers and Ordering Parties**

[13 December 2012]

#### **Section 205. Violation of Trading Provisions**

(1) [13 December 2012]

(2) For a person who commits intentional violation of trading provisions issued by State institutions, if it has resulted in a substantial harm to the State or consumer interests protected by law,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[25 April 2002; 13 December 2012]*

#### **Section 206. Illegal Use of Trademarks, Other Distinguishing Marks and Designs**

(1) For a person who commits illegal using of a trademark, other distinguishing marks for goods or services or unauthorised using of a design, counterfeiting a mark or knowingly using or distributing a counterfeit mark, if it has been committed on a significant scale or it has caused substantial harm to the State, or to the interests of a person protected by the law,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits illegal using of a trademark, other distinguishing marks for goods or services or

unauthorised using of a design, counterfeiting a trademark or knowingly using or distributing a counterfeit mark, if it has been committed by an organised group or in large scale,

the applicable punishment is deprivation of liberty for a period up to six years, with deprivation of the right to engage in specific employment for a period up to five years, with deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or the right to take up a specific office, and with or without probationary supervision for a period up to three years.

*[21 October 2010; 8 July 2011; 13 December 2012; 29 October 2015]*

#### **Section 207. Entrepreneurial Activities without Registration or a Permit (Licence)**

(1) [13 December 2012]

(2) For a person who commits engaging in entrepreneurial activity without registration or without a special permit (licence) if the necessity for such is determined in the law, or commits continuing operation of an undertaking (company) after issue of an order regarding suspending its operation, if such entrepreneurial activity or continuation of operation has been committed on a significant scale or it has caused substantial harm to the State, or to the interests of a person protected by the law,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with the deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or the right to take up a specific office for a period of two years and up to five years.

*[12 February 2004; 13 December 2012; 29 October 2015]*

#### **Section 208. Prohibited Entrepreneurial Activity**

For a person who commits engaging in entrepreneurial activity regarding which a special prohibition applies,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with the deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or the right to take up a specific office for a period of two years and up to five years.

*[12 February 2004; 13 December 2012]*

#### **Section 209. Fictitious Entrepreneurial Activities**

[21 May 2009]

#### **Section 210. Fraudulent Obtaining and Use of Credit and Other Loans**

For a person who knowingly commits providing false information, to obtain subsidies, credit or other loans, or during the period of use of the subsidies, credit or other loans, if substantial harm has been caused thereby to the State, to a creditor, or to the interests protected by law of another person,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

#### **Section 211. Unfair Competition, Misleading Advertising and Unfair Commercial Practice**

For a person who commits unfair competition, misleading advertising or unfair commercial practices, if substantial harm has been caused thereby to the State or to the interests protected by law of another person,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

#### **Section 212. Failing to Comply with the Requirements Stipulated by an Institution for Protection and Promotion of Competition**

For a person who commits failing to comply with the legal requirements stipulated by a State institution for the protection and promotion of competition, if substantial harm has been caused thereby to the State or the interests protected by law of another person,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*



## **Section 212.<sup>1</sup> Manipulations with Sports Competitions**

(1) For a person who commits manipulations with sports competitions organised by a sports organisation,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the acts provided for in Paragraph one of this Section, if they are related to the acceptance, handing over or offering of material values, properties or benefits of other nature,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits the criminal offence provided for in Paragraph two of this Section, if it has been committed on a large scale, or if it has been committed by an organised group,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[28 January 2016]*

## **Section 213. Driving into Insolvency**

(1) For a person who commits driving a legal person the subject of the insolvency proceedings into insolvency due to neglect, if substantial harm has been caused thereby to the interests protected by law of another person,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to a specific employment, or the right to take up a specific office for a period of up to three years.

(2) For a person who commits intentionally driving a legal person the subject of the insolvency proceedings into insolvency, if substantial harm has been caused thereby to the interests protected by law of another person,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to a specific employment, or the right to take up a specific office for a period of two years and up to five years.

*[13 December 2007; 13 December 2012]*

## **Section 214. Submission of a False Application for Insolvency**

(1) [21 October 2010]

(2) For a person who commits submitting such application for insolvency wherein knowingly false information has been provided or there has been concealment of information, if due to the application the insolvency proceedings may be announced or was announced (knowingly untrue insolvency proceedings application),

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2007; 21 October 2010; 13 December 2012]*

## **Section 215. Delay of Insolvency Proceedings**

(1) [21 October 2010]

(2) For a person who commits non-submission of information to the court, meetings of creditors or other persons as provided for by law, or deceiving them, as well as commits engaging in transactions in favour of one or several creditors to the detriment of the remaining creditors, if such has been intentionally committed by the administrator of the insolvency proceedings,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits impeding the course of insolvency proceedings, which is manifested in the conduct of the representative of the debtor (subject of the insolvency proceedings of the legal person) or of a natural person (natural person in the insolvency proceedings) as evading participation in adjudication of the matter or failing to provide or concealing the information requested by the meetings of creditors of the legal person the subject of the insolvency proceedings, by the court, or by the administrator, illegal alienation of property, concealing property or transactions, non-transference, concealing, destroying or forging documents or in other intentional acts which delay the course of



the insolvency proceedings,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to a specific employment, or the right to take up a specific office for a period of two years and up to five years.

*[13 December 2007; 21 October 2010; 13 December 2012]*

### **Section 215.<sup>1</sup> Violation of Legal Protection Proceedings Regulations**

(1) For a person who commits the use of legal protection proceedings provided for in the case of restricted insolvency for the purpose of evading the fulfilment of obligations,

the applicable punishment is community service, or a fine.

(2) For a person who commits impeding the legal protection proceedings (in the case of restricted insolvency) which is manifested by failing to provide or concealing the information provided for by law requested by the court, or by the administrator, illegal alienation of property, concealing property or transactions, non-transference, concealing, destroying or forging documents or in other intentional acts which delay the course of the legal protection proceedings,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to a specific employment, or the right to take up a specific office for a period of two years and up to five years.

*[13 December 2007; 13 December 2012]*

### **Section 216. Unlawful Alienation, Damaging and Destruction of Pledged Property**

For a person who commits the alienation of property pledged by way of commercial pledge without the authorisation of the pledge, or the damaging or destruction thereof, if substantial harm has been caused thereby to the property interests of the pledgee or other persons,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

### **Section 217. Violation of Provisions Regarding Accounting and Statistical Information**

(1) For a person who commits hiding or forging of accounting documents, annual accounts, statistical reports or statistical information specified in the law for an undertaking (company), institution or organisation,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have caused substantial harm to the State power or administrative order, or the interests of persons protected by law,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits the criminal offence provided for in Paragraph two of this Section, if it has been committed for acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

### **Section 217.<sup>1</sup> Violation of Work Remuneration Provisions**

For a person who commits disbursing of work remuneration not indicated in the accounting records, if it has been committed on a significant scale,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, and with the deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to a specific employment, or the right to take up a specific office for a period of up to three years.

*[10 March 2016]*

## **Section 218. Evasion of Tax Payments and Payments Equivalent Thereto**

(1) [13 December 2012]

(2) For a person who commits evasion of tax payments and payments equivalent thereto or of concealing or reducing income, profits and other items subject to tax, if losses on a large scale are caused thereby to the State or local government,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with the deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to a specific employment, or the right to take up a specific office for a period of two years and up to five years.

(3) For a person who commits the acts provided for by Paragraph two of this Section, if they have been committed by an organised group,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation of property and with the deprivation of the right to engage in entrepreneurial activity of a specific type or of all types or to a specific employment, or the right to take up a specific office for a period of two years and up to five years, and with probationary supervision for a period of up to three years.

*[12 February 2004; 13 December 2007; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

## **Section 219. Avoiding Submission of Declaration**

(1) [13 December 2012]

(2) For a person who commits intentionally setting out false information in a declaration of income, property or transactions, or other declaration of a financial nature specified in the law, if false information is indicated regarding property or other income on a large scale,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(3) For a person who commits not indicating the source of origin of the property or other income to be declared as indicated in the law, or providing false information regarding the source of origin of the property or other income, if such information has been requested by the relevant authorised State institution in accordance with procedures laid down in the law, and if false information is indicated regarding property or other income on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

*[17 October 2002; 12 February 2004; 13 December 2007; 13 December 2012]*

## **Section 220. Concealment of Property**

For a person who commits alienation, damaging, destruction, squandering, hiding or other concealing of property or financial resources for the purpose of evading payment of a debt or fulfilment of some other obligation,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

## **Section 220.<sup>1</sup> Illegal Storage, Movement (Transportation) and Disposal of Oil Products**

(1) For a person who commits illegal storage, movement (transportation) or disposal of oil products, if it has been committed on a significant scale,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits illegal storage, movement (transportation) or disposal of oil products, if it has been committed on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits illegal storage, movement (transportation) or disposal of oil products, if it is committed by an organised group,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with probationary supervision for

a period of up to three years.

*[13 December 2012; 8 July 2011; 29 October 2015]*

### **Section 221. Illegal Storage, Movement (Transportation) and Disposal of Alcoholic Beverages and Tobacco Products**

(1) For a person who commits illegal storage, movement (transportation) or disposal of alcoholic beverages or tobacco products, if it has been committed on a significant scale,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits illegal storage, movement (transportation) or disposal of alcoholic beverages or tobacco products, if it has been committed by an organised group or it has been committed on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.

*[21 May 2009; 8 July 2011; 13 December 2012; 29 October 2015]*

### **Section 221.<sup>1</sup> Disposal of Illegal Alcoholic Beverages**

(1) For a person who commits the disposal of illegally manufactured (produced) or counterfeit alcoholic beverages or liquids containing alcohol, which are not alcoholic beverages, but which are offered as alcoholic beverages (illegal alcoholic beverages),

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the acts provided for in Paragraph one of this Section, if they have been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For a person who commits the acts provided for in Paragraph one of this Section if serious consequences have been caused thereby or if they have been committed on a large scale,

the applicable punishment is deprivation of liberty for a period up to eight years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[21 June 2007; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 221.<sup>2</sup> Manufacture (Production), Storage and Movement of Illegal Alcoholic Beverages**

(1) For a person who commits manufacture (production), storage and movement of illegal alcoholic beverages, if it has been committed on a significant scale,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits manufacture (production), storage and movement of illegal alcoholic beverages, if it has been committed on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

*[21 June 2007; 19 November 2009; 13 December 2012; 29 October 2015]*

### **Section 221.<sup>3</sup> Acquisition of Illegal Alcoholic Beverages**

[13 December 2012]

### **Section 221.<sup>4</sup> Release of a Person from Criminal Liability Regarding the Storage and Movement of Illegal Alcoholic Beverages**

A person who voluntarily has transferred illegal alcoholic beverages and voluntarily has informed regarding the manufacture (production), storage, movement or disposal of such illegal alcoholic beverages, shall be released from criminal liability regarding the storage or movement thereof.

*[21 June 2007; 13 December 2012]*

### **Section 221.<sup>5</sup> Giving of Premises for the Manufacture (Production), Storage and Disposal of Illegal Alcoholic Beverages**

[13 December 2012]

### **Section 222. Violation of Veterinary Provisions**

(1) For a person who commits intentional violation of veterinary provisions, if the spread of epizootic disease or other serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For the acts provided for in Paragraph one of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012; 25 September 2014]*

### **Section 223. Violation of Provisions Regarding Prevention of Crop Disease and Infestation**

(1) For a person who commits violation of provisions regarding prevention of crop disease or infestation, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For the acts provided for in Paragraph one of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012; 25 September 2014]*

## **Chapter XX Criminal Offences against General Safety and Public Order**

### **Section 224. Gangsterism**

(1) For a person who commits joining with more than two persons in an organised armed group (gang) for the committing of crime,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation of property and with probationary supervision for a period of up to three years.

(2) For a person who commits participation in or leadership of crimes committed by a gang,

the applicable punishment is deprivation of liberty for a period of three and up to fifteen years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 225. Mass Riot**

For a person who commits organising of such mass riot which entails demolition, destruction, burning, destruction of property, or violence against individuals, or resistance to representatives of public authority, or who takes active participation therein,

the applicable punishment is deprivation of liberty for a period of three and up to twelve years, with probationary supervision for a period up to three years.

*[21 October 2010; 8 July 2011 / See Paragraph 11 of Transitional Provisions]*

#### **Section 226. Violation of Organisational and Procedural Requirements for Public Events**

(1) For a person who commits violation of procedural requirements regarding organisation or conducting of public events, if they have been committed by the organiser of the event or another person, if substantial harm has been caused to State power or administrative order or the interests of persons protected by law as a result thereof,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For the acts provided for in Paragraph one of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[16 December 2004; 13 December 2012; 25 September 2014]*

#### **Section 227. Causing Danger to Public Safety, Order and the Health of Individuals While Performing Religious Activities**

For a person who commits organisation or leading of such group as the activities of which, manifested as the preaching of religious doctrine and performing of religious rituals, are related to causing of harm to public safety and order, to the health of persons, or to the interests protected by law of a person, or who commits participation in such acts,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

#### **Section 228. Desecration of Graves and Corpses**

(1) For a person who commits desecration of graves, funerary urns or interred or uninterred corpses,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits acts provided for in Paragraphs one and two of this Section, if they are related to stealing of a monument or funerary urn, or other objects placed on or in a grave or at a funerary urn,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

*[12 February 2004; 13 December 2012]*

#### **Section 229. Destruction of and Damage to Cultural Monuments**

(1) For a person who commits destruction of, damage to or desecration of a cultural monument protected by the State,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by burning, use of explosives, or in another generally dangerous manner,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 230. Cruel Treatment of Animals**

(1) For a person who commits cruel treatment of animal as results in its death or mutilation, or commits torture of animals,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

(2) For the commission of the same acts, if they have been committed in a public place or at the presence of a minor or if they have been committed by a group of persons according to a prior agreement, or if it has caused substantial harm,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

*[21 May 2009; 13 December 2012; 22 June 2017]*

### **Section 230.<sup>1</sup> Violation of Keeping of Animals Regulations**

(1) For a person who commits violation of the regulations regarding keeping of animals, if it results in causing slight bodily injury or moderate bodily injury to the victim,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits violations of the regulations regarding keeping of animals, if it results in causing serious bodily injury to the victim, or it has caused death of a person,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[25 April 2002; 12 February 2004; 13 December 2012]*

### **Section 231. Hooliganism**

(1) For a person who commits a gross disturbance of the public order, which is manifested in obvious disrespect for the public or in insolence, ignoring generally accepted standards of behaviour and disturbing the peace of persons or the work of institutions, undertakings (companies) or organisations (hooliganism),

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

(2) For a person who commits hooliganism, if it has been committed by a group of persons, or if it is related to bodily injuries to the victim, damage to or destruction of property, or resistance to representatives of public authority or to a person who is acting to prevent the violation of public order, or if it has been committed by using weapons or other objects which can be used to inflict bodily injuries,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

*[8 July 2011; 13 December 2012; 15 May 2014; 25 September 2014 / See Paragraph 11 of Transitional Provisions]*

### **Section 231.<sup>1</sup> Knowingly Making a False Report on Placing or Locating of Explosive, Poisonous, Radioactive or Bacteriological Substances or Materials or Explosive Devices**

For a person who knowingly commits making a false report on placing of explosive, poisonous, radioactive or bacteriological substances or materials or explosive devices in an institution, undertaking or other object, or locating outside of an institution, undertaking or other object,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[25 April 2002; 12 February 2004; 13 December 2012; 10 March 2016]*

### **Section 232. Involvement of Mentally Ill Persons in Criminal Offences**

For a person who commits involvement of a person, knowing him or her to be suffering from mental disorder, in a criminal offence,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

### **Section 233. Unauthorised Manufacture, Repair, Acquisition, Storage, Carrying, Transportation, Forwarding and Sale of Firearms, Essential Components of Firearms, Firearm Ammunition, High-powered Pneumatic Weapons, Explosives and Explosive Devices, and Violation of Disposal Regulations**

(1) For a person who disposes firearms, essential components of a firearm, firearm ammunition, high-powered pneumatic weapons, explosives or explosive devices to a person who does not have a relevant permit or special permit (licence), if committed by a person who has a relevant permit or special permit (licence),

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits manufacturing, repair, acquiring, storing, carrying, transporting, forwarding or disposal of firearms, essential components of a firearm, firearm ammunition, high-powered pneumatic weapons, explosives or explosive devices, without a relevant licence,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits the acts provided for by Paragraph two of this Section, if they have been committed by an organised group,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with or without the confiscation of property and with probationary supervision for a period of up to three years.

*[20 May 2004; 13 December 2007; 8 July 2011; 13 December 2012; 29 October 2015]*

### **Section 234. Unauthorised Manufacture and Utilisation of Gas Pistols (Revolvers) and the Ammunition thereof**

(1) For a person who commits manufacturing of a gas pistol (revolver) or ammunition loaded with irritating or paralyzing action substances intended for such a pistol (revolver) without the relevant licence,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits violation of the conditions or procedures for the utilisation or use of a gas pistol (revolver), if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits violation of the conditions or procedures for the utilisation or use of a gas pistol (revolver), if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012; 29 October 2015]*

### **Section 235. Release of a Person from Criminal Liability for Manufacture, Repair, Acquisition, Carrying and Storage of a Firearm, Essential Components of a Firearm, Firearm Ammunition, a High-powered Pneumatic Weapon, an Explosive or an Explosive Device, and Manufacture of a Gas Pistol (Revolver) and the Ammunition thereof**

A person who has voluntarily turned in a firearm, essential components of a firearm, firearm ammunition, a high-powered pneumatic weapon, an explosive or an explosive device manufactured, acquired, carried or stored without the relevant licence, or a gas pistol (revolver) or the ammunition thereof, shall be released from criminal liability, if the acts of such a person do not constitute another criminal offence.

*[20 May 2004; 29 October 2015]*



**Section 236. Unauthorised Storage, Carrying, Transportation and Forwarding of Firearms, Essential Components of Firearms, Firearm Ammunition, High-powered Pneumatic Weapons, Explosives and Explosive Devices, by Violating Laws and Regulations**

(1) For unauthorised storage, carrying, transportation and forwarding of firearms, essential components of firearms, firearm ammunition, high-powered pneumatic weapons, explosives and explosive devices, if as a result of which any of the abovementioned items has been lost or acquired by another person,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the same offence, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[20 May 2004; 13 December 2012; 29 October 2015]*

**Section 237. Violation of the Conditions or Procedures for the Use or Utilisation of Firearms and High-powered Pneumatic Weapons, and Violation of the Procedures for Utilisation of Explosives or Explosive Devices**

(1) For a person who commits a violation of the conditions or procedures for the use or utilisation of a firearm or a high-powered pneumatic weapon or a violation of the procedures for the utilisation of explosives or explosive devices, if it has been committed by a person permitted to acquire, store or carry a firearm or a high-powered pneumatic weapon or who has the right to utilise explosives or explosive devices, and if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the acts provided for in Paragraph one of this Section, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012; 29 October 2015]*

**Section 237.<sup>1</sup> Violation of the Provisions for the Circulation of Goods of Strategic Significance**

(1) For a person who commits the violation of the provisions for the circulation of goods of strategic significance, if substantial harm has been caused thereby,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits the violation of the prohibition of the circulation of equipment, devices or instruments or the components or software thereof specially created or adapted for investigatory operational measures or for disturbance thereof,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment for a period of up to five years.

*[13 December 2012; 12 November 2015]*

**Section 238. Violation of the Provisions Regarding Production Safety and Technical Requirements**

(1) For a person who commits a violation of the provisions regarding production safety and technical requirements in construction work or in work related to the use of explosives or with undertakings (companies) exposed to risk of explosion, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment or the right to take up a specific office for a period of up to five years.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a person responsible for conformity with the provisions regarding production safety or technical discipline requirements, or for the acts provided for in Paragraph one of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years, with deprivation of the right to engage in specific employment or the right to take up a specific office for a period up to ten years.

*[13 December 2012; 25 September 2014]*

### **Section 239. Violation of Construction Provisions**

(1) For a person who commits carrying out of construction works during a time period when they are suspended, in a Group 3 building or an apartment building, if construction works have been suspended due to their being carried out without a building permit or due to commencing construction works prior to fulfilling the conditions of the building permit,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits violation of construction norms or provisions regarding buildings, bridges, overpasses and other construction, if as a result thereof a structure or part thereof collapses,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment or the right to take up a specific office for a period of up to five years.

(3) For the acts provided for in Paragraph one or two of this Section, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment or the right to take up a specific office for a period of up to seven years.

(4) For a person who commits the acts provided for in Paragraph one or two of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years, with deprivation of the right to engage in specific employment or the right to take up a specific office for a period up to ten years.

*[25 September 2014]*

### **Section 240. Violation of Fire Safety Provisions**

(1) [13 December 2012]

(2) For a person who commits an intentional violation of fire safety provisions, if it has been committed by a person responsible for conformity with such provisions and substantial harm has been caused thereby,

the applicable punishment is deprivation of liberty for a period up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits an intentional violation of fire safety provisions, if they have been committed by a person responsible for conformity with such provisions and serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment or the right to take up a specific office for a period of up to five years.

(4) For a person who commits an intentional violation of fire safety provisions, if it has been committed by a person responsible for conformity with such provisions and if it has resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years, with deprivation of the right to engage in specific employment or the right to take up a specific office for a period up to ten years.

*[13 December 2012; 25 September 2014]*

### **Section 241. Arbitrary Accessing Automated Data Processing Systems**

(1) For a person who commits arbitrary accessing an automated data processing system, if it is related to breaching of system protective means or if it is carried out without the relevant permission or using the rights granted to another person, and if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of

liberty, or community service, or a fine, with or without the confiscation of property.

(3) For the acts provided for in Paragraph one of this Section, if serious consequences have been caused thereby, or if they are directed against automated data processing systems that process information related to State political, economic, military, social or other security,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

*[25 September 2014]*

#### **Section 242. Unauthorised Acquisition of Computer Software**

*[28 April 2005]*

#### **Section 243. Interference in the Operation of Automated Data Processing Systems and Illegal Actions with the Information Included in Such Systems**

(1) For a person who commits unauthorised modifying, damaging, destroying, impairing or hiding of information stored in an automated data processing system, or knowingly entering false information into an automated data processing system, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who knowingly commits interference in the operation of an automated data processing system by entering, transferring, damaging, extinguishing, impairing, changing or hiding information, if the protective system is damaged or destroyed thereby and substantial harm is caused,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For the criminal offence provided for in Paragraph one or two of this Section, if it has been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with or without probationary supervision for a period of up to three years.

(4) *[13 December 2012]*

(5) For the acts provided for in Paragraph one or two of this Section, if they have been committed by an organised group or if they have caused serious consequences, or if they are directed against an automated data processing system that processes information related to State political, economic, military, social or other security,

the applicable punishment is deprivation of liberty for a period up to seven years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

*[28 April 2005; 13 December 2007; 8 July 2011; 13 December 2012; 25 September 2014 / See Paragraph 11 of Transitional Provisions]*

#### **Section 244. Illegal Operations with Automated Data Processing System Resource Influencing Devices**

(1) For a person who commits the illegal manufacture, adaptation for utilisation, disposal, distribution or storage of such tool (device, software, computer password, access code or similar data), which is intended for the influencing of resources of an automated data processing system or with the aid of which access to an automated data processing system or a part thereof is possible for the purpose of committing a criminal offence,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[28 April 2005; 13 December 2012; 25 September 2014]*

#### **Section 244.<sup>1</sup> Acquisition, Development, Alterations, Storage and Distribution of Data, Programs and Equipment for Illegal Activities with Electronic Communications Network Terminal Equipment**

For a person who commits altering of the data necessary for identification of electronic communications network terminal equipment in an electronic communications network or acquisition, storage or distribution of data intended for such purposes, as well as acquisition, development, storage or distribution of programs or equipment intended for such purposes without the consent of the manufacturer or its authorised person, if such activities have been committed for the purpose of acquiring property or if it has been committed by a group of persons according to a prior agreement, or if it has caused significant damage,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[21 May 2009; 13 December 2012]*

#### **Section 245. Violation of Safety Provisions Regarding Information Systems**

For a person who commits violation of provisions regarding information storage and processing which have been drawn up in accordance with an information system or the protection thereof, or violation of other safety provisions regarding computerised information systems, if it has been committed by a person responsible for conformity with such provisions, if it has been a cause of stealing, destruction or damage of the information, or other substantial harm has been caused thereby,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

#### **Section 246. Unauthorised Forwarding of Highly Inflammable Substances and Objects and of Caustic Substances**

(1) For a person who commits unauthorised forwarding of highly inflammable substances or objects, or caustic substances, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[13 December 2012; 25 September 2014]*

#### **Section 247. Unauthorised Transportation of Highly Inflammable Substances and Objects by Aircraft**

(1) For a person who commits unauthorised transportation of highly inflammable substances and objects by aircraft,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For the acts provided for in Paragraph one of this Section, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For the acts provided for in Paragraph one of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[12 February 2004; 13 December 2012; 25 September 2014]*

#### **Section 248. Unauthorised Manufacture, Acquisition, Storage, Disposal and Forwarding of Poisonous and Powerfully Acting Substances**

(1) For a person who commits unauthorised manufacture, acquisition, storage, or disposal of poisonous or powerfully acting substances which are not narcotic or psychotropic substances, or commits violation of provisions regarding manufacture, storage, dispensation, registration, transportation or forwarding of such substances, if substantial harm has been caused thereby,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits unauthorised manufacture, acquisition or disposal of substances specified in Paragraph one of this Section, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(4) For a person who commits unauthorised manufacture, acquisition or disposal of the substances provided for in Paragraph one of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[12 February 2004; 13 December 2012; 25 September 2014]*

#### **Section 248.<sup>1</sup> Unauthorised Manufacture, Acquisition, Storage, Transportation and Forwarding for the Purpose of Disposal of New Psychoactive Substances and Sale**

(1) For a person who commits manufacture, acquisition, storage, transportation or forwarding for the purpose of disposal or sale of a new psychoactive substance or article containing it, the handling of which is prohibited or restricted,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with probationary supervision for a period of up to three years.

(2) For the commission of the same acts, if serious consequences have been caused thereby,

the applicable punishment is deprivation of liberty for a period up to five years or community service and with probationary supervision for a period up to three years.

*[3 April 2014; 15 May 2014; 25 September 2014]*

#### **Section 248.<sup>2</sup> Unauthorised Manufacture, Acquisition, Storage, Transportation, Forwarding of New Psychoactive Substances and Unauthorised Use of New Psychoactive Substances**

(1) For a person who commits unauthorised acquisition, storage, transportation or forwarding of a new psychoactive substance or article containing it, the handling of which is prohibited or restricted, without the purpose of disposal thereof, or unauthorised use of a new psychoactive substance or article containing it, the handling of which is prohibited or restricted, if it has been committed by a person who has been warned about criminal liability for unauthorised acquisition, storage, transportation, forwarding and use of a new psychoactive substance or article containing it, the handling of which is prohibited or restricted,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits unauthorised manufacture of a new psychoactive substance or article containing it, the handling of which is prohibited or restricted, without the purpose of disposal thereof,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[25 September 2014]*

#### **Section 249. Violation of Provisions Regarding the Production, Acquisition, Storage, Registration, Dispensation, Transportation and Forwarding of Narcotic and Psychotropic Substances**

(1) For a person who commits violation of provisions regarding the production, acquisition, storage, registration, dispensation, transportation or forwarding of narcotic or psychotropic substances, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment for a period of up to three years.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment for a period of up to three years.

*[12 February 2004; 13 December 2012]*

### **Section 250. Unauthorised Dispensation of Narcotic and Psychotropic Substances**

(1) For a person who commits issuing of prescriptions where not medically necessary, or illegal issue of other documents for the obtaining of narcotic or psychotropic substances, or who commits dispensation of narcotic or psychotropic substances without a prescription or other document or with knowledge that a prescription or other document is fictitious or issued illegally, if it has been committed for the purpose of acquiring property or for other personal interests,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment for a period of up to five years.

(2) For a person who commits issuing of prescriptions where not medically necessary, or illegal issue of other documents for the obtaining of narcotic or psychotropic substances, or who commits dispensation of narcotic or psychotropic substances without a prescription or other document or with knowledge that a prescription or other document is fictitious or issued illegally, if it has been committed with narcotic or psychotropic substances on a large scale or has caused other serious consequences,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment for a period of up to five years.

(3) For a person who commits the criminal offence provided for in Paragraph one or two of this Section, if it has been committed by an organised group or if it has resulted in death of two or several human beings,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with the deprivation of the right to engage in specific employment for a period of up to five years.

*[25 April 2002; 13 December 2012; 25 September 2014]*

### **Section 251. Encouraging to Use Narcotic, Psychotropic and New Psychoactive Substances**

(1) For a person who commits encouraging to use of narcotic or psychotropic substances, or new psychoactive substances or articles containing them the handling of which is prohibited or restricted, or providing premises for using such substances,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed with regard to a minor, a mentally ill person or a person undergoing treatment for addiction to narcotics, or with regard to a person financially or otherwise dependent on the guilty party, or if other substances have been added to narcotic or psychotropic substances as enhance their effect,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

(3) For a person who commits encouraging to use of narcotic or psychotropic substances, or new psychoactive substances or articles containing them the handling of which is prohibited or restricted, if their use has caused serious consequences,

the applicable punishment is deprivation of liberty for a period of two and up to ten years, with or without probationary supervision for a period of up to three years.

*[25 April 2002; 13 December 2012; 15 May 2014 / See Paragraph 16 of Transitional Provisions]*

### **Section 252. Administering of Narcotic, Psychotropic Substances and New Psychoactive Substances against a Person's Will**

(1) For a person who commits administering of narcotic or psychotropic substances or new psychoactive substances or articles containing them the handling of which is prohibited or restricted, to another person or of adding such substances to the food or drink of another person against the will of such person or without his or her knowledge,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if other substances have been added to the narcotic or psychotropic substances as enhance their effect,



the applicable punishment is the deprivation of liberty for a period of up to ten years.

(3) For a person who commits acts provided for in Paragraph one or two of this Section, if such have been committed against a minor or by using violence, or threats of violence, or have caused serious consequences,

the applicable punishment is deprivation of liberty for a period of three and up to twelve years, with probationary supervision for a period up to three years.

*[25 April 2002; 13 December 2012; 15 May 2014 / See Paragraph 16 of Transitional Provisions]*

### **Section 253. Unauthorised Manufacture, Acquisition, Storage, Transportation and Forwarding of Narcotic and Psychotropic Substances**

(1) For a person who commits unauthorised manufacture, acquisition, storage, transportation or forwarding of narcotic or psychotropic substances without the purpose of disposal of such substances,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine and with probationary supervision for a period of up to three years.

(2) For the commission of the same acts, if they have been committed by a group of persons according to a prior agreement or such have been committed regarding large amounts of narcotic or psychotropic substances,

the applicable punishment is deprivation of liberty for a period of three and up to ten years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[17 October 2002; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 253.<sup>1</sup> Unauthorised Manufacture, Acquisition, Storage, Transportation and Forwarding of Narcotic and Psychotropic Substances for the Purpose of Disposal and Unauthorised Disposal**

(1) For a person who commits unauthorised manufacture, acquisition, storage, transportation or forwarding of narcotic or psychotropic substances for the purpose of disposal, or who commits unlawful disposal of narcotic or psychotropic substances,

the applicable punishment is deprivation of liberty for a period of two and up to eight years, with or without confiscation of property and with probationary supervision for a period up to three years.

(2) For the commission of the same acts, if they have been committed by a group of persons according to a prior agreement,

the applicable punishment is deprivation of liberty for a period of three and up to ten years, with or without confiscation of property and with probationary supervision for a period up to three years.

(3) For the commission of the same acts, if they have been committed by an organised group, or they have been committed regarding large amounts of narcotic or psychotropic substances, or if they have caused serious consequences, as well as for the commission of distribution of narcotic or psychotropic substances to minors, in educational institutions or the territory thereof, in restaurants, cafeterias, bars, places of public recreation or holiday events,

the applicable punishment is deprivation of liberty for a period of five and up to fifteen years, with or without confiscation of property and with probationary supervision for a period up to three years.

*[17 October 2002; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 253.<sup>2</sup> Unauthorised Acquisition, Storage and Disposal of Narcotic and Psychotropic Substances in Small Amounts and Unauthorised Use of Narcotic and Psychotropic Substances**

(1) For a person who commits unauthorised acquisition or storage in small amounts of narcotic or psychotropic substances without the purpose of disposal thereof, or who commits unauthorised use of narcotic or psychotropic substances, if it has been committed by a person who has been warned regarding criminal liability for unauthorised acquisition, storage and use of narcotic and psychotropic substances,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits unauthorised manufacture, acquisition, storage, movement or forwarding of narcotic or psychotropic substances in small amounts for the purpose of disposal thereof, or unauthorised sale of narcotic or psychotropic substances in small amounts,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.



*[13 December 2012]*

**Section 254. Release of a Person from Criminal Liability for Acquisition, Storage, Transportation and Forwarding of Narcotic and Psychotropic Substances**

A person who has voluntarily turned in narcotic, psychotropic, new psychoactive substances or articles containing them, the handling of which is prohibited or restricted, or has voluntarily notified regarding the acquisition, storage, transportation or forwarding thereof shall be released from criminal liability for the acquisition, storage, transportation or forwarding of such substances.

*[17 October 2002; 25 September 2014]*

**Section 255. Manufacture, Acquisition, Storage, Transportation, Forwarding and Disposal of Equipment and Substances (Precursors) Intended for Unauthorised Manufacture of Narcotic and Psychotropic Substances**

(1) For a person who commits manufacture, acquisition, storage, transportation or forwarding of equipment, devices, objects, materials or substances (precursors which exceed small amount) intended for the unauthorised manufacture of narcotic or psychotropic substances,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of the disposal of such equipment, devices, objects, materials or substances (precursors), or for the disposal of equipment, devices, objects, materials or substances (precursors) intended for unauthorised manufacture of narcotic or psychotropic substances,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits the acts provided for in Paragraph one or two of this Section, if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of three and up to ten years, with or without confiscation of property.

*[25 April 2002; 21 June 2007; 13 December 2012]*

**Section 256. Unauthorised Sowing and Growing of Plants Containing Narcotic Substances**

(1) For a person who commits unauthorised sowing or growing of plants containing narcotic substances,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits unauthorised sowing or growing of plants containing narcotic substances, over a large area, if it has been committed by an organised group,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

*[25 April 2002; 12 February 2004; 13 December 2012]*

## **Chapter XXI Criminal Offences against Traffic Safety**

**Section 257. Violation of Provisions Regarding Traffic Safety and Operations of Railway, Water and Air Transport**

(1) For a person who commits violation of provisions regarding traffic safety and operations of railway, water or air transport, or who knowingly commits permitting operation of a technically defective water or air transport vehicle, if it has been committed by a transport employee, and transport operations are substantially disrupted thereby,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the same offence, if serious consequences have been caused thereby,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[12 February 2004; 21 October 2010; 13 December 2012]*

### **Section 258. Damaging of Roads, Railways, Water and Air Transport Vehicles**

(1) For a person who commits intentional destruction or damage of roads, road construction or equipment, railways, water or air transport vehicles, transport telecommunication networks or signalling system devices, or electronic or communications equipment, or other intentional acts resulting in their becoming unusable for operations as well as where disruption of transport operations is caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to ten years.

*[21 October 2010; 13 December 2012; 29 October 2015]*

### **Section 259. Arbitrary Stopping of a Train**

(1) *[13 December 2012]*

(2) For a person who commits arbitrary stopping of a train without cause, by the emergency brake, or by disconnecting air brake lines, or otherwise, if a disaster, damage to the rolling stock or other serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For the commission of the same acts, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[13 December 2012; 25 September 2014]*

### **Section 260. Violation of Traffic Provisions and Provisions Regarding Vehicle Operation**

(1) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if it has been committed by a person operating the vehicle, and as a result thereof slight bodily injury has been caused to the victim,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(1<sup>1</sup>) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if it has been committed by a person operating the vehicle, and as a result thereof moderate bodily injury has been caused to the victim,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if it has been committed by a person operating a vehicle and as a result thereof serious bodily injury has been caused to the victim or death of a human being has been caused thereby,

the applicable punishment is deprivation of liberty for a period up to eight years, with deprivation of the driver's licence for a period up to five years.

(3) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if it has been committed by a person operating the vehicle, and as a result thereof death of two or several human beings has been caused,

the applicable punishment is deprivation of liberty for a period of three years and up to twelve years, with deprivation of the driver's licence for a period of up to seven years.

*[12 February 2004; 27 May 2004; 6 October 2005; 21 October 2010; 13 December 2012; 15 May 2014; 29 October 2015]*

### **Section 261. Concept of a Vehicle**

"Vehicles", as set out in Sections 260, 262-265 and 284 of this Law, shall mean all types of automobiles, tractors

and other self-propelled machines, trams, trolley buses, motorcycles and other mechanical vehicles which move by their own source of energy, except vehicles with internal combustion engines with displacement of less than 50 cubic centimetres.

*[13 December 2012]*

### **Section 262. Operating a Vehicle while under the Influence of Alcohol or Narcotic, Psychotropic, Toxic or Other Intoxicating Substances**

(1) For a person who commits operating a vehicle if he or she does not have a driver's licence (the driver's licence has not been obtained according to the procedures or has been taken away) and if the driver is under the influence of alcohol, or narcotic, psychotropic, toxic or other intoxicating substances,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, with the deprivation of the driver's licence for a period of up to five years.

(2) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if it has been committed by a person operating the vehicle while under the influence of alcohol or narcotic, psychotropic, toxic or other intoxicating substances, and as a result thereof slight bodily injury has been caused to the victim,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the driver's licence for a period of up to five years.

(3) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if it has been committed by a person operating the vehicle while under the influence of alcohol, narcotic, psychotropic, toxic or other intoxicating substances, and as a result thereof moderate bodily injury has been caused to the victim,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the driver's licence for a period of up to seven years.

(4) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if it has been committed by a person operating the vehicle while under the influence of alcohol or narcotic, psychotropic, toxic or other intoxicating substances, and as a result thereof a serious bodily injury has been caused to the victim or death of a human being has been caused,

the applicable punishment is deprivation of liberty for a period of three years and up to ten years, with deprivation of the driver's licence for a period of up to ten years.

(5) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if it has been committed by a person operating the vehicle while under the influence of alcohol or narcotic, psychotropic, toxic or other intoxicating substances, and as a result thereof death of two or several human beings has been caused,

the applicable punishment is deprivation of liberty for a period of three years and up to fifteen years, with deprivation of the driver's licence for a period of five years and up to ten years.

*[29 October 2015; 22 June 2017]*

### **Section 262.<sup>1</sup> Refusal to Take a Test for the Influence of Alcohol, Narcotic, Psychotropic, Toxic and Other Intoxicating Substances and Leaving of the Place of Road Traffic Accident**

(1) For a driver of vehicle who commits refusing to take a test for the determination of alcohol concentration in the blood or a test for the influence of narcotic, psychotropic, toxic or other intoxicating substances, if it has been committed by a driver of vehicle who does not have a driver's licence (the driver's licence has not been obtained according to the procedures or has been taken away),

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, with the deprivation of the driver's licence for a period of up to five years.

(2) For a driver of vehicle who commits refusing to take a test for the determination of alcohol concentration in the blood or a test for the influence of narcotic, psychotropic, toxic or other intoxicating substances or for leaving the place of road accident after the road accident, violating the specified procedures, if it has been committed by a driver of vehicle who has caused the road traffic accident which has resulted in the consequences specified in Section 260 of this Law,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the driver's licence for a period of up to seven years.

*[29 October 2015]*

### **Section 263. Permitting the Use of a Vehicle in a State of Technical Disrepair**

For a person who knowingly commits permitting the use of a vehicle in a state of technical disrepair, or a violation of other provisions for ensuring of traffic safety regarding use thereof, if it has been committed by a person responsible for the technical state or use of the vehicle, if slight, moderate or serious bodily injury has been occasioned to the victim or death of a human being has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment for a period of up to five years.

*[12 February 2004; 13 December 2012; 29 October 2015]*

#### **Section 264. Allowing the Operation of a Vehicle by a Person under the Influence of Alcohol, Narcotic, Psychotropic, Toxic and Other Intoxicating Substances**

For a person who, being responsible for the technical state or the operation of a vehicle, commits allowing a person under the influence of alcohol, or narcotic, psychotropic, toxic or other intoxicating substances, to operate the vehicle, if slight, moderate or serious bodily injury has been caused to the victim or death of a human being has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment for a period of up to five years.

*[27 May 2004; 13 December 2012; 29 October 2015]*

#### **Section 265. Illegal Manufacture, Disposal, Issuing, Forgery, Destruction and Stealing of Registration Documents and Vehicle Identification Number Marks and Registration Number Plates of a Vehicle**

(1) For a person who commits illegal manufacturing, disposal, issuing, forging or destroying of registration documents, or vehicle identification number marks or registration number plates of a vehicle,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits stealing of registration documents or registration number plates of a vehicle,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits the acts provided for in Paragraph one or two of this Section, if they have been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

#### **Section 266. Violation of Traffic Provisions**

(1) For a person who commits violation of provisions for protecting traffic order or safety, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[12 February 2004; 13 December 2012; 25 September 2014]*

#### **Section 267. Failure to Give Notice Regarding the Name of a Ship in the Event of Collision of Ships**

For a person, being a captain, who commits failing to inform another ship as his or her ship has collided with, of the name of his or her ship and the port of registration thereof, as well as its place of departure or destination, despite it being possible to provide such information,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

#### **Section 268. Seizure of an Air or Water Transport Vehicle**

(1) For a person who commits seizing an air or water transport vehicle, except vehicles of small dimensions, on the ground, in water or during a flight,

the applicable punishment is deprivation of liberty for a period up to seven years, with or without probationary supervision for a period up to three years.

(2) For the commission of the same acts, if they have been committed by a group of persons according to a prior agreement or involve violence or threats of violence, or an accident or other serious consequences have been caused thereby,

the applicable punishment is deprivation of liberty for a period of two and up to twelve years, with or without probationary supervision for a period up to three years.

(3) For a person who commits acts provided for in Paragraph one or two of this Section, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period of three and up to fifteen years, with probationary supervision for a period up to three years.

*[13 December 2012; 25 September 2014 / See Paragraph 16 of Transitional Provisions]*

## **Chapter XXII**

### **Criminal Offences against Administrative Order**

#### **Section 269. Assault upon a Representative of Public Authority or Other Public Official**

(1) For a person who commits an assault upon a representative of public authority or other public official, in connection with lawful official activities of such a person, or commits an assault upon a person who is participating in preventing or interrupting a criminal or otherwise unlawful offence,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if as a result of the assault serious bodily injuries are caused or other serious consequences caused, or if the assault was committed by an organised group,

the applicable punishment is deprivation of liberty for a period of two and up to ten years, with or without probationary supervision for a period up to three years.

*[25 April 2002; 13 December 2007; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

#### **Section 270. Resistance to a Representative of Public Authority or Other Public Official**

(1) For a person who commits resisting a representative of public authority, or other public official, if he or she is performing official duties imposed on him or her, or commits resisting a person, if he or she is participating in preventing or interrupting a criminal or other unlawful offence, or commits compelling such person to perform manifestly unlawful acts, if the resistance or compulsion was committed by using violence or threatening violence,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a group of persons,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 271. Defamation and Injuring Dignity of a Representative of Public Authority or Other Public Official**

*[22 January 2004]*

#### **Section 272. Provision of False Information to a State Institution**

For a person who knowingly commits provision of false information to a State institution, including a parliamentary investigation commission, if it has been committed by a person who in accordance with the law has a duty to provide information to a State institution or parliamentary investigation commission, or commits refusal to give an explanation, opinion or translation to the parliamentary investigation commission,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

### **Section 272.<sup>1</sup> Compelling of False Explanations, Opinions or Translations at a Parliamentary Investigation Commission**

(1) For a person who commits bribery or other illegal influencing for the purpose of achieving that a person shall give a false explanation, opinion or translation or refuses to give an explanation, opinion or translation to a parliamentary investigation commission,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they are related to violence or threats of violence,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For the acts provided for in Paragraph one of this Section, if they are related to torture,

the applicable punishment is deprivation of liberty for a period up to eight years.

*[18 December 2003; 19 November 2009; 13 December 2012]*

### **Section 273. Arbitrary Appropriation of the Title and Authority of a Public Official**

For a person who commits arbitrary appropriation of the title and authority of a public official for the purpose of committing a criminal offence,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 274. Stealing and Destruction of a Document, Seal or Stamp**

(1) For a person who commits stealing, concealment, intentional destruction of or damage to a document conferring rights or a release from obligations, a seal or a stamp, or commits using or disposing the stolen document, seal or stamp,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of acquiring property, or have caused substantial harm to the State power or administrative order, or to interests of a person protected by law,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 275. Forgery of a Document, Seal and Stamp and Use and Disposal of a Forged Document, Seal and Stamp**

(1) For a person who commits forgery of a document conferring rights or a release from obligations, of a seal or a stamp, as well as commits using or selling a forged document, seal or stamp,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of acquiring property, or if they have been committed by a group of persons according to a prior agreement, or if substantial harm has been caused thereby to the State power or administrative order or to interests of a person protected by law,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 275.<sup>1</sup> Acquisition of a Personal Identification Document Using Data of Another Person**

For a person who commits the acquisition of a personal identification document, using data of another person, the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 276. Illegal Opening and Destruction of Mail**

(1) For a person who commits illegally opening or destroying mail,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by an employee of a post office or of a railway, water, or air transport office,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

#### **Section 277. Unauthorised Operations with Documents from Archival Collections**

For a person who commits unauthorised destruction of, damage to, concealment of documents from State Archival collections or from Archival collections of public, co-operative or confessional organisations or other legal persons, or unauthorised bringing out thereof from the territory of the Republic of Latvia, or of substituting copies thereof, if as a result thereof substantial harm has been caused to the State power or administrative order, or to interests protected by law of a person,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 278. Forgery of Postage Payment Marks**

For a person who commits forgery of postage stamps or other postage payment marks or of international pre-paid return postage vouchers, or commits using forged or obliterated postage stamps, other postage payment marks or international pre-paid return postage vouchers for sending mail, or of selling such for the same purposes,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 279. Arbitrariness**

(1) For a person who commits arbitrary acts, circumventing the procedures laid down in laws and regulations, if the lawfulness of such acts is disputed by a State or local government institution or another person (arbitrariness) and as a result of such acts substantial harm is caused,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits arbitrariness, if it is related to violence or threatened violence or if it has caused losses on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012; 29 October 2015]*

#### **Section 280. Violation of Provisions Regarding Employment of Persons**

(1) For a person who commits violation of restrictions or provisions regarding employment of persons provided for in law, if it has been committed by the employer and if significant damage is caused thereby,



the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits employment of such person who is not entitled to remain in the Republic of Latvia, if it has been committed by the employer and if a minor is employed or if more than five persons are employed, or if a person is employed in particularly exploitative working conditions, or if a victim of human trafficking has knowingly been employed,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[16 June 2011; 13 December 2012]*

### **Section 281. Concealing Personal Identity**

(1) For a person who commits concealing personal identity, in the course of residing in the Republic of Latvia without an appropriate personal identification document or using the document of another person or a forged personal identification document,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits concealing personal identity, if it has been committed for the purposes of avoiding criminal liability or administrative liability or of committing a criminal offence, or for the purpose of helping another person to avoid criminal liability or administrative liability,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 281.<sup>1</sup> Impersonation of another Person**

(1) *[13 December 2012]*

(2) For a person who commits impersonation of another person in taking Latvian language skills or other knowledge examination specified in the Citizenship Law in order to create a possibility for such person to acquire Latvian citizenship according to naturalisation procedures, if it has been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[21 June 2007; 13 December 2012]*

### **Section 282. Evading Conscription into Mandatory Military Service**

*[14 December 2006]*

#### **Section 282.<sup>1</sup> Evading Mobilisation**

(1) For a person, being a person subject to mobilisation for the performance of civil defence measures, who commits intentional evading of mobilisation,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a reserve soldier or reservist,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[17 October 2002; 13 December 2012]*

#### **Section 282.<sup>2</sup> Hindering Mobilisation Activities and Non-fulfilment of Mobilisation Requests**

(1) For an intentional hindering of the fulfilment of an order by a competent institution during mobilisation, or intentional hindering of the fulfilment of an order by a local government in the performance of civil defence measures, or intentional non-fulfilment of other mobilisation activities or mobilisation requests,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[17 October 2002; 13 December 2012]*

### **Section 282.<sup>3</sup> Evading the Fulfilment of Alternative Service**

[14 December 2006]

### **Section 283. Violation of State Border Regulatory Regime**

[11 December 2003]

### **Section 284. Illegal Crossing of the State Border**

(1) For an intentional illegal crossing of the State border,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a group of persons or using a vehicle, or violating the specified prohibition to enter the Republic of Latvia,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

[13 December 2012]

### **Section 285. Illegal Movement of a Person Across the State Border**

(1) For illegal movement of a person across the State border,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a public official, using its official position, or a group of persons according to a prior agreement, or for illegal movement of several person across the State border in one time,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(3) For the commission of the same acts, if they have been committed by an organised group or they have resulted in serious consequences, or also who commits illegal movement of a large number of persons, that is, more than five persons at one time, across the State border,

the applicable punishment is deprivation of liberty for a period of two and up to eight years, with or without confiscation of property and with or without probationary supervision for a period up to three years.

(4) For the commission of the same acts, if they have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period of three and up to fifteen years, with probationary supervision for a period up to three years.

[25 April 2002; 11 December 2003; 13 December 2007; 8 July 2011; 13 December 2012; 25 September 2014; 10 March 2016]

### **Section 285.<sup>1</sup> Ensuring the Possibility to Residing Illegally in the Republic of Latvia**

(1) For knowingly ensuring persons the possibility to reside illegally in the Republic of Latvia, if it has been committed by a group of persons or by a public official using his or her official position,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

(2) For knowingly ensuring persons the possibility to reside illegally in the Republic of Latvia, if it has been committed for the purpose of acquiring property or if such possibility is ensured for two or several persons,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years and with or without confiscation of property.

[13 December 2012; 10 March 2016]

### **Section 285.<sup>2</sup> Ensuring, in Bad Faith, a Possibility to Acquire the Right to Stay in the Republic of Latvia**

**Legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation**

(1) For ensuring, in bad faith, a possibility to acquire the right to stay in the Republic of Latvia legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For ensuring, in bad faith, a possibility to acquire the right to stay in the Republic of Latvia legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation, if it has been committed for the purpose of acquiring property or if such a possibility is ensured for two or several persons, or if it has been committed by a group of persons,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

*[13 December 2012]*

**Section 286. Unauthorised Hoisting of the National Flag of Latvia on a Ship**

For hoisting the national flag of Latvia on a ship, without right thereto,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[12 February 2004; 13 December 2012]*

**Section 287. Unauthorised Use of Red Cross, Red Crescent and Blue White Shield Marks**

For an unauthorised use of Red Cross, Red Crescent, or Blue White Shield marks, as well as commits unauthorised use of Red Cross or Red Crescent designations,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[18 December 2003; 13 December 2012]*

**Section 288. Damaging of Telecommunications Equipment, Radio and Television Transmitters and Postal Technology Equipment**

For an intentional destruction or damage of telecommunications equipment, radio or television transmitters, or postal technology equipment, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

**Section 288.<sup>1</sup> Violation of the Procedures Provided for in the Law and Regulations Regarding Radio and Television Transmission and Distribution for the Installation and Use of Equipment**

(1) *[13 December 2012]*

(2) For the violation of the procedures provided for in the laws and regulations regarding radio and television transmission and distribution for the installation and use of radio wave radiating equipment, as well as television or sound broadcasting signal distribution in cable network systems, if it has caused substantial harm to State power or administrative order, or to interests protected by law of a person,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[31 October 2002; 13 December 2012]*

**Section 288.<sup>2</sup> Illegal Financing of Political Organisations (Parties) or Associations of Political Organisations (Parties)**

(1) For the illegal financing of political organisations (parties) or associations of political organisations (associations) on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For the acts provided for in Paragraph one of this Section, if they have been committed by a group of persons

according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[8 September 2011; 13 December 2012]*

### **Section 288.<sup>3</sup> Intermediation in the Illegal Financing of Political Organisations (Parties) or Associations of Political Organisations (Parties)**

For the intermediation in the illegal financing of political organisations (parties) or associations of political organisations (parties) on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[8 September 2011; 13 December 2012]*

### **Section 288.<sup>4</sup> Acceptance and Blackmailing of Illegal Financing of Political Organisations (Parties) or Associations of Political Organisations (Parties)**

(1) For the acceptance of illegal financing of political organisations (parties) or associations of political organisations (parties) on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the acts provided for in Paragraph one of this Section, if they have been committed by a group of persons according to a prior agreement or if they are connected with the requesting of illegal financing of political organisations (parties) or associations of political organisations (parties) on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

(3) For the blackmailing of illegal financing of political organisations (parties) or associations of political organisations (parties)

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[8 September 2011; 13 December 2012]*

### **Section 288.<sup>5</sup> Exemption from Criminal Liability of a Person Illegally Financing Political Organisations (Parties) or Associations of Political Organisations (Parties)**

(1) A person who has illegally financed a political organisation (party) or association of political organisations (parties) may be exempted from criminal liability, if the illegal financing of the political organisation (party) or association of political organisations (parties) is connected with blackmail, or if, after the illegal financing of the political organisation (party) or association of political organisations (parties) this person has voluntarily notified about the occurrence and actively furthers the disclosure and investigation of the criminal offence.

(2) Blackmail shall be understood to be the requesting of financing for a political organisation (party) or association of political organisations (parties) which is connected with threats to harm the lawful interests of the person.

(3) Supporter and intermediary of the illegal financing of political organisations (parties) or associations of political organisations (parties) may be exempted from criminal liability if he or she voluntarily notifies about the occurrence after the illegal financing of a political organisation (party) and actively furthers the disclosure and investigation of the criminal offence.

*[8 September 2011; 13 December 2012]*

## **Chapter XXIII Criminal Offences against Administration of Justice**

### **Section 289. Falsification of Evidence**

(1) For knowingly creating false evidence or knowingly concealing existing evidence, if it has been committed by a judge, prosecutor or investigator,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of acquiring property, or in proceedings concerning serious or especially serious crimes,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 May 2009; 13 December 2012]*

#### **Section 290. Subjecting a Person to Criminal Prosecution Knowing that the Person is not Guilty**

(1) For the subjecting of a person to criminal prosecution while knowing that he or she is not guilty, if it has been committed by the prosecutor,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of acquiring property, or they are related to accusation of committing a serious or especially serious crime or with falsification of evidence,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[21 May 2009; 13 December 2012]*

#### **Section 291. Rendering of Illegal Judgments and Decisions**

(1) For knowingly rendering an illegal judgment or taking an illegal decision, if it has been committed by a judge, prosecutor or investigator,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of acquiring property, or they are related to accusation of committing a serious or especially serious crime or with falsification of evidence,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[21 May 2009; 13 December 2012]*

#### **Section 292. Committing Illegal Arrest Knowingly**

For knowingly committing an illegal arrest, if it has been committed by a judge,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 293. Committing Illegal Detention and Forced Conveyance Knowingly**

For knowingly committing an illegal detention or forced conveyance, if it has been committed for the purpose of acquiring property, or for vengeance or reason of other personal interest, and if it has been committed by a judge, public prosecutor or the employee of the pre-trial investigating institution,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 May 2009; 13 December 2012]*

#### **Section 294. Compelling of Testimony**

(1) For the compelling of testimony at an interrogation, if such is related to violence, threats of violence or humiliation of the person being interrogated or committed in another way, and it has been committed by an official who performs pre-trial criminal proceedings,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For the compelling of testimony at an interrogation, if such is related to torture and if it has been committed by an official who performs pre-trial criminal proceedings,

the applicable punishment is the deprivation of liberty for a period of up to ten years.

*[21 May 2009; 19 November 2009; 13 December 2012]*

#### **Section 294.<sup>1</sup> Interference in the Pre-trial Criminal Proceedings**

(1) For a person who in any way influences an official performing a pre-trial criminal proceedings with the purpose of impeding commencement or performance of pre-trial criminal proceedings, or of attaining the taking of an illegal decision

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a public official,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

(3) *[13 December 2012]*

*[25 April 2002; 12 February 2004; 13 December 2007; 21 May 2009; 13 December 2012]*

#### **Section 295. Interference in a Trial of a Matter**

(1) For a person who in any way influences a judge or a lay judge with a purpose of impeding a legal trial of a matter, or of attaining adoption or proclamation of an illegal judgment or decision,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a public official,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

(3) *[13 December 2012]*

*[25 April 2002; 12 February 2004; 13 December 2007; 21 May 2009; 13 December 2012]*

#### **Section 296. Failure to Execute a Court Ruling and Public Prosecutor's Penal Order**

(1) For a person who fails to execute a court ruling or public prosecutor's penal order or delays the execution thereof, if it has been committed by a person who had to do it in accordance with the Law or an imposed task,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the same activities, if they have been performed by a public official who had an obligation to execute a court ruling or a public prosecutor's penal order,

the applicable punishment is deprivation of liberty for up to one year or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012; 29 October 2015]*

#### **Section 297. False Impersonation of an Accused, Victim, or Witness**

For a person who falsely impersonates an accused, a victim, or a witness, at a pre-trial criminal proceedings or in court proceedings,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[21 May 2009; 13 December 2012]*

#### **Section 298. Knowingly Providing False Information**

(1) For a person who knowingly provides false information for the purpose of causing commencement of criminal proceedings against a person

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they are related to charges regarding committing a serious or especially serious crime or creating false evidence regarding such charges, or if they have been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 May 2009; 13 December 2012]*

### **Section 299. Knowingly Submitting a False Report**

For a person who knowingly submits a false report, declaration or submission to a notary or a bailiff, if submission of a report, declaration or submission is laid down in the law,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[17 October 2002; 12 February 2004; 13 December 2012]*

### **Section 300. Knowingly Giving a False Testimony, Opinion, Translation, Explanation and Application**

(1) For a person who knowingly gives false testimony, opinion, translation, explanation or application during pre-trial criminal proceedings, in court, to a notary or bailiff, if such act has been committed by a person who has been warned regarding criminal liability for giving false testimony, opinion, translation, explanation or application,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed during performance of pre-trial criminal proceedings or trial in court of matters concerning serious or especially serious crimes, or serious consequences result therefrom, or they have been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[17 October 2002; 12 February 2004; 27 May 2004; 21 May 2009; 21 October 2010; 13 December 2012; 15 May 2014]*

### **Section 300.1<sup>1</sup> Submission of False Material or Written Evidence**

For a person who submits false material or written evidence to an investigating institution, Prosecutor's Office or to a court

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[25 September 2014]*

### **Section 301. Compelling the Giving of False Testimony, Explanations, Opinions and Translations**

(1) For a person who commits bribing, or otherwise illegally influences a witness, victim, person against whom the criminal proceedings have been commenced, detained, suspect, accused, applicant, expert or translator, for the purpose of compelling him or her to give false testimony or to certify on oath a false explanation to a court in an administrative matter, or a false opinion, or to provide a false translation, or to refrain from giving testimony or an opinion, or providing a translation,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they are related to violence or threats of violence,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(3) For the acts provided for in Paragraph one of this Section, if they are related to torture,

the applicable punishment is the deprivation of liberty for a period of up to ten years.

*[12 February 2004; 27 May 2004; 21 May 2009; 19 November 2009; 13 December 2012]*

### **Section 302. Refusal to Give Testimony or Opinions, or Provide Translations**

(1) For a person who, being a witness, a victim or another person who has been warned against giving false



testimony, commits unfounded refusal to give testimony to a pre-trial Prosecutor's Office or at a trial

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who, being an expert or translator, commits unfounded refusal to perform the tasks assigned to him or her by a pre-trial investigating institution or at a trial,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[21 May 2009; 21 October 2010; 13 December 2012]*

### **Section 303. Persons Not Liable for Refusal to Testify**

The betrothed, spouse, parents, children, brothers and sisters, grandparents and grandchildren of a person against whom criminal proceedings have been commenced, a detained person, a suspect, an accused person or a defendant, as well as the person with whom the natural person who has committed the criminal offence is living together and with whom he or she has a joint (single) household, shall not be held liable for refusal to testify.

*[21 May 2009; 13 December 2012]*

### **Section 304. Disclosure of Information Obtained from Pre-trial Criminal Proceedings**

For a person who discloses the data obtained from a pre-trial criminal proceedings without authorisation from an investigator or prosecutor until the completion of the proceedings, where he or she has been warned as to non-disclosure of relevant information,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[21 May 2009; 13 December 2012]*

### **Section 305. Violation of Provisions Regarding Special Protection of Persons**

(1) For a person who fails to comply with the procedures regarding special protection of persons set out by law, or who discloses identification data or the location of a person under protection, if it has been committed by a person who has knowledge, in connection with fulfilment of his or her official duties or other circumstances, of the information about the person under special protection and who has been warned as to non-disclosure of such information

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits intentional disclosure of the organisation, methods, tactics, means of special protection measures or information regarding the persons involved in the performance of protection measures, which has been committed by the protected person, if it has resulted in death of a human being or other serious consequences have been caused,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(4) For a person who commits acts provided for in Paragraph one or two of this Section, if it has resulted in death of a human being or other serious consequences have been caused,

the applicable punishment is deprivation of liberty for a period up to seven years.

*[5 May 2005; 13 December 2012]*

### **Section 306. Withholding of Evidence**

For a person who intentionally withholds objects, documents or other materials which may be significant as evidence in a criminal case, where a pre-trial investigating institution, prosecutor or court requests such from the person, who is not a detained, a person against whom the criminal proceedings have been commenced, a suspect, an accused,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[21 May 2009; 13 December 2012]*

### **Section 307. Illegal Activities with the Materials of a Criminal Case**

For a person who commits stealing, intentional destruction of, damage to or falsification of the materials relating to a criminal case

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

**Section 308. Alienation, Concealment, Damaging, Destruction, Disposition and Substitution of Pledged and Attached Property**

(1) For a person who commits squandering, damaging, alienation, concealing or disposition of a pledged or attached property, as well as substitution thereof

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a person entrusted with such property,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

**Section 309. Illegal Transfer of Substances and Objects to Persons who are Confined in Places of Short-term Detention and Prisons, and Illegal Receiving of Substances and Objects from Such Persons**

(1) For a person who commits unauthorised transfer of correspondence, money, food products or other objects or substances to persons who are confined in places of short-term detention or prisons or receipt thereof from such person, if it has been committed by an employee of such institutions,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

(2) For a person who commits transfer of narcotic or psychotropic substances, explosive substances, weapons or ammunition to, or receiving of such from persons who are confined in places of short-term detention or prisons

the applicable punishment is deprivation of liberty for a period of up to six years, with or without probationary supervision up to three years.

(3) For a person who commits the acts provided for in Paragraph two of this Section, if they have been committed by an employee of a place of short-term detention or prison,

the applicable punishment is deprivation of liberty for a period of up to eight years, with deprivation of the right to take up a specific office for a period of up to five years and with or without probationary supervision up to three years.

*[13 December 2012 / See Paragraph 16 of Transitional Provisions]*

**Section 310. Escape from a Place of Short-term Detention and Prison**

(1) For a person who escapes from a place of short-term detention or prison

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they are related to violence, or threats of violence against the prison guards or other official of a place of short-term detention or prison, or if they have been committed by a group of persons,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without probationary supervision for a period of up to three years.

*[21 May 2009; 13 December 2012 / See Paragraph 16 of Transitional Provisions]*

**Section 311. Assault at a Prison**

For a person who has formed an organised group of such persons, as are present at the prison, or participates in such group with the purpose of committing an assault or other violence against the official of the prison, convicted or any other person present at a prison, or who commits such assault or violence

the applicable punishment is the deprivation of liberty for a period of up to eight years, with probationary supervision

for a period of up to three years.

*[13 December 2007; 21 May 2009; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

#### **Section 312. Evasion of Serving a Punishment**

For a person who evades serving a punishment of deprivation of liberty or restriction of rights

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 21 June 2007; 13 December 2012]*

#### **Section 313. Concealing without a Prior Promise**

(1) For a person who conceals, without a prior promise, a criminal, instrumentalities or means for committing a crime, trail of a crime or objects obtained by way of crime, if the concealed crime is an especially serious crime

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if the concealed crime is an especially serious crime

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

#### **Section 314. Acquisition, Storage and Disposal of Property Obtained by a Way of Crime**

(1) For a person who acquires, stores and disposes the property the value of which does not exceed significant scale by being aware that it is obtained by way of crime

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) [22 June 2017]

(3) [22 June 2017]

*[25 April 2002; 12 February 2004; 13 December 2007; 8 July 2011; 13 December 2012; 22 June 2017]*

#### **Section 315. Failing to Inform about Crimes**

For a person who fails to inform, where it is known, that a serious or especially serious crime is being prepared or has been committed,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012; 12 November 2015]*

## **Chapter XXIV Criminal Offences Committed in State Authority Service**

#### **Section 316. Concept of a Public Official**

(1) Representatives of State authority, as well as every person who permanently or temporarily performs his or her duties in the State or local government service, including in a State or local government capital company, and who has the right to make decisions binding upon other persons, or who has the right to perform any functions regarding supervision, control, investigation, or punishment or to deal with the property or financial resources of a public person or its capital company, shall be considered to be public officials.

(2) The President, members of the Saeima, the Prime Minister and members of the Cabinet as well as officials of State institutions who are elected, appointed or confirmed by the Saeima or the Cabinet, heads of local government, their deputies and executive directors shall be considered to be public officials holding a responsible position.

(3) Officials or agents of international organisations, international parliamentary assemblies and international courts, as well as any person holding a legislative, administrative or judicial office of a foreign state or of any its administrative unit, whether such appointed or elected, as well as any person exercising a public function for a foreign state, including for any of its administrative units or public agency or public enterprise shall also be considered a public official.

(4) Within the meaning of this Section a foreign state is any territory outside the Republic of Latvia.

*[25 April 2002; 11 December 2003; 13 December 2012; 15 May 2014; 10 March 2016]*

### **Section 317. Exceeding Official Authority**

(1) For a person who, being a public official, commits intentional acts which manifestly exceed the limits of rights and authority granted to the public official by law or according to his or her assigned duties, if substantial harm has been caused thereby to State authority, administrative order or interests protected by law of a person,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the acts provided for in Paragraph one of this Section, if they are related to violence or threatened violence, or the criminal offence provided for in Paragraph one of this Section, if it has been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

(3) For the acts provided for in Paragraph one of this Section, if they are related to torture or if they have resulted in serious consequences,

the applicable punishment is the deprivation of liberty for a period of up to ten years, with the deprivation of the right to take up a specific office for a period of up to five years.

*[12 February 2004; 19 November 2009; 13 December 2012]*

### **Section 318. Using Official Position in Bad Faith**

(1) For a person who, being a public official, commits intentional acts using his or her official position in bad faith, if such acts cause substantial harm to State power, administrative order or interests protected by law of a person,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if it has been committed for the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

(3) For a person who, being a public official, commits intentional acts using his or her official position in bad faith, if such acts have caused serious consequences,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

(4) For a person who, being a public official, commits intentional acts using his or her official position in bad faith, if such acts have resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years, with deprivation of the right to take up a specific office for a period up to five years.

*[12 February 2004; 13 December 2012; 25 September 2014]*

### **Section 319. Failure to Act by a Public Official**

(1) For a person who, being a public official, commits failing to perform his or her duties, that is, if a public official intentionally or through negligence fails to perform acts which, according to law or his or her assigned duties, he or she must perform to prevent harm to State authority, administrative order or interests protected by law of a person, and if substantial harm has been caused thereby to State power, administrative order or rights and interests protected by law of a person,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for in Paragraph one of this Section, if the public official

has had the purpose of acquiring property,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

(3) For a person who, being a public official, commits failing to perform his or her duties, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

(4) For a person who, being a public official, commits failing to perform his or her duties, if it has resulted in death of two or several human beings,

the applicable punishment is deprivation of liberty for a period up to eight years, with deprivation of the right to take up a specific office for a period up to five years.

*[12 February 2004; 13 December 2012; 25 September 2014; 29 October 2015]*

### **Section 320. Accepting Bribes**

(1) For accepting a bribe, that is, material values, properties or benefits of other nature, committed by a public official personally or through an intermediary, for an already performed lawful or illegal act or permitted omission in the interests of the giver of the bribe, the person offering the bribe or other persons by using his or her official position, irrespective of whether the accepted or offered bribe was meant for this public official or any other person,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment or to take up a specific office for a period of up to two years.

(2) For accepting a bribe or the offer of a bribe, committed by a public official personally or through an intermediary, prior to the committing or non-committing of a lawful or illegal act in the interests of the giver of the bribe, the person offering the bribe or other persons by using his or her official position, irrespective of whether the accepted or offered bribe was meant for this public official or any other person,

the applicable punishment is deprivation of liberty for a period up to eight years, with or without the confiscation of property and with deprivation of the right to engage in specific employment or to take up a specific office for a period up to five years.

(3) For a person who commits the acts provided for in Paragraph one or two of this Section, if they have been committed on a large scale or if it has been committed by a group of persons according to a prior agreement, or if a bribe has been demanded,

the applicable punishment is deprivation of liberty for a period of two and up to ten years, with or without confiscation of property and with deprivation of the right to engage in specific employment or to take up a specific office for a period up to five years.

(4) For a person who commits the acts provided for in Paragraphs one and two of this Section, if they have been committed by an organised group or a public official holding a responsible position, or if a bribe has been extorted,

the applicable punishment is deprivation of liberty for a period of three and up to eleven years, with or without confiscation of property and with deprivation of the right to engage in specific employment or to take up a specific office for a period up to five years and with probationary supervision for a period up to three years.

*[19 November 2009; 8 July 2011; 13 December 2012 / See Paragraph 11 of Transitional Provisions]*

### **Section 321. Misappropriation of a Bribe**

(1) For a person who commits misappropriation of a bribe which a person has received in order to provide to a public official, or which he or she has accepted, pretending to be a public official,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

(2) For a person who commits misappropriation of a bribe which a public official has received in order to provide it to another public official, or which he or she has accepted claiming to be another public official,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property.

*[12 February 2004; 13 December 2012]*

### **Section 322. Intermediation in Bribery**

(1) For a person who commits intermediation in bribery, that is, acts manifested as the handing over of a bribe or the promising or the offering thereof from the giver of the bribe to a person accepting the bribe,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a public official,

the applicable punishment is deprivation of liberty for a period of two and up to ten years, with or without confiscation of property.

*[19 November 2009; 13 December 2012; 29 October 2015; 10 March 2016]*

### **Section 323. Giving of Bribes**

(1) For a person who commits giving or offering or promising if requested of bribes, that is, material values, properties or benefits of other nature in person or through intermediaries to a public official in order that he or she, using his or her official position, performs or fails to perform some act in the interests of the giver or person offering or promising the bribe, or in the interests of other persons, irrespective of whether the bribe promised, offered or given is for this public official or for any other person,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed on a large scale or if they have been committed by a public official, or if they have been committed by a group of persons according to a prior agreement,

the applicable punishment is deprivation of liberty for a period up to eight years, with or without the confiscation of property and with deprivation of the right to engage in specific employment or to take up a specific office for a period up to five years.

(3) For the acts provided for in Paragraph one of this Section, if they have been committed by an organised group,

the applicable punishment is deprivation of liberty for a period of two and up to ten years, with or without confiscation of property, with deprivation of the right to engage in specific employment or to take up a specific office for a period up to five years and with probationary supervision for a period up to three years.

*[19 November 2009; 8 July 2011; 13 December 2012; 10 March 2016]*

### **Section 324. Release of a Giver of a Bribe and Intermediary from Criminal Liability**

(1) A person who has given a bribe may be released from criminal liability if this bribe is extorted from this person or if, after the bribe has been given, he or she voluntarily informs of the occurrence and actively furthers the disclosure and investigation of the criminal offence. A person who has promised or given a bribe may be released from criminal liability if he or she voluntarily informs of the occurrence and actively furthers the disclosure and investigation of the criminal offence.

(2) Extortion of a bribe shall be understood to be the demanding of a bribe in order that legal acts be performed, as well as the demanding of a bribe related to threats to harm lawful interests of a person.

(3) An intermediary or abettor of a bribe may be released from criminal liability if, after commission of the criminal acts, he or she voluntarily informs of the occurrence and actively furthers the disclosure and investigation of the criminal offence.

*[25 April 2002; 13 December 2012; 10 March 2016]*

### **Section 325. Violation of Restrictions Imposed on a Public Official**

(1) For a person who commits intentional violation of the restrictions or prohibitions imposed on public officials laid down in the law, if substantial harm has been caused thereby to the interests of the State or of the public, or to interests protected by law of a person,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the criminal offence provided for by Paragraph one of this Section, if it has been committed by a public official who holds a responsible position,



the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with the deprivation of the right to engage in specific employment or to take up a specific office for a period of up to five years.

*[17 October 2002; 12 February 2004; 19 November 2009; 13 December 2012]*

### **Section 326. Unlawful Participation in Property Transactions**

(1) For a person who commits facilitating property transactions or participating in such transactions, if they have been committed for the purpose of acquiring property or due to other personal interest by a public official who, in connection with his or her official position, is prohibited from such transactions by law,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed by a public official who holds a responsible position,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine, with or without the confiscation of property and with the deprivation of the right to engage in specific employment or to take up a specific office for a period of up to five years.

*[12 February 2004; 13 December 2012]*

### **Section 326.<sup>1</sup> Trading with Influence**

(1) For a person who commits offering or giving of material values, properties or benefits of other nature to any person in person or through an intermediary, in order that he or she, using his or her official position, professional or social position, might unlawfully influence the activities of a public official, or encourage another person to unlawfully influence the activities of a public official in the interests of any person, irrespective of whether the material values, properties or benefits of other nature are intended for this person or any other person, if the elements of the crime provided for by Section 323 are not present,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits accepting an offer of material values, properties or benefits of other nature for him or herself or any other person or requesting of material values, properties or benefits of other nature for himself or herself, or any other person, in order that he or she, using his or her official position, professional or social position, might unlawfully influence the activities of a public official, or to encourage any other person to influence the activities or taking of decisions of a public official in the interests of any person, if the elements of the crime provided for by Sections 198 and 320 of this Law are not present,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment or the right to take up a specific office for a period of up to five years.

*[19 November 2009; 13 December 2012]*

### **Section 326.<sup>2</sup> Unlawful Requesting and Receiving of Benefits**

(1) For a person who knowingly commits unlawful receiving of material values, properties or benefits of other nature, where committed by an employee of a State or self-government institution, who is not a public official, or a similar person who is authorised by the State institution, himself or herself or through an intermediary, for performing or failing to perform some act, in the interests of the giver of the benefit or any other person, using his or her authority, irrespective of whether the material values, properties or benefits of other nature received are intended for this or any other person,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed on a large scale or if they have been committed by a group of persons according to prior agreement, or if they are related to requesting or extortion of material values, properties or benefits of other nature,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to engage in specific employment or the right to take up a specific office for a period of up to five years.



*[19 November 2009; 13 December 2012]*

### **Section 326.<sup>3</sup> Unlawful Giving of Benefits**

(1) For a person who commits offering or giving of material values, properties or benefits of other nature to an employee of a State or self-government institution, who is not a public official, or a similar person who is authorised by the State institution, himself or herself or through an intermediary, for performing some unlawful act, in the interests of the giver of the benefit or any other person, using his or her authority, irrespective of whether the material values, properties or benefits of other nature are intended for this or any other person,

the applicable punishment is community service, or a fine.

(2) For the commission of the same acts, if they have been committed on a large scale,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

### **Section 326.<sup>4</sup> Release of a Giver of Benefits from Criminal Liability**

A person who has unlawfully given a benefit may be released from criminal liability, if the benefit has been demanded or extorted from the person or if he or she voluntarily notifies regarding commission of criminal acts after committing them and actively furthers the disclosure and investigation of the criminal offence. A person who has offered the benefit may be released from criminal liability, if he or she voluntarily notifies regarding the act and actively furthers the disclosure and investigation of the criminal offence.

*[13 December 2012]*

### **Section 327. Forging Official Documents**

(1) For a person who commits forging a document, or issuing or using of a forged document knowing the document is forged, if it has been committed by a public official,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if they have been committed for the purpose of acquiring property or if they have been committed by a group of persons according to a prior agreement,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine, with the deprivation of the right to take up a specific office for a period of up to five years.

*[15 May 2014]*

### **Section 328. False Official Information**

For a person who knowingly commits providing false information to an institution or a public official who has the right to request such information, or commits concealing or knowingly failing to inform of a document or information, if it has been committed by a public official whose responsibilities include the providing of such information, and substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[12 February 2004; 13 December 2012]*

### **Section 329. Disclosure of Non-disclosable Information**

For a person who commits disclosure of non-disclosable information which is not an official secret, if it has been committed by a public official who has been warned concerning the non-disclosability of the information or who in accordance with the law is liable for the storage of information,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[26 May 2005; 13 December 2012; 10 March 2016]*

### **Section 330. Disclosure of Confidential Information after Leaving Office**

For a person who commits disclosure of confidential information which is not an official secret, if it has been committed by a public official after his or her resignation, within a time limit specified in a warning to him or her concerning the non-disclosure of the information,

the applicable punishment is community service, or a fine.

*[13 December 2012]*

## **Chapter XXV**

### **Criminal Offences Committed in Military Service**

#### **Section 331. Concept of a Criminal Offence and Persons to whom it Applies in the Military Service**

The criminal offences in violation of the prescribed procedures regarding performance of military service, as provided for by this Law, which are committed by soldiers, and persons regarding whom special provisions set out in laws apply, shall be regarded as criminal offences committed during military service.

*[17 October 2002]*

#### **Section 332. Being Absent Without Leave**

For a person who commits being absent without leave, that is, leaving a National Armed Forces unit or place of service, as well as failing without valid reason to appear in a place of service within a specified time, if the being absent without leave continues for more than twenty-four hours, but not longer than seventy-two hours, and if it has been committed during a war or state of emergency, in battle conditions, or during proclaimed emergency situations in the case of public disorders, terrorism or armed conflict,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[14 December 2006; 13 December 2012]*

#### **Section 333. Desertion**

For a person who commits desertion, that is, leaving of a place of service, or commits failing to appear, for the purpose of evading active service, if it has been committed during a war or state of emergency, in battle conditions, or during proclaimed emergency situations in the case of public disorders, terrorism or armed conflict,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[14 December 2006; 13 December 2012]*

#### **Section 334. Evading Active Service**

(1) For a person who commits evading performing the duties of active service by inflicting bodily injury upon oneself (self-mutilation) or simulating illness, falsifying documents or other deception, or commits refusing to perform official duties,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits the same acts, if they have been committed during war or in battle conditions,

the applicable punishment is the deprivation of liberty for a period of up to four years or temporary deprivation of liberty, or community service, or a fine.

*[14 December 2006; 13 December 2012]*

#### **Section 335. Insubordination**

(1) For a person who commits insubordination, that is, overt refusal to carry out an order of a superior, as well as other intentional failure to carry out an order, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits insubordination, as well as other intentional failure to carry out an order, if it has been committed by a group of persons or if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of

liberty, or community service, or a fine.

(3) For a person who commits insubordination, as well as other intentional failure to carry out an order during war or in battle conditions,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 336. Failure to Carry Out an Order**

For a person who commits failing to carry out an order of a superior through negligence, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 337. Resisting a Superior and Forcing him or her to Act Outside of his or her Official Duties of Service**

(1) For a person who commits resisting a superior, as well as other person in connection with performing the duties of military service imposed on him or her, or commits forcing him or her to act outside of his or her official duties, if it has been committed using violence or if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) *[13 December 2012]*

*[13 December 2012]*

#### **Section 338. Violence against a Subordinate**

(1) For a person who commits violence against a subordinate, if as a result thereof physical suffering is inflicted on the subordinate,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits infliction of intentional slight bodily injury on a subordinate,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

(3) For a person who commits infliction of intentional moderate bodily injury on a subordinate, or commits other acts, which are in the nature of torture,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(4) For a person who commits intentional infliction of serious bodily injury on a subordinate,

the applicable punishment is deprivation of liberty for a period of three years and up to twelve years.

*[13 December 2012]*

#### **Section 339. Defamation of a Soldier**

*[13 December 2012]*

#### **Section 340. Battering and Torture of a Soldier**

(1) For a person who commits intentional hitting or battering, or commits other intentional acts of violence, where commission is by a soldier as against another soldier and at least one of them is performing duties of military service,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For the commission of the same acts, if they are related to the infliction of intentional slight bodily injury,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of

liberty, or community service, or a fine.

(3) For a person who commits the acts provided for in Paragraph one of this Section, if they are related to the infliction of intentional moderate bodily injury or if they are in the nature of torture,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(4) For a person who commits the acts provided for by Paragraph one of this Section, if they are related to the infliction of intentional serious bodily injury,

the applicable punishment is deprivation of liberty for a period of three years and up to twelve years.

*[17 October 2002; 13 December 2012]*

#### **Section 341. Abuse of Power and Exceeding Official Authority**

(1) For a person who commits using power or an official position in bad faith or of exceeding official authority, where committed by a superior, if it has been committed for the purpose of acquiring property or if substantial harm is caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits using power or an official position in bad faith or of exceeding official authority, where committed by a superior, if serious consequences have been caused thereby,

the applicable punishment is deprivation of liberty for a period up to seven years.

*[13 December 2012]*

#### **Section 342. Neglect of Official Duties**

(1) For a person who commits failing to perform official duties, or commits neglectfully performing such, if as a result thereof substantial harm is caused,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits failing to perform official duties, or commits neglectfully performing such, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 343. Squandering and Loss of Official Property**

(1) *[13 December 2012]*

(2) For a person who commits selling weapons, ammunition, vehicles or military service equipment provided for official use, or commits losing such articles while violating provisions regarding their storage provisions,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[17 October 2002; 13 December 2012]*

#### **Section 344. Intentional Destruction and Damage of Military Service Property**

(1) For a person who commits intentional destruction or damage of weapons, ammunition, transport vehicles or military service equipment,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

(2) For the commission of the same acts, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 345. Destruction of and Damage to Military Service Property through Negligence**

For a person who commits destruction or damage of weapons, ammunition, transport vehicles and military service equipment through negligence, if substantial harm has been caused thereby,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[13 December 2012]*

#### **Section 346. Violation of Provisions Regarding Storage, Use, Accounting for and Transportation of Weapons, Ammunition, Explosive Substances, Radioactive and Other Dangerous Substances**

(1) For a person who commits violation of provisions regarding storage, use, accounting for and transportation of weapons, ammunition, explosive substances, radioactive substances or other dangerous substances, goods or materials, if substantial harm has been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to two years or temporary deprivation of liberty, or community service, or a fine.

(2) For a person who commits the same offence, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 347. Violation of Provisions Regarding the Operation and Use of Combat Vehicles**

For a person who commits violation of provisions regarding operation or use of combat vehicles, if death of a person or other serious consequences have been caused thereby,

the applicable punishment is deprivation of liberty for a period up to seven years.

*[13 December 2012]*

#### **Section 348. Violation of Provisions Regarding Operation of Ships**

For a person who commits violation of provisions regarding operation of ships, if a shipwreck or other serious consequence are caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to ten years.

*[13 December 2012]*

#### **Section 349. Violation of Provisions Regarding Flights and their Preparation**

For a person who commits violation of provisions regarding flights or their preparation, if a catastrophe or other serious consequence are caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to ten years.

*[13 December 2012]*

#### **Section 350. Violation of Provisions of Guard (Security Guard) Duty Regulations**

(1) For a person who commits violation of provisions of guard (security guard) duty regulations or commands or orders issued for the application of these provisions, as committed while on guard or sentry duty, guarding ammunition, weapons, fuel, equipment warehouses or other objects of importance,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

(2) For a person who commits the same offence, if serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to three years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 351. Violation of Provisions of Internal Service Regulations, Instructions or Orders**

(1) *[13 December 2012]*

(2) For a person who commits violation of provisions of internal service, instructions or orders, if it has been committed by a soldier assigned to twenty-four hour duty (with the exception of guard) and serious consequences have been caused thereby,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[17 October 2002; 13 December 2012]*

#### **Section 352. Disclosure of Military Information**

For a person who commits disclosure of confidential military information which is not an official secret,

the applicable punishment is the deprivation of liberty for a period of up to one year or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012; 10 March 2016]*

#### **Section 353. Surrendering and Abandoning Means to Wage a War to the Enemy**

For a person who, being a commander, commits surrendering entrusted military forces to the enemy or commits abandoning fortifications, combat equipment or other means of waging war to the enemy, where not justified by the battle conditions,

the applicable punishment is deprivation of liberty for a period of three years and up to ten years.

*[13 December 2012]*

#### **Section 354. Unauthorised Leaving of a Battlefield and Refusal to Use a Weapon**

For a person who commits unauthorised leaving of a battlefield during battle, or refusal to use a weapon in battle,

the applicable punishment is the deprivation of liberty for a period of up to five years or temporary deprivation of liberty, or community service, or a fine.

*[13 December 2012]*

#### **Section 355. Criminal Activity by a Soldier as a Prisoner of War**

(1) For a person who commits violence as against other prisoners of war or cruel treatment of them, if it has been committed by a prisoner of war holding the position of a senior,

the applicable punishment is deprivation of liberty for a period up to seven years.

(2) For a person who, being a soldier who is a prisoner of war, commits intentional acts against the Republic of Latvia for the purpose of supporting or assisting the enemy,

the applicable punishment is the deprivation of liberty for a period of up to ten years.

*[17 October 2002; 13 December 2012]*

#### **Section 356. Illegal Wearing and Use in Bad Faith of Insignia of the Red Cross, Red Crescent and Blue White Shield**

For a person who commits illegal wearing insignia of the Red Cross, Red Crescent or Blue White Shield in war zones, if committed by a person who does not have right thereto, or who commits the use in bad faith of the insignia of the Blue White Shield, or the flags or insignia of the Red Cross or Red Crescent, or of the colouring prescribed for medical assistance evacuation equipment, during war,

the applicable punishment is a temporary deprivation of liberty or community service, or a fine.

*[18 December 2003; 13 December 2012]*

### **Transitional Provisions**

1. The time of and procedures for the coming into force of this Law shall be prescribed by a special law.

2. The Cabinet shall formulate and submit to the Saeima a draft law On the Time of and Procedures for the Coming into Force of The Criminal Law by 1 August 1998.

3. The Cabinet shall formulate and adopt regulations by 1 August 1998:

- 1) regarding access to computer programmes and safety of information systems;
- 2) regarding restriction of prostitution.

4. Sections 282.<sup>1</sup> and 282.<sup>2</sup> of this Law shall come into force on 1 December 2003.

*[17 October 2002]*

5. Section 195.<sup>2</sup> of this Law shall come into force on 1 July 2006.

*[8 December 2005]*

6. Amendments to Section 61, Paragraph four of this Law regarding the compulsory obligation to participate in the probation programmes shall come into force on 1 January 2013. With regard to the persons who have been punished in accordance with Sections 159, 160, 161, 162, 162.<sup>1</sup>, 164, 165, and 166 of this Law, the amendment to Section 61, Paragraph four of this Law regarding the compulsory obligation to participate in the probation programmes shall come into force on 1 October 2011.

*[30 October 2008; 16 June 2009; 8 July 2011]*

7. Section 58.<sup>1</sup>, Paragraph four, Clauses 2.<sup>1</sup> and 3 of this Law shall not be applied until 31 December 2012.

*[16 June 2009]*

8. Amendments to Section 65, Paragraph two of this Law regarding the reduction of the time period for the punishment of deprivation of liberty and non-application of such type of punishment shall apply to minors who have committed a criminal offence after coming into effect of this amendment.

*[16 June 2009]*

9. The regulation provided for in Paragraphs 1 and 2 of the Transitional Provisions of the law On Amendments to The Criminal Law of 21 October 2010 in the part regarding the criminal proceedings in the proceedings of courts, the Prosecutor's Office and pre-trial investigating institutions regarding criminal offences, which are qualified on the basis of Section 149, shall be applied only in relation to such criminal proceedings, in which the criminal offence has been qualified on the basis of Section 149, Paragraph one of The Criminal Law. The qualification of the offence in criminal cases in the proceedings of courts, the Prosecutor's Office and pre-trial investigating institutions regarding criminal offences, which have been committed until 31 December 2010 and qualified on the basis of Section 149, Paragraphs two, three and four of The Criminal Law shall not be amended and a punishment, which was in effect until 31 December 2010, shall be applied to the persons.

*[2 December 2010]*

10. Amendments to Section 36, Paragraph two, Clause 5, Section 45, Section 52, Paragraph one, Clause 3 and Section 55, Paragraph five of this Law regarding the exclusion of the additional punishment - police supervision - shall come into force on 1 January 2015.

*[8 July 2011]*

11. Amendments to Section 98, Paragraph three, Section 99, Paragraph four, Sections 116, 117, 118, 125, Section 148, Paragraph three, Section 152, Paragraph three, Section 153, Paragraph three, Section 154, Paragraph three, Section 154.<sup>1</sup>, Paragraph three, Section 165.<sup>1</sup>, Paragraph three, Section 174, Section 175, Paragraph four, Section 176, Section 177, Paragraph three, Section 177.<sup>1</sup>, Paragraph three, Section 183, Paragraph two, Section 184, Section 187, Paragraph two, Section 190.<sup>1</sup>, Paragraph three, Section 192, Paragraph two, Section 193, Paragraph four, Section 193.<sup>1</sup>, Paragraph three, Section 195, Paragraph three, Section 206, Paragraph three, Section 218, Paragraph three, Section 220.<sup>1</sup>, Paragraph three, Section 221, Paragraph three, Section 221.<sup>1</sup>, Paragraph three, Sections 224, 225, Section 231, Paragraph two, Section 233, Paragraph three, Section 243, Paragraph three, Sections 253, 253.<sup>1</sup>, Section 269, Paragraph two, Section 285, Paragraph three, Section 311, Section 314, Paragraph three, Section 320, Paragraph four, Section 323, Paragraph three of this Law regarding substitution of the additional punishment - police supervision - with the additional punishment - probationary supervision - shall come into force on 1 January 2015.

*[14 March 2013]*

12. The additional punishment - police supervision - shall continue to be applied to persons who until 30 September 2011 have committed the criminal offences provided for in Sections 159, 160, 164, 165 and 166 of this Law and to persons who until 31 December 2014 have committed another criminal offence provided for in the Special Part of this Law.



*[8 July 2011]*

13. The persons to whom it has been adjudged shall continue to serve the additional punishment, and the following conditions of execution of police supervision shall be applicable thereto:

1) when a person has been conditionally released from serving a punishment, the fulfilment of the additional punishment - police supervision - shall be commenced from the moment when the supervision of the person after conditional release has ended;

2) a court may, pursuant to a submission of the police institution, reduce the time period of police supervision or revoke;

3) if a convicted person, while serving the additional punishment, has committed a new crime, a court shall substitute the unserved time period of additional punishment with deprivation of liberty and determine the final punishment in accordance with the provisions provided for in Section 51 of this Law by counting two days of police supervision as one day of deprivation of liberty;

4) if a person for whom police supervision has been determined by a court judgment violates its provisions in bad faith, a court may, pursuant to a submission of the police institution, replace the time period of an additional unserved punishment by counting two police supervision days as one day of deprivation of liberty. The provisions of police supervision shall be violated in bad faith if within a year a person has twice been administratively punished for such violation.

*[8 July 2011; 16 October 2014]*

14. The additional punishment - probationary supervision - shall be applied from 1 October 2011 to persons who have committed the criminal offence provided for in Sections 159, 160, 161, 162, 162<sup>1</sup>, 164, 165, and 166 of this Law after 30 September 2011, and from 1 January 2015 to persons who have committed another criminal offence provided for in the Special Part of this Law after 31 December 2014.

*[29 October 2015]*

14.<sup>1</sup>When determining a punishment for several criminal offences in accordance with Section 50 of The Criminal Law, or according to several judgements in accordance with Section 51 of The Criminal Law and finding that both a police supervision and probationary supervision has been applied to a person, the police supervision shall be included in the probationary supervision regardless of the time period set for the police supervision.

*[10 March 2016]*

15. The norms of this Law which are applicable to persons who have been sentenced to life imprisonment shall be applicable to persons for whom the death penalty has been replaced with deprivation of liberty.

*[1 December 2011]*

16. Amendments to Section 78, Paragraph two, Sections 80, 80.<sup>1</sup>, 82, 86, 87, 88, 88.<sup>2</sup>, 88.<sup>3</sup>, <sup>1</sup> and 107, Section 124, Paragraph two, Section 126, Paragraph two, Section 152, Paragraph two, Section 153, Paragraphs one and two, Section 154, Paragraphs one and two, Section 154.<sup>1</sup>, Paragraph two, Section 165.<sup>1</sup>, Paragraph two, Section 179, Paragraph three, Section 183, Paragraph one, Section 185, Paragraph two, Section 190, Paragraph three, Section 191, Paragraph three, Section 230, Section 251, Paragraphs two and three, Section 252, Paragraph three, Section 268, Section 309, Paragraphs two and three and Section 310, Paragraph two regarding additional punishment - probationary supervision - shall come into force on 1 January 2015.

*[13 December 2012]*

17. Regulation of the Law, which was in force until 31 January 2015, regarding complete or partial revocation of imposed obligations, carrying out of the punishment imposed in the judgment or extending the term of probation for a person upon whom suspended sentence has been imposed shall apply in relation to persons upon whom suspended sentence was imposed until 31 January 2015.

*[16 October 2014]*

18. Regulation of the Law, which was in force until 31 January 2015, regarding the execution of the unserved part of the sentence for a person who has been conditionally released shall apply to persons who have been conditionally released prior to the completion of the punishment until 31 January 2015.

*[16 October 2014]*

19. Section 61, Paragraphs 2.<sup>1</sup>, 3.<sup>1</sup>, 4.<sup>1</sup> and 4.<sup>2</sup>, Section 61.<sup>1</sup>, and Section 65, Paragraph 3.<sup>1</sup> of this Law shall come into force on 1 July 2015.

*[15 January 2015]*

20. Amendments to the title of Section 84, to the disposition and sanction of Paragraph one of this Law shall come into force concurrently with the international and Latvian national law on sanctions.

*[28 January 2016 / The abovementioned amendments shall be included in the wording of the Law on 1 March 2016]*

21. The norms of Chapter VIII<sup>2</sup> of this Law regarding those criminal offences that have been committed until 31 July 2017 shall be applicable insofar, as they are not more unfavourable as the norms of The Criminal Law which governed the actions with criminally acquired property at the time of committing the respective criminal offence.

*[22 June 2017]*

## **Informative Reference to European Union Directives**

*[21 October 2010; 16 June 2011; 13 December 2012; 15 May 2014; 25 September 2014; 16 October 2014; 28 January 2016; 22 June 2017]*

This Law contains legal norms arising from:

- 1) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds;
- 2) Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering;
- 3) Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons;
- 4) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;
- 5) Council Directive 93/15/EEC of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses;
- 6) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data;
- 7) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;
- 8) Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues;
- 9) Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering;
- 10) Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements;
- 11) Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC;
- 12) Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law;
- 13) Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements;
- 14) Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals;
- 15) Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA;
- 16) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA;
- 17) Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against

information systems and replacing Council Framework Decision 2005/222/JHA;

18) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC;

19) Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive);

20) Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the *euro* and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA;

21) Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.

This Law has been adopted by the Saeima on 17 June 1998.

President G. Ulmanis

Riga, 8 July 1998

**NOTE.**

Transitional Provision of the law Amendments to The Criminal Law of 22 June 2017:

"Persons who have committed a criminal offence until the day this Law comes into force shall be punished in accordance with those norms of The Criminal Law that were in force at the time when the offence was committed."

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

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