

Act

of 6 June 1997

The Penal Code

GENERAL PART

Chapter I

Principles of penal liability

Article 1. § 1. Penal liability shall be incurred only by a person who commits an act prohibited under penalty, by a law in force at the time of its commission.

§ 2. A prohibited act whose social consequences is insignificant shall not constitute an offence.

§ 3. The perpetrator of an prohibited act does not commit an offence if guilt cannot be attributed to him at the time of the commission of the act.

Article 2. Penal liability for an offence with criminal consequences committed by omission shall be incurred only by a person who had borne a legal, special duty to prevent such a consequence.

Article 3. Penalties and other measures provided for in this Code shall be applied with a view to humanitarian principles, particularly with the respect for human dignity.

Article 4. § 1. If at the time of adjudication the law in force is other than that in force at the time of the commission of the offence, the new law shall be applied. However, the former law should be applied if it is more lenient to the perpetrator.

§ 2. If, according to the new law, the act to which the sentence pertained is subject to a penalty whose upper limit is lower than the penalty imposed, this penalty shall be lowered to the upper limit of the statutory penalty provided for such an act in the new law.

§ 3. If, according to the new law, the act to which the sentence pertained, is no longer subject to penalty of imprisonment, such an enforceable penalty is commuted to a fine or to a restriction of liberty, assuming that one month deprivation of liberty is equivalent to 60 times the daily fine or two months restriction of liberty.

§ 4. If according to the new law the act to which the sentence pertained is no longer prohibited under penalty, the sentence shall be expunged by virtue of the law.

Article 5. The Polish penal law shall be applied to the perpetrator who committed a prohibited act within the territory of the Republic of Poland, or on a Polish vessel or aircraft, unless an international agreement to which the Republic of Poland is a party stipulates otherwise.

Article 6 § 1. A prohibited act shall be deemed to have been committed at the time when the perpetrator has acted or omitted to take an action which he was under obligation to perform.

§ 2. A prohibited act shall be deemed to have been committed at the place where the perpetrator has acted or has omitted an action which he was under obligation to perform, or where the criminal consequence has ensued or has been intended by the perpetrator to ensue.

Article 7. § 1. The offence is either a crime or a misdemeanour.

§ 2. The crime is a prohibited act subject to penalty of imprisonment of not less than 3 years or to a more severe penalty.

§ 3. A misdemeanour is a prohibited act subject to penalty of a fine higher than 30 times the daily fine, penalty of restriction of liberty or penalty of deprivation of liberty not exceeding one month.

Article 8. A crime may be committed only with intent; the misdemeanour may also be committed without intent, if the law so stipulates.

Article 9. § 1. A prohibited act is committed with intent when the perpetrator has the will to commit it, that is when he is willing to commit or foreseeing the possibility of perpetrating it, he accepts it.

§ 2. A prohibited act is committed without intent when the perpetrator not having the intent to commit it, nevertheless does so because he is not careful in the manner required under the circumstances, although he should or could have foreseen the possibility of committing the prohibited act.

§ 3. The perpetrator shall be liable to a more severe liability which the law makes contingent on a certain consequence of a prohibited act, if he has and could have foreseen such a consequence.

Article 10. § 1. Whoever commits a prohibited act after having attained the age of 17 years shall be liable under the provisions of this Code.

§ 2. A juvenile, who after attaining the age of 15 years shall commit the prohibited act specified in the following: Article 134, Article 148. § 1, 2 or 3, Article 156 § 1 or 3, Article 163 § 1 or 3, Article 166,

Article 173 § 1 or 3, Article 197 § 3, Article 252 § 1 or 2 and in Article 280, may be liable under the provisions specified in this Code, if the circumstances of the case and the mental state of development of the perpetrator, his characteristics and personal situation warrant it, and especially when previously applied educational or corrective measures have proved ineffective.

§ 3. In the case specified in § 2, the penalty imposed may not exceed two-thirds of the statutory maximum penalty for the offence imputed to the perpetrator; the court may also apply an extraordinary mitigation of punishment.

§ 4. With regard to the perpetrator who commits a prohibited act after having attained 17 years of age but before having reached the age of 18 years, the court shall, instead of a penalty, adopt educational, therapeutic, or corrective measures prescribed for juveniles, if the circumstances of the case and the mental state of development of the perpetrator, his characteristics and personal situation warrant it.

Article 11. § 1. The same act may constitute only one offence.

§ 2. If an act has features specified in two or more provisions of penal law, the court shall sentence the perpetrator for one offence on the basis of all concurrent provisions.

§ 3. In the case specified in § 2 the court shall impose the penalty on the basis of the provision providing for the most severe penalty, which shall not prevent the court from imposing other measures provided for in law on the basis of all concurrent provisions.

Article 12. Two or more prohibited acts of conduct undertaken at short intervals with premeditated intent shall be regarded as one prohibited act; if the subject of the assault is a personal

interest, the condition for regarding many acts as a single prohibited act, is the specific identity of the injured.

Chapter II

Forms of Commission of an Offence

Article 13 § 1. Whoever with the intent to commit a prohibited act, directly attempts its commission through his conduct which, subsequently however does not take place, shall be held liable for an attempt.

§ 2. An attempt also occurs when the perpetrator is not himself aware of the fact that committing it is impossible because of the lack of a suitable object on which to perpetrate the prohibited act or because of the use of means not suitable for perpetrating this prohibited act.

Article 14 § 1. The court shall impose a penalty for an attempt within the limits of the penalty provided for the given offence.

§ 2. In the case specified in Article 13 § 2 the court may apply extraordinary mitigation of punishment or even renounce its imposition.

Article 15 § 1. Whoever has voluntarily abandoned the prohibited act or prevented the consequence shall not be subject to penalty for the attempt.

§ 2. The court may apply an extraordinary mitigation of punishment to a perpetrator who has voluntarily attempted to prevent the consequence which constituted a feature of the prohibited act.

Article 16. § 1. Preparation only occurs when the perpetrator, in order to commit a prohibited act, undertakes activities aimed at creating the conditions for effecting an act leading directly to commission of the prohibited act, particularly when, for this purpose, he enters into an arrangement with another person, acquires or makes ready the means, gathers information or concludes a plan of action.

§ 2. Preparation is subject to a penalty only when the law so provides.

Article 17. § 1. Whoever voluntarily abandoned preparation, and particularly, when he destroyed the prepared means or prevented them from being utilised in the future shall not be subject to penalty. In the case of entering an arrangement with another person in order to commit a prohibited act, whoever undertook an essential endeavour aimed at preventing the commission of the prohibited act, shall not be subject to penalty.

§ 2. The person to whom Article 15 § 1 applies shall not be liable to penalty for preparation.

Article 18. § 1. Not only the person who has committed a prohibited act himself or together and under arrangement with another person, but also a person who has directed the commission of a prohibited act by another person, or taken advantage of the subordination of another person to him, orders such a person to commit such a prohibited act, shall be liable for perpetration.

§ 2. Whoever, willing that another person should commit a prohibited act, induces the person to do so, shall be liable for instigating.

§ 3. Whoever, with an intent that another person should commit a prohibited act, facilitates by his behaviour the commission of the act, particularly by providing the instrument, means of transport, or giving

counsel or information, shall be liable for aiding and abetting. Furthermore, whoever, acting against a particular legal duty of preventing the prohibited act, facilitates its commission by another person through his omission, shall also be liable for aiding and abetting.

Article 19. § 1. The court shall impose the penalty for instigating, and aiding and abetting within the limits of the sanction provided in law for perpetrating.

§ 2. In imposing the penalty for aiding and abetting, the court may apply extraordinary mitigation of punishment.

Article 20. Each persons co-operating in the perpetration of a prohibited act shall be liable within the limits of his intent or a lack of it, irrespective of the liability of others co-operating in the perpetration.

Article 21. § 1. Circumstances pertaining to an individual, excluding or mitigating, or aggravating his criminal liability shall be taken into account only with regard to the person they pertain to.

§ 2. If an individual circumstance regarding the perpetrator, even if it is conducive only to aggravation of penalty, constitutes a feature of a prohibited act, the person co-operating shall be held liable under criminal law, for this prohibited act, when he knew about this circumstance, even though it did not pertain to himself.

§ 3. With regard to a person co-operating to whom the circumstance referred to under § 2 does not apply, the court may apply extraordinary mitigation of punishment.

Article 22. § 1. When the commission of an prohibited act was only attempted, the subject specified in Article 18 §§ 2 and 3 shall be liable as for an attempt.

§ 2. When the commission of a prohibited act was not attempted, the court may apply extraordinary mitigation of punishment or even renounce the imposition of the penalty.

Article 23. § 1. A person co-operating in the perpetration of an prohibited act, who voluntarily prevented its perpetration shall not be liable for penalty.

§ 2. The court may apply extraordinary mitigation of punishment with regard to a person co-operating in perpetration, who voluntarily tried to prevent the perpetration thereof.

Article 24. Whoever incites another person to commit a prohibited act, in order to direct criminal proceedings towards such a person, shall be liable as for instigating; in this case Articles 22 and 23 shall not be applied.

Chapter III. **Exclusion of penal liability**

Article 25. § 1. Whoever in necessary defence repels a direct illegal attack on any [interest](#) protected by law, shall not be deemed to have committed an offence.

§ 2. In the event that the limits of necessary defence have been exceeded, in particular when the perpetrator has used a means of defence disproportionate to the danger of the attack, the court may apply extraordinary mitigation of the penalty and even renounce its imposition.

§ 3. The court shall renounce the imposition of the punishment if exceeding the limits of necessary defence resulted from fright or emotional distress, as justified by the circumstances of the attack.

Article 26. § 1. Whoever acts with the purpose of averting an immediate danger threatening any interest protected by law, if the danger cannot otherwise be avoided but the interest sacrificed has a lower value than that of the interest rescued, he shall be deemed to have not committed an offence.

§ 2. Whoever rescues any interest protected by law under the circumstances defined in § 1, or sacrifices an interest which does not represent a value manifestly greater than the interest being rescued, he shall also be deemed to have not committed an offence.

§ 3. In the event that the limits of necessary defence have been exceeded, the court may apply an extraordinary mitigation of the penalty or even renounce its imposition.

§ 4. The provisions of § 2 shall not be applied when the perpetrator sacrifices an interest which he has a special duty to protect even by exposing himself to personal danger.

§ 5. The provisions of § 1 through 3 shall be applied accordingly when only one of the obligations borne by the perpetrator can be fulfilled.

Article 27. § 1. Whoever acts with the purpose of conducting a cognitive, medical, technical or economic experiment, shall not commit an offence when the expected benefit is of an essential cognitive, medical or economic importance, and the expectation of these benefits, their purposefulness and the way of conducting the experiment are justified according to the present state of knowledge.

§ 2. An experiment is inadmissible without the consent of a participant subject thereto, duly informed of the expected benefits and the danger of adverse effects and of the probability of their occurrence, as well as of the possibility of withdrawing one's participation in the experiments at any stage thereof.

§ 3. The principles and conditions for admitting experiments shall be provided for in law.

Article 28. § 1. Whoever commits an act while being in error as to a circumstance constituting a feature of an prohibited act, shall not intentionally commit an offence.

§ 2. Whoever commits an offence in the justified but mistaken conviction that a circumstance has

occurred, which constitutes a feature of a prohibited act carrying a less severe penalty, shall be subject to criminal liability under the provision regarding the circumstance warranting this lesser liability.

Article 29. Whoever commits a prohibited act in the justified but mistaken conviction that a circumstance has occurred which excludes unlawfulness or guilt, shall not commit an offence; if the mistake of the perpetrator is not justifiable, the court may apply extraordinary mitigation of the penalty.

Article 30. Whoever commits a prohibited act while being justifiably unaware of its unlawfulness, shall not commit an offence; if the mistake of the perpetrator is not justifiable, the court may apply an extraordinary mitigation of the penalty.

Article 31. § 1. Whoever, at the time of the commission of a prohibited act, was incapable of recognising its significance or controlling his conduct because of a mental disease, mental deficiency or other mental disturbance, shall not commit an offence.

§ 2. If at the time of the commission of an offence the ability to recognise the significance of the act or to control one's conduct was diminished to a significant extent, the court may apply an extraordinary mitigation of the penalty.

§ 3. The provisions of § 1 and 2 shall not be applied when the perpetrator has brought himself to a state of insobriety or intoxication, causing the exclusion or reduction of accountability which he has or could have foreseen.

Chapter IV. **Penalties**

Article 32. The penalties are:

- 1) fine,
- 2) restriction of liberty

- 3) deprivation of liberty,
- 4) deprivation of liberty for 25 years,
- 5) deprivation of liberty for life.

Article 33. § 1. A fine shall be imposed in terms of daily rates defining the number of daily rates to be levied and the amount of each rate; unless otherwise provided by law, the lowest number of daily rates shall be 10, and the highest shall be 360.

§ 2. The court may also impose a fine also in addition to the penalty of deprivation of liberty as specified in Article 32 subsection 3, if the perpetrator has committed the act in order to gain material benefit or when he has gained such benefit.

§ 3. In setting the daily rate, the court shall consider the income of the perpetrator, his personal situation, family situation, property relationships and his earning capacity; the daily rate may not be lower than 10 Polish zlotys or higher than 2000 Polish zlotys.

Article 34. § 1. Unless otherwise provided by law, the penalty of restriction of liberty shall be for not less than one month and not more than 12 months; it is imposed in terms of months.

§ 2. While serving the penalty of restriction of liberty, the sentenced person:

- 1) may not change his permanent place of residence without the permission of the court,
- 2) shall be obligated to perform work designated by the court,
- 3) shall be obligated to provide explanations regarding the progress of terms of serving the penalty.

Article 35. § 1. The obligation specified in Article 34 § 2 subsection 2 shall be to perform supervised work for 20 to 40 hours a month, without remuneration and for community purposes designated by the court, in a suitable establishment, health service or social welfare unit, organisation or institution conducting charity work or work for the purposes of a local community.

§ 2. With regard to an employee, the court may decide that, instead of the obligation specified in § 1, between 10 and 25% of the remuneration shall be deducted for the benefit of the State Treasury or for the community purpose so designated by the court; the sentenced person while undergoing this penalty may not terminate his employment without the permission of the court.

§ 3. After hearing the sentenced person's statement, the court shall determine the place, time, type and method of fulfilling the obligation of work, referred to in § 1.

Article 36. § 1. In imposing the penalty of restriction of liberty the court may place the sentenced person under the supervision of a probation officer [*kurator*] or a person of public trust, association, institution or community organisation whose statutory responsibilities include education, preventing public demoralisation or providing assistance to the sentenced persons.

§ 2. In imposing the penalty of restriction of liberty, the court may decide to impose on the sentenced person, the obligations specified in Article 72 § 1 subsections 2, 3 or 5, and § 2.

§ 3. Article 74 shall be applied accordingly.

Article 37. The penalty of deprivation of liberty listed in Article 32 subsection 3 shall be for no less than one month and not more than 15 years; it shall be imposed in years and months.

Article 38. § 1. If law provides for mitigation or an extraordinary enhancement of the statutory maximum penalty, in the case of the alternative prescription of penalties listed in Article 32 subsection 1 through 3, the mitigation or enhancement shall relate to each of these penalties.

§ 2. The extraordinarily enhanced penalty may not exceed 540 times the daily rates of fine, 18 months of restriction of liberty or 15 years of deprivation of liberty.

§ 3. If law provides for mitigation of the maximum statutory penalty, the penalty imposed for an offence carrying the penalty of deprivation of liberty for life may not exceed 25 years, and for an offence carrying the penalty of deprivation of liberty for 25 years may not exceed 15 years.

Chapter V. Penal measures

Article 39. The penal measures are:

- 1) deprivation of public rights,
- 2) interdiction preventing the occupation of specific posts, the exercise of specific professions or to engage in specific economic activities,
- 3) interdiction on driving vehicles,
- 4) forfeiture of items,
- 5) obligation to redress the damage,
- 6) supplementary payment to the injured or for a public purpose,
- 7) pecuniary consideration,
- 8) making the sentence publicly known.

Article 40. § 1. The deprivation of civil [*public*] rights shall include the loss of the right to vote and to be elected to the legislature, professional or business self-governing bodies, the loss of the right to participate in the administration of justice, and interdiction to perform functions in state administration, local government and professional self-governing bodies; as well as the loss of military rank attained and demotion to the rank of private; the deprivation of civil rights also includes the loss of decorations, distinctions and honorary titles as well as the loss of the capacity of acquiring them during the period of the deprivation of rights.

§ 2. The court may decide on the deprivation of civil rights in the event of sentencing to the deprivation of liberty, for a period of not less than 3 years for an offence committed with motives deserving particular reprobation.

Article 41. § 1. If the perpetrator, at the time of committing the offence, has abused his post or

profession, or has shown that by his continuing in the present post or profession would threaten certain essential interests protected by law would be threatened, the court may decide on an interdiction preventing the occupation of specific posts or the exercise of specific professions.

§ 2. In the event that a perpetrator has been sentenced for an offence related to a certain economic activity, the court may decide on an interdiction to engage preventing the engaging in this activity, if further continuing thereof would threaten certain essential interests protected by law.

Article 42. § 1. In case of the sentencing of a person participating in traffic for an offence against the safety thereof, the court may decide on an interdiction from on driving specified types of vehicles, especially when the circumstances of the offence committed, indicate that driving a vehicle by this person would endanger public safety in traffic.

§ 2. If, at the time of the commission of an offence specified in §1, the perpetrator was in the state of inebriation or under the influence of narcotics or had fled from the scene of the event described in Article 173, 174 or 177, the court shall impose interdiction on driving any type of motorised vehicle, or specified type of motorised vehicles.

Article 43. §1. Unless otherwise provided for in law, the deprivation of civil rights and interdictions specified in Article 39 subsections 2 or 3 shall be imposed in terms of years for a period ranging from one to 10 years.

§ 2. The deprivation of rights or an interdiction imposed by the court shall take effect from the time the sentence becomes final and valid; the period for which they were imposed does not run during the serving of a penalty of deprivation of liberty, even if the latter has been imposed for another offence.

§ 3. When imposing the measure described in Article 42, the court imposes an obligation to surrender the relevant document (driving licence); the period for which the interdiction has been imposed shall not begin until this obligation has been met.

Article 44. § 1. The court shall impose the forfeiture of items directly derived from an offence, unless they are subject to return to the injured person or to another entity.

§ 2. The court may decide on the forfeiture of the items which served or were designed for committing the offence unless they are subject to the return to another entity.

§ 3. The forfeiture described in § 2 shall not be applied if its imposition would not be commensurate with the severity of the offence committed, the court may impose a supplementary payment to the State Treasury.

§ 4. In the event that the perpetrator has intentionally prevented the possibility of imposing the forfeiture of items specified in §§ 1 or 2, the court may impose the obligation to pay a pecuniary equivalent of their value.

§ 5. In the event that the conviction has pertained to an offence of violating a prohibition of production, possession or dealing in or transporting specific items, the court may decide on the forfeiture thereof.

§ 6. If the items referred to in §§ 2 or 5 are not the property of the perpetrator, the forfeiture may be decided by the court only in the cases provided for in law; in the case of co-ownership, the decision shall cover only the forfeiture of the share owned by the perpetrator, or the obligation to pay a pecuniary equivalent of its value.

§ 7. Property which is the subject of forfeiture shall be transferred to the ownership of the State Treasury at the time the sentence becomes final and valid.

Article 45. In the case of sentencing the perpetrator referred to in Article 65, the court may decide on forfeiture of the material benefits gained, even indirectly, from the offence.

Article 46. § 1. In the case of conviction for causing death, serious detriment to health, disturbance to the functioning of a bodily organ or disturbance to health, an offence against safety in traffic or an offence against the environment, property or commerce, the court, upon a motion from the injured

person or from another person so entitled, shall impose the obligation to redress the damage caused, in whole or in part. The provision of civil law on statutes of limitation regarding claims and the possibility to adjudge an annuity, shall not be applied.

§ 2. Instead of the obligation referred to in § 1, the court may decide upon a supplementary payment to the injured, in order to compensate them for any serious detriment to health, disturbance to the functioning of a bodily organ or disturbance to health, or for any wrong suffered.

Article 47. § 1. In the case of conviction for an intentional offence against life or health, or for any other intentional offence which has resulted in the death of a person, serious detriment to health, disturbance to the functioning of a bodily organ or disturbance to health, the court may impose a supplementary payment for a designated purpose connected with health protection.

§ 2. In the case of conviction for an offence against the environment, the court may impose a supplementary payment for a purpose connected with environmental protection.

Article 48. § 1. The amount of the supplementary payment shall not exceed the lowest monthly salary at the time of deciding the case in the first instance by a multiple of ten.

§ 2. The supplementary payment described in Article 47 § 2 may be imposed on a multiple of between three and twenty times the lowest monthly salary at the time of deciding the case in the first instance.

Article 49. In renouncing the punishment, and also in the cases prescribed in by in law, the court may decide on pecuniary consideration as described in Article 39 subsection 7, for a designated community purpose; this consideration shall not exceed by a multiple of three the amount of the lowest monthly salary at the time of deciding the case in the first instance.

Article 50. In the cases prescribed by a law, the court may decide to make the sentencing

judgement public in the manner it has designated.

Article 51. The court, in deciding to deprive or restrict parental or guardianship rights in the event of an offence committed to the detriment of a minor or in co-operation with a minor, shall notify the competent family court.

Article 52. In the event of sentencing for an offence which brought material benefits to a natural or legal person or an organisational unit not possessing the status of a legal person, and committed by a perpetrator who acted on its behalf or in its interest, the court shall obligate the entity which acquired the material benefit, to return it in whole or in part to the benefit of the State Treasury; this shall not affect the material benefit subject to return to another entity.

Chapter VI. Principles of the imposition of penalty and penal means

Article 53. § 1. The court shall impose the penalty according to its own discretion, within the limits prescribed by law bearing in mind that its harshness should not exceed the degree of guilt, considering the level of social consequences of the act committed, and taking into account the preventive and educational objectives which the penalty has to attain with regard to the sentenced person, as well as the need to develop a legal conscience among the public.

§ 2. In imposing the penalty, the court shall above all take into account the motivation and the manner of conduct of the perpetrator, committing the offence together with a minor, the type and degree of transgression against obligations imposed on the perpetrator, the type and dimension of any adverse consequences of the offence, the characteristics and personal conditions of perpetrator, his way of life prior to the commission of the offence and his conduct thereafter, and particularly his efforts to redress the damage or to compensate the public perception of justice in another form. The court shall also consider the behaviour of the injured person.

§ 3. In imposing the penalty, the court shall also take into consideration the positive results of the mediation between the injured person and the perpetrator, or the settlement reached by them in the proceedings before the state prosecutor or the court.

Article 54. § 1. In imposing a penalty on a minor or a juvenile, the court shall first and foremost aim to educate the perpetrator.

§ 2. The penalty of the deprivation of liberty for life shall not be imposed on the perpetrator who was under 18 at the time of the commission of the offence.

Article 55. Circumstances affecting the imposition of the penalty shall be taken into consideration only with regard to the person to whom they pertain.

Article 56. The provisions of Article 53, Article 54 § 1 and Article 55 shall be applied accordingly, to the imposition of other means provided for in this code.

Article 57. § 1. In the event of the concurrence of several independent grounds for the extraordinary mitigation or enhancement of a penalty, the court may mitigate or enhance the penalty only once, considering jointly the concurrent grounds for mitigation or enhancement.

§ 2. In the event of the concurrence of the grounds for extraordinary mitigation and enhancement, the court may adopt an extraordinary mitigation or enhancement of the penalty.

Article 58. § 1. If the law provides for an option of the type of penalty, the court shall impose the penalty of deprivation of liberty without suspending execution thereof, only when no other penalty or penal measure would not serve the purpose thereof.

§ 2. No fine shall be imposed when the income of the perpetrator, his situation or potential to earn provide reasonable grounds for the supposition that the perpetrator would not honour the fine and that

enforcing the same by execution would not be possible.

§ 3. If the offence is subject to a penalty of a deprivation of liberty not exceeding 5 years, the court, instead of imposing this penalty may impose a fine or a penalty of restriction of liberty, particularly when it imposes a penal measure at the same time.

§ 4. The provision of § 3 does not apply to the perpetrator of an intentional misdemeanour who has previously been sentenced to a deprivation of liberty for a period of not less than 6 months without conditional suspension of its execution.

Article 59. If the offence is subject only to a penalty of a deprivation of liberty not exceeding 3 years or, alternatively, to the penalties specified in Article 32, sections 1 through 3, and the social consequences of the act are not great, the court may renounce the imposition of the penalty if it decides to impose a penal measure at the same time, and the purpose of such a penalty is thus served by the measure.

Article 60. §1. The court may apply an extraordinary mitigation of the penalty in the cases specified by law, as well as with respect to a juvenile if this is justified by objectives described in Article 54 § 1.

§ 2. The court may also apply an extraordinary mitigation of the penalty in particularly justified cases when even the lowest penalty stipulated for the offence in question would be incommensurate, and particularly:

- 1) if the injured person and the perpetrator have been reconciled, the damage incurred has been repaired, or the injured person and the perpetrator have agreed as to the manner of reparation for the damage,
- 2) taking into consideration the attitude of the perpetrator, particularly if he attempted to repair the damage or prevent the damage from occurring,

- 3) if a perpetrator of an unintentional offence or someone close to him has suffered a major detriment in connection with the offence committed.

§ 3. The court shall be applied an extraordinary mitigation of the penalty or may even conditionally suspend the execution of the penalty, with respect to a perpetrator who, co-operating with others in the commission of an offence, reveals information pertaining to the persons involved therein or essential circumstances thereof, to the agency responsible for its prosecution.

§ 4. Upon a motion from the state prosecutor, the court may apply an extraordinary mitigation of the penalty or even conditionally suspend the execution of the penalty with respect to a perpetrator, who, irrespective of any explanation provided in his case, revealed and presented to the agency responsible for prosecution, essential circumstances, not previously known to that agency, of an offence subject to a penalty exceeding 5 years deprivation of liberty.

§ 5. In the cases referred to in § 3 and 4, the court, in imposing the penalty of deprivation of liberty for up to 5 years, may conditionally suspend the execution of the penalty for a probation period of up to 10 years, if it recognises that, in spite of not serving the penalty, the perpetrator would not commit the offence again; the provisions of Articles 71 through 76 shall be applied accordingly.

§ 6. The extraordinary mitigation of a penalty shall consist in the imposition of a penalty below the lower statutory level, or the imposition of a penalty of lesser severity, in accordance with the following principles:

- 1) if the act in question constitutes a crime, the court shall impose a penalty of not less than one-third of the lower statutory level;
- 2) if the act in question constitutes a misdemeanour, and the lower statutory level of the penalty is not less than one year's deprivation of liberty, the court shall impose either a fine, the penalty of restriction of liberty or deprivation of liberty;

- 3) if the act in question constitutes a misdemeanour, and the lower statutory level of penalty is less than one year's deprivation of liberty, the court shall impose either a fine or the penalty of restriction of liberty.

§ 7. If the act in question is subject, alternatively, to the penalties specified in Article 32 sections 1 through 3, the extraordinary mitigation of a penalty shall consist in renouncing the imposition of the penalty, and the imposition of a penal measure as specified in Article 39 sections 2 through 8; the provision of Article 61 § 2 shall not be applied.

Article 61. § 1. The court may renounce the imposition of a penalty in the cases specified by law or in the case provided for in Article 60 § 3, particularly if the role of the perpetrator in the commission of the act was of secondary importance, and the information transmitted has helped to prevent the commission of another offence.

§ 2. Renouncing from the imposition of penalty, the court may refrain from adjudging a penal measure, even if adjudging it were mandatory.

Article 62. Upon deciding to impose a penalty of deprivation of liberty, the court may determine the kind and type of penal institution where the sentenced person is to serve the term and to stipulate the therapeutic methods for serving the term of deprivation of liberty.

Article 63. §1. The period of an actual deprivation of liberty in a given case, rounded to a full number of days, shall be credited to the penalty of deprivation of liberty, with one day of actual deprivation of liberty equalling one day of the penalty of deprivation of liberty, or two days of the penalty of restriction of liberty, or two daily rates of a fine.

§ 2. The actual period of preventive measures of the corresponding kinds, as specified in Article 276 of the Code of criminal procedure, shall be credited against the imposed measures specified in Article

39 sections 2 and 3 of this Code.

CHAPTER VIII

Relapse into crime

Article 64. §1. If a perpetrator sentenced to the penalty of deprivation of liberty for an offence committed with intent, during the 5 year period after having served at least 6 months of the penalty, commits an intentional offence similar to the offence for which he had been sentenced, the court may impose the penalty of deprivation of liberty, prescribed for the offence committed, within the statutory limits, up to the highest statutory penalty further increased by a half.

§2. If a perpetrator previously sentenced in under the conditions specified in §1, who has served the total of at least one year's deprivation of liberty and in the period of 5 years after the serving of the last penalty in full or in part, again commits an intentional offence against life or health, or rape, robbery, housebreaking or burglary, or other offence against property, committed with the use of violence or the threat of violence, the court shall impose the penalty of deprivation of liberty, prescribed for the offence committed, exceeding the lower statutory limit, or may impose a penalty up to the highest statutory penalty further increased by a half.

§ 3. The raising of the highest statutory penalty under § 1 or 2 shall not be applied to crimes.

Article 65. The provisions regarding the level of the penalty, penal measures and the measures connected with the placing the perpetrator under probation envisaged with respect to the perpetrator referred to in Article 64 § 2, shall be also applied to the perpetrator who made commission of offences his

permanent source of income, or who commits offences acting in an organised group or in a an association whose purpose is to commit offences.

Chapter VIII. **Measures connected with the placing the perpetrator under probation**

Article 66. § 1. The court may conditionally discontinue the criminal proceedings if the guilt and social consequences of the act are not significant, the circumstances of its commission do not raise doubts, and the attitude of the perpetrator not previously penalised for an intentional offence, his personal characteristics and his way of life to date provide reasonable grounds for the assumption that even in the event of the discontinuance of the proceedings, he will observe the legal order and particularly that he will not commit an offence.

§ 2. Conditional discontinuance shall not be applied to the perpetrator of an offence for which the statutory penalty exceeds 3 years deprivation of liberty.

§ 3. In the event that the injured party has been reconciled with the perpetrator, the perpetrator has redressed the damage or the injured party and the perpetrator have agreed on the method of redressing the damage, the conditional dscontinuance may be applied to a perpetrator of an offence for which the statutory penalty does not exceed 5 years deprivation of liberty.

Article 67. § 1. The conditional discontinuance shall be made for the term of probation which is between one and two years, which shall run from the date the judgement becomes valid and final.

§ 2. In discontinuing conditionally the criminal proceedings, the court may, in the probation

period, place the perpetrator under the supervision of a probation officer or a person of public trust, association, or community organisation whose activities include educational care, preventing the demoralisation of or providing assistance to sentenced persons.

§ 3. In discontinuing conditionally the criminal proceedings, the court shall require the perpetrator to redress in whole or in part the damage, and may impose on him the obligation specified in Article 72 § 1 sections 1-3 or 5, and also adjudicate a pecuniary consideration as specified in Article 39 section 7, and an interdiction on driving a vehicle as specified in Article 39 section 3, for a period of up to 2 years.

§ 4. The provision of Article 74 shall be applied accordingly.

Article 68. § 1. The court shall resume the criminal proceedings, if the perpetrator has during the probation period committed an intentional offence, for which he has been validly and finally sentenced.

§ 2. The court may resume the criminal proceedings if the perpetrator during the probation period flagrantly breaches the legal order, and in particular if he committed an offence other than that specified in § 1, evades supervision, does not perform the obligations or penal measure imposed or if he does not fulfil the settlement concluded with the injured person.

§ 3. The court may resume the criminal proceedings if, after the decision on the conditional discontinuance was rendered but before it became valid and final, the perpetrator flagrantly breached the legal order, and in particular if he committed an offence within that time.

§ 4. The criminal proceedings conditionally discontinued may not be resumed any later than 6 months after the expiration of the probation period.

Article 69. § 1. The court may conditionally suspend the execution of a penalty of deprivation of liberty of up to 2 years or execution of a fine adjudicated as a one-off penalty, if it is regarded as sufficient

to attain the objectives of the penalty with respect to the perpetrator, and particularly to prevent him from relapsing into crime.

§ 2. In suspending the execution of a penalty, the court shall primarily take into consideration the attitude of the perpetrator, his personal characteristics and conditions, his way of life to-date and his conduct after the commission of the offence.

§ 3. Suspension of the execution of the penalty shall not be applied to the perpetrator as specified in Article 64 § 2, unless there is an exceptional case justified by extraordinary circumstances; suspension of the execution of the penalty specified in Article 60 § 3 through 5 shall not be applied to the perpetrator as specified in Article 64 § 2.

Article 70. § 1. Suspension of the execution of a penalty shall be granted for a probation period, which runs from the time the sentence becomes valid and final and is for:

- 1) from 2 to 5 years - in the case of a conditional suspension of the execution of a penalty of deprivation of liberty,
- 2) from one year to 3 years - in the case of a conditional suspension of the execution of a fine or a penalty of restriction of liberty.

§ 2. In the case of the conditional suspension of the execution of a penalty with respect to a perpetrator who is a young offender or the one specified in Article 64 § 2, the probation period is from 3 to 5 years.

Article 71. § 1. In suspending the execution of a penalty, the court may impose a fine of up to 180 times the daily rate, if its imposition is not provided for on another basis. In suspending the execution of a penalty of restriction of liberty, the court may impose a fine of up to 90 times the daily rate.

§ 2. In the event of ordering the execution of the penalty of the deprivation or restriction of liberty, the fine adjudicated under § 1 shall not be subject to execution; the penalty of deprivation or restriction of liberty shall be reduced by the number of days equal to the number of daily fines paid, rounded up to the nearest full day.

Article 72. § 1. In suspending the execution of a penalty, the court may obligate the sentenced person :

- 1) to inform the court of the probation officer about the progress of the probation period,
- 2) to apologise to the injured person,
- 3) to carry out a duty incumbent upon him in order to provide support for another person,
- 4) to perform remunerated work, to pursue an educational activity or train himself for an occupation,
- 5) to refrain from abusing alcohol or using narcotics,
- 6) to submit to medical treatment, particularly drug withdrawal or rehabilitation programmes,
- 7) to refrain from frequenting specified community circles or places,
- 8) to engage in other appropriate conduct in the probation period, if it may prevent the commission of a further offence.

§ 2. The court may obligate the perpetrator to redress the damage in whole or in part, unless it has adjudicated a penal measure as specified in Article 39 section 5, or a payment of consideration as specified in Article 39 section 7.

Article 73. § 1. In suspending the execution of a penalty, the court may, in the probation period, place the perpetrator under the supervision of a probation officer or a person of public trust, association, or community organisation whose activities include educational care, preventing the demoralisation of or providing assistance to sentenced persons.

§ 2. The placing under supervision is mandatory with respect to a young perpetrator of an intentional offence, and with respect to the perpetrator specified in Article 64 § 2.

Article 74. § 1. The time and manner of execution of the imposed obligations, specified in Article 72 shall be determined by the court after hearing from the sentenced person; the imposition of the obligation specified in Article 72 § 1 section 6 shall require the additional consent from the sentenced person.

§2. If educational or general care considerations warrant this, the court may, during the probation period, institute, extend or modify the obligations imposed on a person sentenced to a deprivation of liberty with a conditional suspension of its execution, as mentioned in Article 72 § 1 sections 3 through 8, or release him from these obligations (except the obligation specified in Article 72 § 2), and likewise either place the sentenced person under supervision or release him from the aforesaid.

Article 75. § 1. The court shall order the execution of the penalty, if the sentenced person during the probation period, committed an intentional offence similar to the previous one, for which he has been validly and finally sentenced for a penalty of deprivation of liberty.

§2. The court may order the execution of the penalty, if the sentenced person in the probation period flagrantly breached the legal order, and, in particular, if he committed an offence other than that specified in §1, has not paid the fine, has evaded supervision, or failed to fulfil the obligations or penal measures imposed.

§ 3. The court may order the execution of the penalty if, after the sentencing decision was rendered but before it became valid and final, the perpetrator flagrantly breached the legal order, and in particular if he committed an offence within that time.

§ 4. The order to execute the penalty may not be issued any later than 6 months after the end of the probation period.

Article 76. § 1. The sentence shall be expunged by virtue of law 6 months from the termination of the probation period.

§ 2. If a fine or a penal measure were imposed upon the sentenced person, the expunction of the sentence may not occur before the execution, remission or prescription thereof; this shall not be applied to the penal measure specified in Article 39 section 5.

Article 77. § 1. The court may conditionally release a person sentenced to the penalty of deprivation of liberty from serving the balance of the penalty, only when his attitude, personal characteristics and situation, his way of life prior to the commission of the offence, the circumstances thereof, as well as his conduct after the commission of the offence, and while serving the penalty, justify the assumption that the perpetrator will after release respect the legal order, and in particular that he will not re-offend.

§ 2. In particularly justified cases the court, in imposing the penalty of deprivation of liberty, may determine more rigorous restrictions to prevent the possibility of him benefiting from the conditional release other than those specified in Article 78.

Article 78. § 1. The sentenced person may be conditionally released after serving at least half of the sentence, albeit with a minimum of 6 months.

§ 2. The sentenced person specified in Article 64 § 1 may be conditionally released after serving two-thirds of the sentence, and the sentenced person specified in Article 64 § 2, after serving three-quarters of the sentence; the conditional release may not occur before the lapse of one year.

§ 3. The person sentenced to 25 years of deprivation of liberty may be conditionally released after serving 15 years of the sentence, and the person sentenced to deprivation of liberty for life, after serving 25 years of the sentence.

Article 79. § 1. The provisions of Article 78 § 1 and 2 shall be applied accordingly to a sum of two

or more penalties not amenable to an aggregate penalty, which the sentenced person has to serve as subsequent terms; the provision of Article 78 § 2 shall be applied if even one of the offences has been committed in the conditions specified in Article 64.

§ 2. Notwithstanding the conditions specified in Article 78 § 1 or 2, the sentenced person may be conditionally released after serving 15 years deprivation of liberty.

Article 80. § 1. In case of conditional release, the portion of the penalty which remains to be served constitutes a probation period, which may not, however, be less than 2 or longer than 5 years.

§ 2. If the sentenced person is the person specified in Article 64 § 2, the probation period may not be shorter than 3 years.

§ 3. In a case of the conditional release of a person sentenced to deprivation of liberty for life, the probation period shall be 10 years.

Article 81. In case of revocation of the conditional release, the sentenced person may not again be conditionally released before the lapse of one year from the date of committing him to the penal institution, and in case of the penalty of deprivation of liberty for life, before the lapse of 5 years.

Article 82. If in the probation period and in the course of the following 6 months, the conditional release has not been revoked, the sentence shall be considered to have been served at the time of the conditional release.

Article 83. A person sentenced to a penalty of limitation of liberty who has completed at least half of the adjudged penalty, respected the legal order, performed diligently the work ordered by the court, and fulfilled the obligations imposed upon him, may be relieved by the court from the rest of the penalty,

considering it as executed.

Article 84. § 1. The court may, after half of the period for which the penal measures specified in Article 39 sections 1 through 3 were imposed, consider them executed, if the sentenced person has respected the legal order and he has been subjected to the penal measure for at least one year.

§ 2. The provision of § 1 shall not be applied if the penal measure specified in Article 39 section 3 has been adjudicated under Article 42 § 2.

CHAPTER IX

Concurrence of offences and aggregation of penalties and penal measures

Article 85. If the perpetrator committed two or more offences, before the first, even not yet valid judgement was rendered with regard to any of these offences, and for which basic penalties of the same kind were imposed, the court shall impose an aggregate penalty taking as a basis the separate penalties imposed for the offences which are so aggregated.

Article 86. § 1. The court shall impose an aggregate penalty within the highest limit of the penalties imposed for individual offences, but which do not exceed 540 times the daily fine, 18 months restriction of liberty or 15 years of deprivation of liberty; the aggregated penalty of fine specified in Article 71 § 1 may not exceed 180 times the daily fine if it is connected with a suspension of the execution of a penalty of deprivation of liberty, and may not exceed 90 times the daily fine if it is associated with a suspension of the execution of a penalty of restriction of liberty.

§ 2. In imposing an aggregate fine, the court shall determine *de novo* the value of the daily fine, based on the recommendations specified in Article 33 § 3; the level of daily fines may not, however, exceed the previously determined amount thereof.

§ 3. In imposing an aggregate penalty of restriction of liberty, the court shall determine *de novo* the amount of supervised unremunerated work for community purposes, or the amount of deductions, when applying Article 35; the obligations specified in Article 36 § 2 shall be applied even if it was adjudicated for only one of the concurrent offences.

Article 87. In the case of sentencing for the concurrent offences to the penalties of deprivation of liberty and restriction of liberty, the court shall impose an aggregate penalty, assuming that one month's restriction of liberty is equal to 15 days deprivation of liberty.

Article 88. If the most severe penalty imposed for one of the concurrent offences is the penalty of 25 years of deprivation of liberty or deprivation of liberty for life, this penalty is imposed as the aggregate penalty; in the case of the aggregation of two or more penalties of 25 years of deprivation of liberty, the court may impose the penalty of deprivation of liberty for life as the aggregate penalty.

Article 89. § 1. In the case of sentencing for concurrent offences to the penalties of deprivation of liberty, restriction of liberty or fine with or without a conditional suspension of execution, the court may conditionally suspend the execution of the aggregate penalty if the conditions specified in Article 69 are met.

§ 2. In imposing an aggregate penalty of deprivation of liberty or restriction of liberty with a conditional suspension of their execution, the court may impose a fine as specified in Article 71 § 1, even if it has not been imposed for the concurrent offences.

§ 3. In the case of the concurrence of judgements on probation periods, the court imposes this period and associated obligations *de novo*.

Article 90. §1. The penal measures and preventive measures including well as supervision are applicable even if they were imposed with regard to only one of the concurrent offences.

§2. In the case of sentencing for the concurrent offences to the deprivation of civil rights or imposing interdictions of a particular kind, the court shall be applied accordingly, the provisions concerning aggregate penalties.

Article 91. § 1. If the perpetrator had committed, in a similar manner, two or more offences before the first sentence was rendered even though not yet valid final, regarding to any of these offences, the court shall impose one penalty on the basis of the provision whose attributes each of these offences meet, up to the upper statutory limit increased by a half.

§ 2. If the perpetrator, in the conditions specified in Article 85, commits two or more of a series of offences specified in § 1, or a series of offences plus yet another offence, the court shall impose an aggregate penalty, applying the relevant provisions of this Chapter.

§ 3. If the perpetrator has been sentenced to two or more sentences for the offences belonging to a series of offences as specified in § 1, the penalty imposed in an aggregate sentence may not exceed the higher limit of the statutory penalty further increased by half as stipulated in the provisions, whose attributes each of these offences meet.

Article 92. That the separate penalties imposed for the offences in a series or concurrent offences

have already been satisfied, in whole or part, is no impediment to the imposition of an aggregate penalty, the provision of Article 72 § .2 shall be applied accordingly.

Chapter X. **Preventive Measures**

Article 93. The court may impose a preventive measure provided for in this Chapter, which involves committing to a closed medical institution only when necessary to prevent repeated offending, by the perpetrator, of a prohibited act connected with mental disease, mental impairment or addiction to alcohol or other narcotic drugs. Before imposing such a measure the court shall hear from psychiatrists and a psychologist.

Article 94. § 1. If the perpetrator has committed a prohibited act of significant harm to the community, in a state of irresponsibility as specified in Article 31 §1, and that there is a high probability that he will commit such an act again, the court shall commit him to a suitable psychiatric institution.

§ 2. The duration of the stay in the institution shall not be fixed in advance; the court shall decide on the release of the perpetrator from the institution if his stay there is no longer deemed necessary.

§ 3. The court may again decide on committing a perpetrator as specified in § 1 to a suitable psychiatric institution if it is advisable in the light of the circumstances specified in § 1 or Article 93; the order may not be issued later than 5 years after the release from the institution.

Article 95. §1. In sentencing a perpetrator to a penalty of deprivation of liberty without a conditional suspension of its execution, for an offence committed in a state of diminished accountability as specified in Article 31 §2, the court may order his commitment to a penal institution where special medical treatment or rehabilitation measures can be applied.

§ 2. If it is advisable in the light of the effects of medical treatment or rehabilitation, the court may conditionally release the perpetrator as specified in § 1, sentenced to the penalty of a deprivation of liberty not exceeding 3 years, under conditions specified in Articles 77 through 82, without restriction resulting from Article 78 § 1 or 2; the supervision shall be then mandatory.

Article 96. § 1. In imposing a penalty of deprivation of liberty without a conditional suspension of its execution, for an offence connected with an addiction to alcohol or a narcotic drug, the court may decide to commit the perpetrator to a closed medical institution for withdrawal treatment, if there is a high probability of him committing another offence connected with his addiction.

§ 2. The measure specified in § 1 shall not be imposed if the perpetrator was sentenced to the penalty of deprivation of liberty exceeding 2 years.

§ 3. The duration of the stay in the closed withdrawal treatment institution shall not be fixed in advance, it may, however, not be for less than 3 months or for more than 2 years. The court shall decide on the release from the institution on the basis of the results of the treatment, having heard the opinion from the person conducting the treatment.

§ 4. The duration of stay of the perpetrator in the institution as specified in § 1 shall be credited to the penalty.

Article 97. § 1. Depending on the progress in the treatment of the perpetrator specified in Article 96 § 1, the court may send him, for a probation period lasting from 6 months to 2 years, for outpatient treatment or to a rehabilitation programme in a rehabilitation/treatment facility. At the same time the court may place him under the supervision of a probation officer or a person of public trust, public institution or community organisation whose responsibilities include educational care, preventing the demoralisation of

or providing to the sentenced persons.

§ 2. The court may again order placing the perpetrator in the closed withdrawal treatment institution or in a penal institution, if the perpetrator under probation, evaded treatment or rehabilitation, committed an offence or flagrantly breached the legal order or breached the by-rules of the treatment/rehabilitation facility.

§ 3. If in the probation period and in the course of the following 6 months, no order on the placement of the sentenced person again in a closed withdrawal treatment institution or a penal institution has been issued, the penalty shall be considered to have been served at the lapse of the probation period.

Article 98. If it is advisable in the light of the effects of the treatment specified in Article 96 § 3, the court shall conditionally release the sentenced person from the serving of the balance of the sentence, under the conditions specified in Articles 77 through 82, without restriction resulting from Article 78 § 1 or 2; the supervision shall be then mandatory.

Article 99. §1. If the perpetrator has committed the prohibited act in a state of irresponsibility as specified in Article 31 §1, the court may apply, as preventive measures, the interdictions specified in Article 39, sections 2 or 3, if it is deemed necessary for the protection of public order, and the forfeiture provided for in Article 39 section 4.

§2. The interdictions specified in § 1 shall be adjudged without specifying the period of time; the court shall decide on the lifting on the interdiction, if the reasons for the imposition thereof are no longer applicable.

Article 100. If the social consequences of the act are insignificant, and also, in case of the

conditional discontinuance of the proceedings, or upon ascertaining that a circumstance exists excluding a penalty for the perpetrator of the prohibited act, the court may apply the forfeiture provided for in Article 39 section 4.

Chapter XI. Statutes of limitation

Article 101. §1. The amenability to a penalty for an offence ceases, if from the time of the commission thereof the following number of years have elapsed:

- 1) 30 - when the act constitutes a crime of homicide;
- 2) 20 - when the act constitutes other crime
- 3) 10 - when the act constitutes a misdemeanour subject to the penalty of deprivation of liberty exceeding 3 years;
- 4) 5 - when the act is subject to the penalty of deprivation of liberty which not exceeding 3 years;
- 5) 3 - when the act is subject to the penalty of restriction of liberty or a fine.

§ 2. The amenability to a penalty for an offence prosecuted by way of a private charge ceases after the expiration of one year, from the date on which the injured person learnt of the identity of the perpetrator of the offence and not later, however, than after the expiration of 3 years from the time of its commission.

§ 3. If in the cases provided for in § 1 or 2, the commission depends on the occurrence of a consequence specified in the law, the time of limitation shall run from the date when this consequence has ensued.

Article 102. If in the period provided for in Article 101 proceedings against a person have been instituted, the amenability to an penalty for the offence ceases after the expiration of 5 years from the end of that period.

Article 103. § 1. A penalty may not be executed if, from the time when the judgement has become final and valid, the following number of years have elapsed:

- 1) 30 - in case of a sentence to a penalty of deprivation of liberty for a period exceeding 5 years or to a more severe penalty;
- 2) 15 - in case of a sentence to a penalty of deprivation of liberty not exceeding 5 years;
- 3) 10 - in case of a sentence to another penalty.

§ 2. The provision of § 1 section 3 shall be applied accordingly to the penal measures specified in Article 39 sections 1 through 4 and 6 and 7; the provision of § 1 section 2 shall be applied accordingly to the penal measure specified in Article 39 section 5.

Article 104. § 1. The period of limitation does not run, if a provision of law does not permit the criminal proceedings to be instituted or to continue; this however, does not apply to the lack of a motion or a private charge.

§ 2. The period of limitation regarding the offences specified in Article 144, Article 145 § 2 or 3, Article 338 § 1 or 2 and in Article 339 shall run from the date of performing the obligation, or from the date on which the obligation ceased to be borne.

Article 105. § 1. The provisions of Articles 101 through 103 shall not be applied to crimes against peace, crimes against humanity or war crimes.

§ 2. The provisions of Articles 101 through 103 shall not be applied either to the intentional offence of: homicide, inflicting serious bodily harm, causing serious detriment to health or deprivation of liberty connected with particular torture, perpetrated by a public official in connection with the performance of official duties.

Chapter XII. **Expunction of the sentence**

Article 106. From the moment of its expunction, the sentence is considered non-existent; the record of the sentence is deleted from the register of sentenced persons.

Article 107. § 1. In the event of sentencing to the penalty of deprivation of liberty as specified in Article 32 section 3 or the penalty of deprivation of liberty for 25 years, the expunction of the sentence shall take place by virtue of law, after the expiration of 10 years from the execution or remission or from the time its execution is barred by the statute of limitation.

§ 2. The court may on a motion of the sentenced person, order the expunction of the sentence after the expiration of 5 years, if the sentenced person during this period has respected the legal order, and the imposed penalty of deprivation of liberty did not exceed 3 years.

§ 3. In the event of sentencing to a penalty of deprivation of liberty for life, the expunction of the sentence shall take place by virtue of law, after the expiration of 10 years from the execution or remission or from the time its execution is barred by the statute of limitation.

§ 4. In the event of sentencing to a fine or a penalty of restriction of liberty, the expunction of the sentence shall take place by virtue of law, after the expiration of 5 years from the execution or remission

of the penalty or from the time its execution is barred by the statute of limitation; on a motion from the sentenced person the court may order the expunction of the sentence after only 3 years.

§ 5. In the event of the imposition of the penalty being renounced, the expunction of the sentence shall take place by virtue of law, after the expiration of one year from the date of the final and valid sentence.

§ 6. If a penal measure was imposed, the expunction of the sentence may not take place before its execution, remission or before the time its execution is barred by the statute of limitation, subject to Article 76 § 2.

Article 108. If the perpetrator has been sentenced for two or more offences which were not concurrent, and if the sentenced person, after the commencement, but before the expiration of the period required for the expunction of a sentence has committed an offence, only a simultaneous expunction of all the sentences shall be permitted.

Chapter XIII. Liability for offences committed abroad

Article 109. The Polish penal law shall be applied to Polish citizens who have committed an offence abroad.

Article 110. § 1. The Polish penal law shall be applied to aliens who have committed abroad an offence against the interests of the Republic of Poland, a Polish citizen, a Polish legal person or a Polish organisational unit not having the status of a legal person.

§ 2. The Polish penal law shall be applied to aliens in the case of the commission abroad of an

offence other than listed in § 1, if, under the Polish penal law, such an offence is subject to a penalty exceeding 2 years of deprivation of liberty, and the perpetrator remains within the territory of the Republic of Poland and where no decision on his extradition has been taken.

Article 111. § 1. The liability for an act committed abroad is, however, subject to the condition that the liability for such an act is likewise recognised as an offence, by a law in force in the place of its commission.

§2. If there are differences between the Polish penal law and the law in force in the place of commission, the court may take these differences into account in favour in the perpetrator.

§ 3. The condition provided for in § 1 shall not be applied to the Polish public official who, while performing his duties abroad has committed an offence there in connection with performing his functions, nor to a person who committed an offence in a place not under the jurisdiction of any state authority.

Article 112. Notwithstanding the provisions in force in the place of the commission of the offence the Polish penal law shall be applied to a Polish citizen or an alien in case of the commission of:

- 1) an offence against the internal or external security of the Republic of Poland;
- 2) an offence against Polish offices or public officials;
- 3) an offence against essential economic interests of Poland
- 4) an offence of false deposition made before a Polish office.

Article 113. Notwithstanding regulations in force in the place of commission of the offence, the Polish penal law shall be applied to a Polish citizen or an alien, with respect to whom no decision on extradition has been taken, in the case of the commission abroad of an offence which the Republic of Poland is obligated to prosecute under international agreements.

Article 114. § 1. A sentencing judgement rendered abroad shall not bar criminal proceedings for

the same offence from being instituted before a Polish court.

§ 2. The court shall credit to the penalty, imposed the period of deprivation of liberty actually served abroad and the penalty there executed, taking into consideration the differences between these penalties.

§ 3. The provision of § 1 shall not apply when a sentencing judgement rendered abroad has been transferred to be executed within the territory of the Republic of Poland, and also when the judgement rendered abroad regarded an offence, with regard to which either a transfer of the prosecution or extradition from the territory of the Republic of Poland has occurred.

§ 4. If a Polish citizen validly and finally sentenced by a court in a foreign country, has been transferred to execute the sentence within the territory of the Republic of Poland, the court shall determine, under Polish law, the legal classification of the act, and the penalty to be executed or any other penal measure provided for in this Act; the basis for determination of the penalty or other measure subject to execution shall be provided by the sentencing judgement rendered by a court of a foreign country, the penalty prescribed for such an act under Polish law, the period of actual deprivation of liberty abroad, the penalty or other measure executed there, and the differences between these penalties considered to the favour of the sentenced person.

Chapter XIV. **Explanation of terms of the law**

Article 115. § 1. A prohibited act is a behaviour displaying the characteristics specified in the penal law as unlawful.

§ 2. In assessing the level of social consequences of an act, the court shall take into account the type and nature of the infringed interest, the dimension of the damage caused or anticipated damage, the method and circumstances of perpetrating the act, the importance of the duties breached by the perpetrator, as well as the form of intent and motivation of the perpetrator, the type of precautionary rules

breached and the degree of the transgression.

§ 3. Similar offences are offences of the same type; the offences committed with the use of violence or with the threat of its use, or the offences committed with an intent to secure financial or material benefits shall be regarded as similar offences.

§ 4. The financial benefit is the benefit for:

- 1) the person himself;
- 2) another natural or legal person;
- 3) an organisational unit not having the status of a legal person;
- 4) a group of persons pursuing an organised criminal activity.

§ 5. Property of considerable value means the property whose value at the time of the commission of a prohibited act, exceeds two hundred times the level of the lowest monthly salary.

§ 6. Property of great value means the property whose value at the time of the commission of a prohibited act, exceeds one thousand times the level of the lowest monthly salary.

§ 7. The provisions of § 5 and 6 shall be applied also to the expressions; "considerable damage" and "damage of great dimensions".

§ 8. The lowest salary is the lowest salary of workers determined on the basis of the Labour Code.

§ 9. A movable item or chattel is also Polish or foreign currency or other means of payment and a document which entitles one to a sum of money or includes the obligation to pay principal, or interest, share in the profits or a declaration of participation in a company [or partnership].

§ 10. A juvenile is a perpetrator who, at the time of the commission of a prohibited act has not reached the age of 21 years and has not reached the age of 24 years at the time of the trial in the first-instance court.

§ 11. A next of kin is a spouse, an ascendant, descendant, brother or sister, relative by marriage in the same line or degree, a person being an adopted relation, as well as his spouse, and also a person actually living in co-habitation.

§ 12. An illegal threat is both a threat mentioned in Article 190, and also a threat to cause the institution of criminal proceedings, or to disseminate derogatory information concerning the person threatened or his next of kin. A declaration that the institution of criminal proceedings will be effected if made solely with the purpose of protecting the legal right violated by the offence, shall not constitute a threat.

§ 13. A public official is:

- 1) the President of the Republic of Poland;
- 2) a deputy to the Sejm, a senator, a councillor;
- 3) a judge, a lay-judge, a state prosecutor, a notary public, a court executive officer [*komornik*], a professional court probation officer, a person adjudicating in cases of contraventions or in disciplinary authorities operating in pursuance of a law;
- 4) a person who is an employee in a state administration, other state authority or local government, except when he performs only service-type work, and also other persons to the extent in which they are authorised to render administrative decisions;
- 5) a person who is an employee of a state auditing and inspection authority or of a local government auditing and inspection authority, except when he performs only service-type work;
- 6) a person who occupies a managerial post in another state institution;
- 7) an official of an authority responsible for the protection of public security or an official of the State Prison Service;
- 8) a person performing active military service;

§ 14. A document is any object or record on a computer data carrier to which is attached a specified right, or which in connection with the subject of its content, constitutes evidence of a right, a legal relationship or a circumstance which may have legal significance.

§ 15. For the purposes of this Code, a permanent rig on the continental shelf shall be regarded as a sea vessel.

§ 16. For the purposes of this Code, the state of insobriety is when:

- 1) the alcohol content in the blood exceeds 0.5 per mille or leads to the concentration exceeding this level;
- 2) the alcohol content in 1 dm³ of the exhaled air exceeds 0.25 mg or results in the concentration exceeding this level.

§ 17. A soldier is a person performing active military service.

§ 18. An order is a command to undertake or refrain from taking a specified action issued officially to a soldier by his superior or an authorised soldier of a superior rank.

Chapter XV. **Relation to special laws**

Article 116. The provisions of the General Part of this Code shall be applied to offences defined in other laws providing for penal liability, unless those laws specifically exclude the application of these provisions.

SPECIAL PART

Chapter XVI. Offences against peace, and humanity, and war crimes

Article 117. § 1. Whoever initiates or wages a war of aggression shall be subject to the penalty of the deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

§ 2. Whoever makes preparation to commit the offence specified under § 1, shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

§ 3. Whoever publicly incites to initiate a war of aggression shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

Article 118. § 1. Whoever, acting with an intent to destroy in full or in part, any ethnic, racial, political or religious group, or a group with a different perspective on life, commits homicide or causes a serious detriment to the health of a person belonging to such a group,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

§ 2. Whoever, with the intent specified under § 1, creates, for persons belonging to such a group, living conditions threatening its biological destruction, applies means aimed at preventing births within this group, or forcibly removes children from the persons constituting it,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 5 years or the penalty of deprivation of liberty for 25 years.

§ 3. Whoever makes preparation to commit the offence specified under § 1 or 2,

shall be subject to the penalty of the deprivation of liberty for a minimum term

of 3 years.

Article 119. § 1. Whoever uses violence or makes unlawful threat towards a group of person or a particular individual because of their national, ethnic, political or religious affiliation, or because of their lack of religious beliefs,

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone, who incites commission of the offence specified under § 1.

Article 120. Whoever uses a means of mass extermination prohibited by international law,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 10 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

Article 121. § 1. Whoever, violating the prohibition contained in international law or in internal law, manufactures, amasses, purchases, trades, stores, carries or dispatches the means of mass extermination or means of warfare, or undertakes research aimed at the manufacture or usage of such means,

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. The same punishment shall be imposed on anyone, who allows the commission of the act specified under § 1.

Article 122. § 1. Whoever, in the course of warfare, attack an undefended locality or a facility, hospital zone or uses any other means of warfare prohibited by international law,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 5 years, or the penalty of deprivation of liberty for 25 years.

§ 2. The same punishment shall be imposed on anyone, who, in the course of warfare, uses a means of warfare prohibited by international law.

Article 123. § 1. Whoever, in violation of international law, commits the

homicide of

- 1) persons who surrendered, laid down their arms or lacked any means of defence,
- 2) the wounded, sick, shipwrecked persons, medical personnel or clergy,
- 3) prisoners of war,
- 4) civilians in an occupied area, annexed or under warfare, or other persons who are protected by international law during warfare,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

§ 2. Whoever, in violation of international law, causes the persons specified under § 1 to suffer serious detriment to health, subjects such persons to torture, cruel or inhumane treatment, makes them even with their consent the objects of cognitive experiments, , uses their presence to protect a certain area or facility, or armed units from warfare, or keeps such persons as hostages

shall be subject to the penalty of the deprivation of liberty for a minimum term of 5 years or the penalty of deprivation of liberty for 25 years

Article 124. Whoever, in violation of international law, forces the persons specified under Article 123 § 1 to serve in enemy armed forces, resettles them, uses corporal punishment, deprives them of liberty or of the right to independent and impartial judicial proceedings, or restricts their right to defence in criminal proceedings,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

Article 125. § 1. Whoever, in an area occupied, taken over or under warfare, in violation of international law, destroys, damages or removes items of cultural heritage

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the act pertains to an item of particular importance to cultural heritage, the perpetrator

shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

Article 126. § 1. Whoever, in the course of warfare, illegally uses the emblem of the Red Cross or Red Crescent,
shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

§ 2. The same punishment shall be imposed on anyone, who, in the course of warfare, illegally uses protective emblems for items of cultural heritage or other emblems protected under international law, or uses a national flag or the military markings of the enemy, neutral country or an international organisation or commission.

Chapter XVII. **Offences against the Republic of Poland**

Article 127. § 1. Whoever, acting with the purpose to deprive the Republic of Poland of its independence, to detach a portion of its territory, to overthrow by force its constitutional system, or undertakes, in agreement with other persons, activities aiming at the realisation of this purpose,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 10 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

§ 2. Whoever makes preparation to commit the offence specified under § 1, shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

Article 128. § 1. Whoever, acting with the purpose of removing by force the constitutional authority of the Republic of Poland, undertakes activity aimed at the attaining of that purpose,

shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

§ 2. Whoever makes preparation to commit the offence specified under § 1, shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 3. Whoever affects, by force or by unlawful threat, the official activities of a constitutional authority of the Republic of Poland shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 129. Whoever, being authorised to act in the name of the Republic of Poland in its relations with the government of a foreign State or a foreign organisation, acts to the detriment of the Republic of Poland shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 130. § 1. Whoever takes part in the activities of a foreign intelligence service against the Republic of Poland shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. Whoever, taking part in the activities of a foreign intelligence service or acting for the benefit thereof, furnishes it with information, the passing of which may be detrimental to the Republic of Poland, shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

§ 3. Whoever, in order to furnish a foreign intelligence service with information specified under § 2, collects or stores information, connects to a computer network with the purpose of obtaining it, or declares a readiness to work for the benefit of a foreign intelligence service against the Republic of Poland, shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

§ 4. Whoever organises or leads the activities of a foreign intelligence service, shall be subject to the penalty of the deprivation of liberty for a minimum term of 5 years, or the penalty of deprivation of liberty for 25 years.

Article 131. § 1. Whoever voluntarily desisted from further activities and disclosed to an authority responsible for prosecuting offences all the essential circumstances of the committed act, shall not be subject to a penalty for attempting

to commit an offence specified in Article 127 § 1 or in Article 128 § 1 or in Article 130 § 1 or 2; the provision of Article 17 § 2 shall be applied accordingly.

§ 2. Whoever voluntarily desisted from further activities and commenced the necessary steps aimed at preventing the commission of an intended prohibited act and disclosed to an authority responsible for prosecuting these offences of all the essential circumstances of the committed act, shall not be subject to a penalty for an offence specified in Article 128 § 2, Article 129 or in Article 130 § 3.

Article 132. Whoever, rendering intelligence services to the Republic of Poland, misleads a Polish state authority by furnishing it with false information or by delivering counterfeit or altered documents or by concealing the correct information or conveying false information of essential importance to the Republic of Poland, shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 133. Whoever insults the Nation or the Republic of Poland in public shall be subject to the penalty of the deprivation of liberty for up to 3 years.

Article 134. Whoever makes attempt on the life of the President of the Republic of Poland shall be subject to the penalty of the deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.

Article 135. § 1. Whoever commits an active assault on the President of the Republic of Poland shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. Whoever insults the President of the Republic of Poland in public shall be subject to the penalty of the deprivation of liberty for up to 3 years.

Article 136. §1. Whoever on the territory of the Republic of Poland, commits an active assault upon the head of a foreign State, upon the head of the diplomatic representation of a foreign State, who is accredited to the Republic of Poland, or

upon a person enjoying similar protection by virtue of law, treaty or generally accepted international custom,

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. Whoever on the territory of the Republic of Poland, commits an active assault upon a person belonging to the diplomatic personnel of a mission of a foreign country to Poland, or on a consular official of a foreign country in connection with the performance of their official duties

shall be subject to the penalty of the deprivation of liberty for up to 3 years.

§ 3. The punishment specified in § 2 shall be imposed on anyone, who, on the territory of the Republic of Poland, insults the person referred to in § 1, in public,

§ 4. Whoever on the territory of the Republic of Poland insults the person referred to in § 2, in public,

shall be subject to the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 137. § 1. Whoever publicly insults, destroys, damages or removes an emblem, banner, standard, flag, ensign or other symbol of the State

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 2. The same punishment shall be imposed on anyone, who on the territory of the Republic of Poland publicly insults, destroys, damages or removes an emblem, banner, standard, flag, ensign or other symbol of another State, publicly displayed by a mission of this State or upon an order of a Polish authority.

Article 138. § 1. The provisions of Articles 136 and 137 § 2 shall apply, when the foreign country ensures reciprocity.

§ 2. The provisions of Articles 127, 128, 130 and 131 shall be applied accordingly, if the prohibited act has been committed to the detriment of an allied State, and the latter ensures reciprocity.

Article 139. In the case of the offence specified in Articles 127, 128 and 130, the court may decide on the forfeiture referred to in Article 39 point 4, including when the items are not owned by the perpetrator.

Chapter XVIII. **Offences against defence capability**

Article 140. § 1. Whoever, in order to weaken the defensive power of the Republic of Poland, commits a violent assault on a unit of the Armed Forces of the Republic of Poland, destroys or damages a facility or a piece of equipment significant to its defence

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the consequence of the act is the death of a person or a serious detriment to the health of many persons, the perpetrator

shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years.

§ 3. Whoever makes preparation to commit the offence specified under § 1, shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 4. In the case for offences specified in § 1 through 3, the court may decide on the forfeiture referred to in Article 39 point 4, including when the items are not owned by the perpetrator.

Article 141. § 1. Whoever, being a Polish national, undertakes, without authorisation from a relevant authority, military duties in a foreign army or military organisation

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. Whoever assumes duties in a mercenary military service prohibited by international law

shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

§ 3. A Polish national who, at the same time, is a national of another state shall not commit the offence specified in § 1 if he resides within the territory of the latter state and completes his military service there.

Article 142. § 1. Whoever, in violation of the provisions of law, conducts

recruitment of Polish nationals or aliens staying in the Republic of Poland, for service in a foreign armed forces or foreign military organisation

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. Whoever recruits Polish nationals or aliens staying in the Republic of Poland, for service in a mercenary military service prohibited by international law or pays for, organises, trains or uses such a service,

shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

Article 143. § 1. Whoever, in order to exempt himself from the duty to perform his compulsory military service or to postpone such service, causes for himself, or allows someone else to cause a consequence specified in Article 156 § 1 or Article 157 § 1 or uses a deceit to mislead an appropriate authority

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. The same punishment shall be imposed on anyone, who, in order to assist another person in obtaining exemption from the duty to perform compulsory military service or to postpone such a service, causes, with the consent of such a person, a consequence specified in Article 156 § 1 or Article 157 § 1 or uses a deceit to mislead an appropriate authority.

§ 3. Whoever commits the prohibited act specified in § 1 or 2 with respect to the service substituting the military service

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 144. § 1. Whoever, being called upon to perform compulsory military service, does not report for this service in the prescribed time and place

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. In the case of lesser importance, the perpetrator shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. Whoever does not report for the service substituting the military service under conditions specified in § 1

shall be subject to a fine or the penalty of restriction of liberty.

Article 145. § 1. Whoever, performing the service substituting the military service:

- 1) refuses to perform it, or maliciously or persistently refuses to perform obligations resulting from the service or to perform an order regarding official matters,
- 2) in order to evade in whole or in part the performance of the service or of the obligation resulting from this service:
 - a) causes for himself, or allows someone else to cause a consequence specified in Article 156 § 1 or Article 157 § 1,
 - b) uses a deceit to mislead a superior

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone, who, while performing the service specified in § 1, wilfully leaves the designated place where his service duties are performed or wilfully stays away from it.

§ 3. If the perpetrator of the prohibited act specified in § 2 wilfully leaves the designated place where his service duties are performed or wilfully stays away from it, with a purpose to permanently evade the performance of the service,

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 146. If the perpetrator of the offence specified in Article 145 § 2 and 3 has returned voluntarily, and his absence has lasted not longer than 14 days, the court may apply an extraordinary mitigation of the penalty or even renounce its imposition.

Article 147. With respect to a perpetrator of the offence specified in Article 143 § 1 or in Article 144 or 145, who, at the time of the commission of the offence, was unfit for the military service, the court may apply an extraordinary mitigation of the penalty or even renounce its imposition.

CHAPTER XIX

Offences Against Life and Health

Article 148. § 1. Whoever kills a human being shall be subject to the penalty of the deprivation of liberty for a minimum term of 8 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life .

§ 2. Whoever kills a human being:

- 1) with particular cruelty,
- 2) in connection with hostage taking, rape or robbery,
- 3) for motives deserving particular reprobation,
- 4) with the use of firearms or explosives

shall be subject to the penalty of the deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life .

§ 3. Whoever kills more than one person in one act or has earlier been validly and finally convicted for homicide shall be also subject to the penalty specified in § 2.

§ 4. Whoever kills a person due to the influence of an intense emotion justified by the circumstances

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 149. A mother who kills her infant due to the intense emotional circumstances connected with the course of the delivery, or significant malformation of the infant or in particularly difficult personal circumstances

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

Article 150. § 1. Whoever kills a human being on his demand and under the influence of compassion for him

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. In some extraordinary circumstances the court may apply an extraordinary mitigation of the penalty or even renounce its imposition.

Article 151. Whoever by persuasion or by rendering assistance induces a human being to make an attempt on his own life shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

Article 152. § 1. Whoever, with consent of the woman, terminates her pregnancy in violation of the law shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. The same punishment shall be imposed on anyone, who renders assistance to a pregnant women in terminating her pregnancy in violation of the law or persuades her to do so.

§ 3. Whoever commits the act specified in § 1 or 2, after the foetus has become capable of living outside the pregnant woman's body shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

Article 153. § 1. Whoever, through the use of force against a pregnant woman or by other means, without her consent, terminates the pregnancy or induces her by force, an illegal threat, or deceit to terminate the pregnancy shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

§ 2. Whoever commits the act specified in § 1, after the foetus has become capable of living outside the pregnant woman's body shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 154. § 1. If the consequence of an act specified in Articles 152, §1 or 2 is the death of the pregnant woman, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the consequence of an act specified in Articles 152 § 3 or in Article 153 is the death of the pregnant woman, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years.

Article 155. Whoever unintentionally causes the death of a human being shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

Article 156. § 1. Whoever causes grievous bodily harm in a form which:
1) deprives a human being of sight, hearing, speech or the ability to procreate, or
2) inflicts on another a serious crippling injury, an incurable or prolonged illness, an illness actually dangerous to life, a permanent mental illness, a permanent total or substantial incapacity to work in an occupation, or a permanent serious bodily disfigurement or deformation
shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the perpetrator acts unintentionally he shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 3. If the consequence of an act specified in § 1 is the death of a human being, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years.

Article 157. § 1. Whoever causes a bodily injury or an impairment to health other than specified in Article 156 § 1, shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. Whoever causes a bodily injury or an impairment to health lasting not longer than 7 days, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 3. If the perpetrator of the act specified in § 1 or 2 acts unintentionally he shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 4. The prosecution of the offence specified in § 2 or 3 shall, if the bodily injury or an impairment of health did not exceed 7 days, occur upon a private charge.

§ 5. If the bodily injury or an impairment of health, did not exceed 7 days, and the injured person is the person closest to the accused, the prosecution shall occur upon the motion of the latter.

Article 158. § 1. Whoever participates in a brawl or a beating in which a human being is exposed to the immediate danger of the loss of life or to a consequence referred to in Article 156 § 1 or in Article 157 § 1, shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the consequence of the brawl or beating is a serious bodily injury or a serious impairment of health, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

§ 3. If the consequence of the brawl or beating is the death of a human being, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 159. Whoever, taking part in a brawl or beating, uses a firearm, knife or other similarly dangerous instrument shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

Article 160. § 1. Whoever exposes a human being to an immediate danger of loss of life, a serious bodily injury, or a serious impairment of health shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the perpetrator has a duty to take care of the person exposed to danger he shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 3. If the perpetrator of an act specified in §1 or 2 acts unintentionally he shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 4. A perpetrator who voluntarily averted the impending danger

shall not be subject to the penalty for the offence specified in § 1-3.

§ 5. The prosecution of the offence specified in § 3 shall occur on a motion of the injured person.

Article 161. § 1. Whoever, knowing that he or she is infected by the HIV virus, directly exposes another person to infection from that disease

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. Whoever, knowing that he or she is afflicted with a venereal or contagious disease, a serious incurable disease or a disease which actually threatens life, directly exposes another person to infection from that disease

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. The prosecution of the offence specified in § 1 or 2 shall occur on a motion of the injured person.

Article 162. § 1. Whoever does not render assistance to a person who is in a situation threatening an immediate danger of loss of life, serious bodily injury, or a serious impairment thereof, when he so do without exposing himself or another person to the danger of loss of life or serious harm to health

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. Whoever does not render assistance necessitating the submission to a medical operation, or under conditions in which the prompt assistance of a responsible authority or person is possible, shall be deemed to have not committed an offence.

Chapter XX

Offences against Public Safety

Article 163. § 1. Whoever causes an event which imperils human life or the health of many persons, or property of a considerable extent, and takes the form of:

1) fire,

- 2) collapse of a structure, flooding, rock or landslide or snow avalanche,
- 3) blast of explosives or flammable materials or any other form of a violent release of energy, or poisonous, suffocating or burning substances,
- 4) violent release of nuclear energy or of ionising radiation

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the perpetrator acts unintentionally he shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 3. If the consequence of the act specified in § 1 is the death of a human being or the grievous bodily harm of many persons, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 2 years and 12 years.

§ 4. If the consequence of the act specified in § 2 is the death of a human being or the grievous bodily harm of many persons, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

Article 164. § 1. Whoever causes the immediate possibility of an event mentioned in Article 163 § 1,

shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

§ 2. If the perpetrator acts unintentionally he shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 165. § 1. Whoever causes danger to the life or health of many persons or property of a considerable value by:

- 1) causing an epidemiological hazard or spread of a contagious disease or an animal or plant disease (pest),
- 2) producing or marketing substances, foodstuffs or other commonly used goods harmful to health or pharmaceutical preparations which do not conform to binding quality standards,
- 3) causing damage to or preventing the operations of a public service equipment, in particular the equipment supplying water, light, heat or energy or equipment

averting the occurrence of public danger or serving to prevent it,
4) interfering, preventing or otherwise affecting the automatic processing,
collecting or transmitting of data,
5) acting in another manner in especially dangerous circumstances
shall be subject to the penalty of the deprivation of liberty for a term of
between 6 months and 8 years.

§ 2. If the perpetrator acts unintentionally he
shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 3. If the consequence of the act specified in § 1 is the death of a person, or
grievous bodily harm to many persons, the perpetrator
shall be subject to the penalty of the deprivation of liberty for a term of
between 2 and 12 years.

§ 4. If the consequence of act specified in § 2 is the death of a person, or
grievous bodily harm to many persons, the perpetrator
shall be subject to the penalty of the deprivation of liberty for a term of
between 6 months and 8 years.

Article 166. § 1. Whoever, using a deceit or violence, or a threat to use such
violence, takes control of a ship or an aircraft,
shall be subject to the penalty of the deprivation of liberty for a term of
between 2 and 12 years.

§ 2. Whoever, acting in the manner specified in § 1, brings about a direct
danger to the life or health of many persons
shall be subject to the penalty of the deprivation of liberty for a minimum term
of 3 years.

§ 3. If the consequence of the act specified in § 2 is the death of a person, or
grievous bodily harm to many persons, the perpetrator
shall be subject to the penalty of the deprivation of liberty for a minimum term
of 5 years or the penalty of deprivation of liberty for 25 years.

Article 167. § 1. Whoever places on a ship or aircraft a device or substance
threatening the safety of persons or a property of high value
shall be subject to the penalty of the deprivation of liberty for a term of
between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone, who destroys, damages or renders unfit for use a navigational equipment or prevents operating thereof, when this may threaten the safety of persons.

Article 168. Whoever makes preparations for the offence specified in Article 163 § 1, Article 165 § 1, Article 166 § 1 or in Article 167 § 1, shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 169. § 1. Whoever voluntarily removed the impending danger shall not be subject to the penalty for the offence specified in Article 164 or 167.

§ 2. If the perpetrator of the offence specified in Article 163 § 1 or 2, Article 165 § 1 or 2 or in Article 166 § 2, voluntarily averted the impending danger to the life and health of many persons, the court may apply an extraordinary mitigation of the penalty.

§ 3. The court may apply an extraordinary mitigation of the penalty to the perpetrator of the offence specified in Article 166 § 1, if he transferred the control of vessel to an authorised person.

Article 170. Whoever arms or adapts a sea vessel designed to perform an act of piracy on the high seas, or agrees to serve on such a vessel shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 171. § 1. Whoever, without a required permit, or in breach of the conditions thereof, manufactures, processes, accumulates, possesses, uses or trades in an explosive substance or device, radioactive material, device emitting ionising radiation or any other item or substance which may cause widespread danger to human life or health, or to property of a considerable extent

shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

§ 2. The same punishment shall be imposed on anyone, who in breach of his duty allows the commission of the act specified in § 1.

§ 3. The same punishment shall be imposed on anyone, who relinquishes items specified in § 1 to an unauthorised person.

Article 172. Whoever obstructs an action aimed at averting widespread danger to the life or health of many persons or to property of a considerable extent shall be subject to the penalty of the deprivation of liberty for a term of between 3 months to 5 years.

Chapter XXI

Offences Against Safety in Traffic

Article 173. § 1. Whoever causes a catastrophe on land or water or to air traffic which imperils life or health of many persons, or property of a considerable extent

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the perpetrator acts unintentionally he shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 3. If the consequence of the act specified in § 1 is the death of a human being or the grievous bodily harm to many persons, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years.

§ 4. If the consequence of the act specified in § 2 is the death of a human being or the grievous bodily harm to many persons, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

Article 174. § 1. Whoever causes an immediate danger of a catastrophe on land or water or to air traffic

shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

§ 2. If the perpetrator acts unintentionally he shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 175. Whoever makes preparations for the offence specified in Article 173 § 1, shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 176. § 1. The perpetrator of the offence specified in Article 174, who voluntarily averted the impending danger shall not be subject to a penalty.

§ 2. The court may apply an extraordinary mitigation of the penalty with respect to the perpetrator of the offence specified in Article 173 § 1 or 2 who has voluntarily averted the impending danger to life or health of many persons.

Article 177. § 1. Whoever, unintentionally causes an accident in which another person has suffered a bodily injury specified in Article 157 § 1, by violating, even unintentionally, the safety rules for land, water or air traffic

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the consequence of the accident is the death or a serious bodily injury to another person, the perpetrator

shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

§ 3. If the injured person is a next of kin of the perpetrator, the prosecution of the offence specified in § 1 shall occur on a motion from the former.

Article 178. In sentencing a perpetrator who has committed the offence specified in Article 173, 174 or 177, while in a state of insobriety or under the influence of a narcotic drug or has fled from the scene of the event, the court shall impose the penalty of deprivation of liberty, to the level of the upper statutory limit prescribed for the offence attributed to the perpetrator, further increased by one-half.

Article 179. Whoever in spite of his special duty allows the operation of a motor vehicle or other vehicle, in a condition which directly endangers the safety of land, water or air traffic or allows a motor vehicle or other vehicle to be operated on a public road by a person who is in the state of insobriety, or under the influence of a narcotic drug or by one not having the required license,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of

deprivation of liberty for up to 2 years.

Article 180. Whoever, being in a state of insobriety, or under the influence of a narcotic drug, performs functions directly connected with ensuring the safety of motorised traffic

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months to 5 years.

Chapter XXII

Offences against the Environment

Article 181. § 1. Whoever causes destruction of plant or animal life of considerable dimensions

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. Whoever, in violation of the provisions in force in the protected area, destroys or damages plants or animals, causing serious harm

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 3. The same penalty shall be imposed on anyone who, irrespective of place of the act, destroys or damages plants or animals under protection, causing essential harm.

§ 4. If the perpetrator of the act specified in § 1 acts unintentionally he shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 5. If the perpetrator of the act specified in § 2 or 3 acts unintentionally, he shall be subject to a fine or the penalty of restriction of liberty .

Article 182. § I. Whoever pollutes the water, air or ground with a substance or contaminates with ionising radiation in such quantities or form that it could endanger the life or health of many persons or cause destruction to plant and animal life of considerable dimensions

shall be subject to the penalty of the deprivation of liberty for a term of

between 3 months and 5 years.

§ 2. If the perpetrator acts unintentionally he shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 183. § 1. Whoever, in violation of the provisions of law, stores, disposes of, processes, renders harmless or carries waste or substances under such conditions or in such a manner that could endanger the life or health of human beings or cause the destruction to plant or animal life of considerable dimensions shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone, who, in violation of the provisions of law, imports waste or substances hazardous to the environment.

§ 3. The same punishment shall be imposed on anyone, who despite his duty allows the commission of the act specified in § 1 or 2.

§ 4. If the perpetrator of the act specified in § 1-3 acts unintentionally he shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 184. § 1. Whoever carries, accumulates, stores, abandons or neglects without properly securing, a nuclear material or other source of ionising radiation, that could endanger the life or health of human beings or cause the destruction of plant or animal life of considerable dimensions shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone, who despite his duty allows the commission of the act specified in § 1.

§ 3. If the perpetrator of the act specified in § 1 or 2 acts unintentionally shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 185. § 1. If the consequence of the act specified in Article 182 § 1, Article 183 § 1 or 3 or Article 184 § 1 or 2 is the destruction of plant or animal life of considerable dimensions, the perpetrator

shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

§ 2. If the consequence of the act specified in Article 182 § 1, Article 183 § 1 or 3 or in Article 184 § 1 or 2 is the death of a human being or the serious bodily harm to many persons, the perpetrator

shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years.

Article 186. § 1. Whoever, despite his duty, does not properly maintain or use equipment protecting water, air or ground from pollution, or equipment protecting against radioactive or ionising radiation

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone, who commissions or, despite his duties, permits a building structure or a group of facilities not having equipment as required by law, to be used as specified in § 1.

§ 3. If the perpetrator of the act specified in § 1 or 2 acts unintentionally shall be subject to a fine or the penalty of restriction of liberty .

Article 187. § 1. Whoever destroys, considerably damages or essentially reduces the natural values of a protected area or an object, causing considerable damage

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. If the perpetrator acts unintentionally he

shall be subject to a fine or the penalty of restriction of liberty .

Article 188. Whoever, in violation of the law, builds a new facility or extends an existing one, or conducts business which threatens the environment

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Chapter XXIII

Offences Against Liberty

Article 189. § 1. Whoever deprives a human being of their liberty shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. If the deprivation of liberty exceeded longer than seven days, or was coupled with special torment, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 190. § 1. Whoever makes a threat to another person to commit an offence detrimental to that person or detrimental to his next of kin, and if the threat causes in the threatened person a justified fear that it will be carried out shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The prosecution shall occur on a motion of the injured person.

Article 191. § 1. Whoever uses force or an illegal threat with the purpose of compelling another person to conduct himself in a specified manner, or to resist from or to submit to a certain conduct shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the perpetrator acts in the manner specified in § 1 in order to extort a debt shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

Article 192. § 1. Whoever performs a medical operation without the consent of the patient shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The prosecution shall occur on a motion of the injured person.

Article 193. Whoever breaks into someone else's house, apartment, premises, quarters, or a fenced plot of land, or despite a demand from an

authorised person does not leave such a place

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Chapter XXIV

Offences against Freedom of Conscience and Religion

Article 194. Whoever restricts another person from exercising the rights vested in the latter, for the reason of this person affiliation to a certain faith or their religious indifference

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 195. § 1. Whoever maliciously interferes with a the public performance of a religious ceremony of a church or another religious association with regulated legal status

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone who maliciously interferes with a funeral, mourning ceremonies or rites.

Article 196. Whoever offends the religious feelings of other persons by outraging in public an object of religious worship or a place dedicated to the public celebration of religious rites,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Chapter XXV

Offences against Sexual Liberty and Decency

Article 197. § 1. Whoever, by force, illegal threat or deceit subjects another person to sexual intercourse

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the perpetrator, in the manner specified in § 1, makes another person submit to other sexual act or to perform such an act, he

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 3. If the perpetrator commits the rape specified in § 1 or 2, with particular cruelty, or commits it in common with other person, he

shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years.

Article 198. Whoever, taking advantage of the vulnerability of another person, or of the lack of ability to recognise the significance of the act or ability to control his/her conduct, resulting from mental disability or disorder, subjects such a person to sexual intercourse or makes him/her submit to another sexual act or to perform such an act

shall be subject to the penalty of the deprivation of liberty for a term of between 6 months and 8 years.

Article 199. Whoever, abusing a relationship of dependence or by taking advantage of a critical situation, subjects such a person to sexual intercourse or makes him/her submit to another sexual act or to perform such an act

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 200. § 1. Whoever subjects a minor under 15 years of age to sexual intercourse or makes him/her submit to another sexual act or to perform such an act

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 2. The same punishment shall be imposed on anyone, who records pornographic material with the participation of such a person.

Article 201. Whoever has sexual intercourse with an ascendant, descendant, or a person being an adopted, adopting relation or brother or sister

shall be subject to the penalty of the deprivation of liberty for a term of

between 3 months and 5 years.

Article 202. § 1. Whoever publicly presents pornographic material in such a manner that it is imposed upon a person who may not wish so

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 2. Whoever presents pornographic material to a minor under 15 years of age or makes available to him/her items of this nature,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 3. Whoever produces, for the purpose of dissemination or imports or propagates pornographic material in which minors under the age of 15 participate, or pornographic material associated with the use of violence or the use of an animal

shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

Article 203. Whoever, by force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation, subjects another person to practice prostitution

shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 204. § 1. Whoever, in order to derive a material benefit, induces another person to practice prostitution or facilitates it,

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. Whoever derives material benefits from prostitution practiced by another person shall be subject to the penalty specified in § 1.

§ 3. If the person specified in § 1 or 2 is a minor, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 4. The punishment specified in § 3 should be imposed on anyone who entices or abducts another person with the aim of having him/her engage in prostitution abroad.

Article 205. The prosecution of the offence specified in Article 197 or 199, as well as in Article 198, unless the condition of the victim specified in this provision is a result of a permanent mental disorder, shall occur on a motion of the injured person.

Chapter XXVI

Offences against the Family and Guardianship

Article 206. Whoever contracts a marriage, despite the fact that he is already married

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 207. § 1. Whoever mentally or physically mistreats a person close to him, or another person being in a permanent or temporary state of dependence to the perpetrator, a minor or a person who is vulnerable because of his mental or physical condition

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. If the act specified in § 1 is compounded with a particular cruelty, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 3. If the consequence of the act specified in § 1 or 2 is a suicide attempt by the injured person on his or her life, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 2 and 12 years.

Article 208. Whoever induces a minor to become an inveterate drinker by

supplying him with alcoholic beverages, or by facilitating or by urging him to drink such beverages

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 209. § 1. Whoever persistently evades the duty imposed on him by law or by a court judgement to pay for the support of a next of kin or other person and exposes such a person to a situation where they cannot satisfy their essential needs

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The prosecution shall occur on a motion of the injured person, social welfare authority or an appropriate institution.

§ 3. When the injured person has been granted support from an alimony fund, the prosecution shall occur ex officio.

Article 210. § 1. Whoever despite a duty of care to a person under 15 years of age or to a person who is helpless by reason of his mental or physical condition abandons such a person

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. . If the consequence of the act is the death of the person specified in § 1, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

Article 211. Whoever, contrary to the will of the person appointed to take care of or supervise, abducts or detains a minor person under 15 years of age or a person who is helpless by reason of his mental or physical condition

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Chapter XXVII

Offences against Honour and Personal Inviolability

Article 212. § 1. Whoever imputes to another person, a group of persons, an institution or organisational unit not having the status of a legal person, such conduct, or characteristics that may discredit them in the face of public opinion or result in a loss of confidence necessary for a given position, occupation or type to activity

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 2. If the perpetrator commits the act specified in § 1 through the mass media

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 3. When sentencing for an offence specified in §1 or 2, the court may adjudge a supplementary payment in favour of the injured person or of the Polish Red Cross, or of another social purpose designated by the injured person a supplementary payment (nawiazka).

§ 4. The prosecution of the offence specified in § 1 or 2 shall occur upon a

private charge.

Article 213. § 1. The offence specified in Article 212 § 1 is not committed, if the allegation not made in public is true.

§ 2. Whoever raises or publicises a true allegation in defence of a justifiable public interest shall be deemed to have not committed the offence specified in Article 212 § 1 or 2; if the allegation regards private or family life the evidence of truth shall only be carried out when it serves to prevent a danger to someone's life or to prevent demoralisation of a minor.

Article 214. The absence of an offence resulting from a reason specified in Article 213, does not exclude the liability of a perpetrator for the insult, by reason of the manner of announcing or publicising the allegation.

Article 215. On the motion of the injured person the court may order the judgement of conviction to be published.

Article 216. § 1. Whoever insults another person in his presence, or though in his absence but in public, or with the intention that the insult shall reach such a person,

shall be subject to a fine or the penalty of restriction of liberty .

§ 2. Whoever insults another person using the mass media, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. If the insult was caused by the provocative conduct of the insulted

person, or if the insulted person responded with a breach of the personal inviolability or with a reciprocal insult, the court may waive the imposition of a penalty.

§ 4. In the event of a conviction for the offence specified in § 2, the court may decide to impose a compensatory payment to the benefit of the injured person, the Polish Red Cross or towards another social cause indicated by the injured person.

§ 5. Prosecution shall be by private accusation

Article 217. § 1. Whoever strikes a human being or in another manner breaches his personal inviolability,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 2. If the act was caused by the provocative conduct of the injured person or if the injured person responded with an act of the same kind, the court may waive the imposition of a penalty.

§3. Prosecution shall be by private accusation.

Chapter XXVIII

Offences Against the Rights of the Persons Pursuing Paid Work

Article 218. § 1. Whoever, when performing activities in the field of labour law and social insurance, maliciously or persistently infringes on the rights of the employee resulting from a work-contract relationship or social insurance,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of

deprivation of liberty for up to 2 years.

§ 2. The person specified in § 1, who refuses to reinstate in work although ordered to do so by an appropriate authority

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 219. Whoever violates provisions on social insurance by not reporting, even with the consent of the person concerned, the required data or provides false data affecting the right to benefits or the amount thereof

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 220. § 1. Whoever, being responsible for occupational safety and hygiene, does not fulfil the duties involved and by this, exposes an employee to an immediate danger of loss of life or a serious detriment to health,

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the perpetrator acts unintentionally,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. The perpetrator who has voluntarily averted the impending danger shall not be subject to the penalty.

Article 221. Whoever, despite his duty does not promptly report to the appropriate authority an accident at work or a case of occupational disease or fails to prepare or present the required documentation

shall be subject to a maximum of 180 times the daily fine or the penalty of restriction of liberty.

Chapter XXIX

Offences against the Functioning of the State and Local Government Institutions

Article 222. § 1. Whoever violates the personal inviolability of a public official, or a person called upon to assist him, or in connection with the performance of official duties

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 3 years.

§ 2. If the act specified in § 1 has been in response to the inappropriate conduct of a public official or a person called upon to assist him, the court may apply an extraordinary mitigation of the penalty or even renounce its imposition.

Article 223. Whoever, acting jointly and in co-operation with other persons, or using a firearm, knife or other similarly dangerous item or forceful means, commits an active assault on a public functionary or a person called upon to assist him, during or in connection with the performance of official duties

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

Article 224. § 1. Whoever, by using violence or an unlawful threat, affects the

official acts of a government authority, other public authority or local government shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. The same punishment shall be imposed on anyone, who uses violence or an illegal threat with the purpose of forcing a public official or a person called upon to assist him, to abstain from a lawful official activity.

§ 3. When the consequence of the act specified in § 2 is the one specified in Article 156 § 1 or in Article 157 § 1, the perpetrator shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 225. § 1. Whoever prevents a person authorised to carry out environmental inspections or a person called upon to assist him from performing his official duty, or makes it difficult to do so

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. The same punishment shall be imposed on anyone, who prevents a person authorised to carry out labour inspection or a person called upon to assist him from performing his official duty, or makes it difficult to do so.

Article 226. § 1. Whoever insults a public official or a person called upon to assist him, in the course of and in connection with the performance of official duties shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 2. The provision of Article 222 § 2 shall be applied accordingly.

§ 3. Whoever publicly insults or humiliates a constitutional authority of the Republic of Poland

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 227. Whoever, by purporting to be a public official or by taking advantage of an erroneous belief of another person concerning this, performs an act connected with a relevant official capacity

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 228. § 1. Whoever, in connection with the performance of a public function accepts a material or personal benefit or a promise thereof, or demands such a benefit

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

§ 2. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 3. If the act specified in § 1 has been committed in connection with a violation of law, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 4. The penalty specified in § 3 shall be also be imposed on anyone who, in connection with his official capacity, makes the performance of his official duties conditional upon receiving a material benefit.

§ 5. Whoever, in connection with the performance of a public function

accepts a material benefit of considerable value or a promise thereof,

shall be subject to the penalty of deprivation of liberty for a term of between 2 years and 12 years.

Article 229. § 1. Whoever gives a material or personal benefit or promises to provide it to a person performing public functions

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year

§ 3. Whoever gives a material or personal benefit to a person performing public functions in order to induce him to disregard his official duties or provides such a benefit for disregarding such a duty

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

§ 4. The penalty specified in § 3 shall be imposed on any-one who gives a material benefit of considerable value or promises to provide it to a person performing public functions.

Article 230. Whoever, claiming to have influence on a state or local government, undertakes to intercede in the settling of a matter in exchange for a material or personal benefit or for a promise thereof,

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 231. § 1. A public official who, exceeding his authority, or not performing his duty, acts to the detriment of a public or individual interest

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the perpetrator commits the act specified in § 1 with the purpose of obtaining a material or personal benefit, he

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 3. If the perpetrator of the act specified in § 1 acts unintentionally and causes an essential damage

shall be subject to a fine, the penalty of restriction of liberty, or deprivation of liberty for up to 2 years.

§ 4. The provision of § 2 shall not be applied when the act has the features of the prohibited act specified in Article 228.

Chapter XXX

Offences against the Administration of Justice

Article 232. Whoever, by using violence or an illegal threat influences the official functions of a court of justice

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 233. § 1. Whoever, in giving testimony which is to serve as evidence in court proceedings or other proceedings conducted on the basis of a law, gives

false testimony or conceals the truth

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. The prerequisite to this liability is that the person obtaining the testimony, acting within his competence, shall have warned the person testifying of the penal liability for false testimony or obtained a relevant pledge from the latter.

§ 3. Whoever, being unaware of the right to refuse testimony or answer to questions, gives false testimony because of fear of penal liability threatening himself or his next of kin, shall not be liable to the penalty.

§ 4. Whoever, acting as an expert, expert witness or translator, provides a false opinion or translation to be used as in proceedings specified in § 1

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 5. The court may apply an extraordinary mitigation of the penalty, or even waive its imposition if:

- 1) the false testimony, opinion or translation concerns circumstances which cannot affect the outcome of the case,
- 2) the perpetrator voluntarily corrects the false testimony, opinion or translation before even a decision which is not final and valid has been rendered in the case.

§ 6. The provisions of § 1-3 and 5 shall be applied accordingly to a person providing a false statement if a provision of a law provides for the possibility of obtaining a statement under the threat of penal liability.

Article 234. Whoever, before an agency responsible for prosecuting or judging offences, contraventions or disciplinary transgressions, falsely accuses another person of committing an offence, a contravention or a disciplinary

transgression

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 235. Whoever, by fabricating false evidence or by other deceitful measures, directs a prosecution against a specific person for an offence, a contravention or a disciplinary transgression or undertakes such measures in the course of proceedings,

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 236. § 1. Whoever conceals evidence of the innocence of a person suspected of committing an offence, a contravention or a disciplinary transgression,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. Whoever conceals evidence of innocence because of fear of penal liability threatening himself or his next of kin, shall not be subjected to a penalty.

Article 237. The provisions of Article 233 § 5 section 2 shall be applied accordingly to the offences specified in Article 234, Article 235 and in Article 236 § 1.

Article 238. Whoever informs an agency responsible for the prosecution, of an offence knowing that the offence has not been committed,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 239. § 1. Whoever obstructs or frustrates a penal proceedings by aiding a perpetrator to evade penal liability, and especially whoever hides the perpetrator, or obliterates physical evidence of the offence or undergoes a penalty for a sentenced person

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. Whoever hides a person who is his next of kin, shall not be subject to a penalty.

§ 3. The court may apply an extraordinary mitigation of the penalty and even waive its imposition if the perpetrator has rendered assistance to a person who is his next of kin, or acted on account of fear of a penal liability threatening himself or his next of kin.

Article 240. § 1. Whoever, having reliable information concerning a punishable preparation or attempt, or commission of a prohibited act specified in Article 118, 127, 128, 130, 134, 140, 148, 163, 166 or 252, does not promptly inform an agency responsible for prosecuting such offences

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. Whoever abstained from informing, having sufficient knowledge to assume that an agency competent to prosecute knew of the prohibited act specified in § 1, planned, attempted or committed, shall be deemed to have not committed an offence specified in § 1; whoever prevented the commission of a prepared or attempted prohibited act shall also be deemed to have not committed an offence specified in § 1.

§ 3. Whoever abstained from informing because of fear of a penal liability threatening himself or his next of kin, shall also not be subject to penalty.

Article 241. § 1. Whoever publicly disseminates, without permission, information from preparatory proceedings before they have been disclosed in court proceedings

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone, who publicly disseminates information from a court trial conducted in camera.

Article 242. § 1. Whoever, having been deprived of liberty by virtue of a court decision or by a lawful order issued by another state agency, regains his liberty illegally

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. Whoever, utilising a ticket of leave from a penal establishment or from custody without supervision, does not return, without a justifiable reason, within three days at the latest of the prescribed deadline

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. Whoever, utilising a leave from the serving of the penalty of deprivation of liberty, does not return to the penal establishment, without a justifiable cause, within three days at the latest of the prescribed deadline,

shall be subject to the penalty specified in § 2.

§ 4. If the perpetrator of the act specified in § 1 acts in co-operation with other persons, uses violence or threatens to use it, or damages the place of confinement,

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 243. Whoever liberates or otherwise facilitates the escape of a person deprived of liberty by virtue of a court decision or by a lawful order issued by another state agency

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 244. Whoever does not comply with a court's interdiction on occupying specified post, pursuing specified profession or activity or operating motor vehicles, or does not carry out a court's order concerning the publication of a decision in the manner prescribed in such order

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 245. Whoever uses violence or unlawful threat with a purpose of influencing a witness, expert witness, translator prosecutor or the accused or consequently breaches personal inviolability of such a person

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 246. A public official or anyone acting under his orders for the

purpose of obtaining specific testimony, explanations, information or a statement, uses force, unlawful threat, or otherwise torments another person either physically or psychologically

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

Article 247. § 1. Whoever torments either physically or psychologically a person deprived of liberty

shall be subject to the penalty of deprivation of liberty for a term of between 3 months to 5 years.

§ 2. If the perpetrator acts with particular cruelty, he

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 3. A public official who, despite his duties, allows the act specified in § 1 or 2 to be committed, shall be subject to the penalty specified in these provisions.

Chapter XXXI

Offences against Elections and Referenda

Article 248. Whoever, in connection with elections to the Sejm, Senate, election of the President of the Republic of Poland, local elections or referendum:

- 1) prepares a list of candidates or voters not including eligible persons or including those who are not eligible,
- 2) uses deceit in order to improperly prepare an electoral roll,

- 3) damages, hides or forge election reports or other election documents,
 - 4) interferes with the collecting or counting votes,
 - 5) commits an abuse during preparation of a list with signatures of citizens who put forward candidates for elections or initiate a referendum
- shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 249. Whoever, by using violence, unlawful threats or deceit interferes with:

- 1) a gathering preceding a vote,
- 2) the free exercise of the right to stand for election or to vote therein,
- 3) the voting or counting of votes

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 250. Whoever, using violence, unlawful threats or by exploiting a situation of dependence, influences the way of voting by an eligible person, or forces such a person to vote or deters such a person from voting

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 251. Whoever, in violation of the rules of secrecy on voting, acquires knowledge of other person's way of voting, contrary to the will of such a voter,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

CHAPTER XXXII

Offences against Public Order

Article 252. § 1. Whoever takes or detains a hostage with the purpose of forcing a state or local government authority, an institution or organisation, legal or natural person, or a group of persons to act in a specified manner

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the consequence of the act specified in § 1 is the death of a person or a serious detriment to health, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 2 and 12 years.

§ 3. Whoever makes preparations for the offence specified in § 1, shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 4. Whoever abandoned the intent to extort or releases the hostage shall not be subject to the penalty for the offence specified in § 1.

Article 253. § 1. Whoever conducts white slavery (trade in humans) even with their consent

shall be subject to the penalty of deprivation of liberty for a minimum term of 3 years.

§ 2. Whoever, in order to gain material benefits, organises the adoption of children in violation of the law,

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 254. § 1. Whoever actively takes part in a riot knowing that its participants jointly commit a violent assault on a person or property

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the result of the violent assault is the death of a person or a serious detriment to their health, the participant in the riot specified in § 1,

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 255. § 1. Whoever publicly incites to the commission of an offence, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. Whoever publicly incites to the commission of a crime shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 3. Whoever publicly praises the commission of an offence, shall be subject to a maximum of 180 times the daily fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 256. Whoever publicly promotes a fascist or other totalitarian system of state or incites hatred based on national, ethnic, race or religious differences or for reason of lack of any religious denomination

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 257. Whoever publicly insults a group within the population or a particular person because of his national, ethnic, race or religious affiliation or because of his lack of any religious denomination or for these reasons breaches the personal inviolability of another individual

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 258. § 1. Whoever participates in an organised group or association having for its purpose the commission of offences

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the group or association specified in § 1 has the characteristics of an armed organisation, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 3. Whoever sets up the group or association specified in § 1 or 2 or leads such a group or association

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

Article 259. Whoever voluntarily abandoned the participation in the group or association and disclosed to an authority responsible for prosecuting offences all the essential circumstances of the committed act or has voluntarily averted the impending danger shall not be subject to the penalty for the offence specified in Article 258.

Article 260. Whoever, by using violence or an unlawful threat prevents the conducting of a lawful meeting, gathering or march, or disperses such a meeting, gathering or march,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 261. Whoever profanes a monument or other public place commemorating a historic event or honour a person

shall be subject to a fine or the penalty of restriction of liberty .

Article 262. § 1. Whoever profanes a corpse, human ashes or a place of repose of the dead

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. Whoever causes a spoliation of a corpse, grave or another place of repose of the dead

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

Article 263. § 1. Whoever, without the required licence, manufactures or trades in firearms or ammunition

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 2. Whoever, without the required licence, possesses a firearm or ammunition

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

§ 3. Whoever, holding a licence for a firearm or ammunition makes available or passes such a firearm or ammunition to an unauthorised person

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 4. Whoever unintentionally causes the loss of firearms or ammunition which has been lawfully placed at his disposal

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 264. § 1. Whoever crosses the border of the Republic of Poland in violation of the relevant regulations

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. Whoever commits the act specified in § 1, with the use of violence, threats or deceit or in co-operation with other persons

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 3. Whoever organises the crossing of the border of the Republic of Poland for other persons, in violation of the relevant regulations

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Chapter XXXIII

Offences against the Protection of Information

Article 265. § 1. Whoever discloses or, in violation of the law, uses information which constitutes a state secret

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. If the information specified in § 1 has been disclosed to a person acting in the name of or for a foreign entity, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

§ 3. Whoever unintentionally discloses the information specified in § 1, with which he has become acquainted in the performance of his official function or authorisation delegated to him

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 266. § 1. Whoever, in violation of the law or obligation he has undertaken, discloses or uses information with which he has become acquainted with in connection with the function or work performed, or public, community, economic or scientific activity pursued

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. A public official who discloses to an unauthorised person information which is an official secret or information with which he has become acquainted in

the performance of his official duties and whose disclosure can endanger a legally protected interest

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 3. The prosecution of the offence specified in § 1 shall occur on a motion of the injured person.

Article 267. § 1. Whoever, without being authorised to do so, acquires information not destined for him, by opening a sealed letter, or connecting to a wire that transmits information or by breaching electronic, magnetic or other special protection for that information

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone, who, in order to acquire information to which he is not authorised to access, installs or uses tapping, visual detection or other special equipment.

§ 3. The same punishment shall be imposed on anyone, who imparts to another person the information obtained in the manner specified in § 1 or 2 discloses to another person.

§ 4. The prosecution of the offence specified in § 1 – 3 shall occur on a motion of the injured person.

Article 268. § 1. Whoever, not being himself authorised to do so, destroys, damages, deletes or alters a record of essential information or otherwise prevents or makes it significantly difficult for an authorised person to obtain knowledge of that information, shall be subject to a fine, the penalty of restriction of liberty or the penalty of

deprivation of liberty for up to 2 years.

§ 2. If the act specified in § 1 concerns the record on an electronic information carrier, the perpetrator

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 3. Whoever, by committing an act specified in § 1 or 2, causes a significant loss of property

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 4. The prosecution of the offence specified in § 1-3 shall occur on a motion of the injured person.

Article 269. § 1. Whoever destroys, deletes or changes a record on an electronic information carrier, having a particular significance for national defence, transport safety, operation of the government or other state authority or local government, or interferes with or prevents automatic collection and transmission of such information

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

§ 2. The same punishment shall be imposed on anyone, who commits the act specified in § 1 by damaging a device used for the automatic processing, collection or transmission of information.

Chapter XXXIV

Offence against the Credibility of Documents

Article 270. § 1. Whoever, with the purpose of using it as authentic, forges, or counterfeits or alters a document or uses such a document as authentic shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for a term of between 3 months to 5 years.

§ 2. The same punishment shall be imposed on anyone, who fills in a form bearing someone else's signature, contrary to the will of the signatory and to his detriment. or indeed uses such a document.

§ 3. Whoever makes preparations for the offence specified in § 1, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 271. § 1. A public official or other person authorised to issue a document, who certifies an untruth therein, with regard to a circumstance having a legal significance shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine or the penalty of restriction of liberty .

§ 3. If the perpetrator commits the act specified in § 1 in order to gain material or personal benefit, he shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

Article 272. Whoever procures an attestation of an untruth by deceitfully

misleading a public official or another person authorised to issue such a document shall be subject to the penalty of deprivation of liberty for up to 3 years

Article 273. Whoever uses the document specified in Article 271 or 272, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 274. Whoever sells his own identity document or such a document of another person shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 275. § 1. Whoever uses a document certifying the identity of another or the property rights, or steals, or appropriates such a document shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone, who unlawfully transports or carries across the border, or sends abroad a document certifying the identity or property rights of another person.

Article 276. Whoever destroys, damages or renders unfit for use, or conceals, or removes a document to which he has no exclusive right of disposition shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 277. Whoever destroys, damages, removes or renders invisible boundary marks or sets false borders shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Chapter XXXV

Offences against Property

Article 278. § 1. Whoever, with the purpose of appropriating, wilfully takes someone else's movable property shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone, who without the permission of the authorised person, acquires someone else's computer software, with the purpose of gaining material benefit.

§ 3. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 4. If the theft has been committed to the detriment of a next of kin, the prosecution shall occur upon a motion from the injured person.

§ 5. The provisions of § 1, 3 and 4 shall be applied accordingly to stealing energy or a card enabling the collection of money from a bank automatic cash dispenser [automatic teller machine].

Article 279. § 1. Whoever commits a burglary shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 2. If the burglary has been committed to the detriment of a next of kin, the prosecution shall occur on a motion of the injured person.

Article 280. § 1. Whoever commits theft with the use of violence against a person or through threatening the immediate use of violence or by causing a person to become unconscious or helpless

shall be subject to the penalty of deprivation of liberty for a term of between 2 and 12 years.

§ 2. If the perpetrator of a robbery uses a firearm, knife, or any other dangerous item or paralysing means, or acts in another manner immediately threatening life or acts in co-operation with another person using such a firearm, item or means or manner

shall be subject to the penalty of deprivation of liberty for a minimum term of 3 years.

Article 281. Whoever, with the purpose of maintaining possession of the stolen property, immediately after committing a theft uses violence against a person or threatens its immediate use, or causes a person to become unconscious or helpless

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

Article 282. Whoever, with the purpose of gaining a material benefit, by using violence or threatening the life or health of a person, or threatening a violent attack against property, causes another person to dispose his own property or property of other persons, or causes a person to cease operating their business shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

Article 283. In the event of that the act is of a lesser significance, the perpetrator of the act specified in Article 279 § 1, Article 280 § 1 or in Article 281 or 282 shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 284. § 1. Whoever appropriates someone else's movable property or property rights

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. Whoever appropriates a movable property entrusted to him

shall be subject to the penalty of deprivation of liberty for a term of between 3 months to 5 years.

§ 3. . In the event that the act is of a lesser significance, or appropriation of an item found, the perpetrator

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 4. If the appropriation has been committed to the detriment of a next of kin, the prosecution shall occur on a motion of the injured person.

Article 285, § 1. Whoever connecting into a telecommunication device triggers telephone impulses charged to someone else's invoice

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the act specified in § 1 has been committed to the detriment of a next of kin, the prosecution shall occur on a motion of the injured person.

Article 286. § 1. Whoever, with the purpose of gaining a material benefit, causes another person to disadvantageously dispose of his own or someone else's property by misleading him, or by taking advantage of a mistake or inability to adequately understand the action undertaken

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

§ 2. The same punishment shall be imposed on anyone, who demands a material benefit in return for an unlawfully acquired item.

§ 3. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 4. If the act specified in § 1-3 has been committed to the detriment of a next of kin, the prosecution shall occur on a motion of the injured person.

Article 287. § 1. Whoever, in order to gain material benefits, affects automatic processing or transmitting information, or changes or deletes record or introduces a new record on an electronic information carrier, without being authorised to do so,

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. If the fraud has been committed to the detriment of a next of kin, the prosecution shall occur on a motion of the injured person.

Article 288. § 1. Whoever destroys, damages or renders unfit for use an item belonging to someone else

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. In the event that the act is of a lesser significance, the perpetrator shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3, The penalty specified in § 1 shall be also be imposed on anyone who cuts or damages an undersea cable, or infringes the regulations binding on the laying or repair of such a cable.

§ 4 The prosecution of the offence specified in § 1 or 2 shall occur on a motion of the injured person.

Article 289. § 1. Whoever takes a motor vehicle which is someone else's property, with the purpose of using it for a short period of time

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. If the perpetrator of the act specified in § 1 disables a security device protecting the vehicle from the use by an unauthorised person, or the vehicle represents a property of considerable value, or if the perpetrator subsequently abandon the vehicle in a damaged condition or in such circumstances that there is a danger that the vehicle, its parts or contents will be lost or damaged, he

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

§ 3. If the act specified in § 1 has been perpetrated with the use of violence or threatening the immediate use thereof, or by causing a person to become unconscious or helpless, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 4. In the cases specified in § 1 –3 the court may also decide to impose a fine along with the penalty of deprivation of liberty.

§ 5. If the act specified in § 1 - 3 has been committed to the detriment of the next of kin, the prosecution shall occur on a motion of the injured person.

Article 290. § 1. Whoever, with a purpose of appropriating felled trees in a forest

shall be liable as if for the commission of theft.

§ 2. When sentencing for the felling of trees or for the theft of felled or windfall trees the court shall decide on a supplementary payment to the injured of double the value of the trees.

Article 291. § 1. Whoever acquires property obtained by means of a

prohibited act, or assists in its disposition, or receives such property or assists in the concealment thereof

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. In the event that the act is of a lesser significance, the perpetrator

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 292. § 1. Whoever acquires or assists in the disposition of property which he should and could assume, on the basis of the attendant circumstances, to be obtained by means of a prohibited act, or receives such property or assists in the concealment thereof

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. If the property referred to in § 1 is of considerable value, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 293. § 1. The provisions of Article 291 and 292 shall be applied accordingly to computer software.

§ 2. The court may decide on the forfeiture of the item specified in § 1 and in Articles 291 and 292, even though it may not be the property of the perpetrator.

Article 294. § 1. Whoever commits the offence specified in Article 278 § 1 or 2, Article 284 § 1 or 2, Article 285 § 1, Article 286 § 1, Article 287 § 1, Article 288 §

1 or 3, or in Article 291 § 1, with regard to property of considerable value

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 2. The same punishment shall be imposed on the perpetrator who commits the offence specified in § 1 with regard to a property of significant cultural value.

Article 295. § 1. The court may apply an extraordinary mitigation of the penalty and even renounce its imposition, if the penalty with respect to the perpetrator of the offence specified in Article 278, 284-289, 291, 292 or 294, who has voluntarily compensated in full for any damage caused, or returned undamaged the vehicle or the property of significant cultural value.

§ 2. With regard to the perpetrator of the offence specified in § 1, who voluntarily repaired a significant part of the damage, the court may apply an extraordinary mitigation of the penalty.

Chapter XXXVI

Offences against Business Transactions

Article 296. § 1. Whoever, while under an obligation resulting from provisions of law, a decision of a competent authority or a contract to manage the property or business of a natural or legal person, or an organizational unit which is not a legal person, by exceeding powers granted to him or by failing to perform his duties, causes it to suffer considerable material damage,

shall be subject to the penalty of deprivation of liberty for a term of between 3

months and 5 years.

§ 2. If the perpetrator of the offence specified in § 1 acts in order to gain a material benefit he

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

§ 3. If the perpetrator of the offence specified in § 1 or 2 causes significant material damage of great extent he

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 4. If the perpetrator of the offence specified in § 1 or 3 acts unintentionally he

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 5. Whoever had voluntarily compensated full damage caused, prior to instituting criminal proceedings, shall not be liable to punishment.

Article 297. § 1. Whoever, in order to obtain a loan, bank loan, loan guarantee, grant, subsidy or public procurement order for himself or for another person, submits false documents or documents attesting untruth, or dishonest statements regarding their circumstances that are of significance for the obtaining of such a loan, bank loan, loan guarantee, grant, subsidy or a public procurement order

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone who, despite of his obligation, does not notify a competent authority or institution of the occurrence of

circumstances, which can have an effect on withholding or limiting the amount of a loan, bank loan, loan guarantee, grant, subsidy or a public procurement order.

§ 3. Whoever had voluntarily prevented, prior to the institution of criminal proceedings, using a loan, bank loan, loan guarantee, grant, subsidy or a public procurement order obtained in a manner specified in § 1 or 2, or compensated the claim of the injured, shall not be liable for punishment.

Article 298. § 1. Whoever, in order to obtain compensation under an insurance contract, causes an event which provides grounds for a compensation payment

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. Who had voluntarily prevented the payment of compensation, prior to instituting criminal proceedings, shall not be liable to punishment..

Article 299. § 1. Whoever receives, transfers or transports abroad, assists in its transfer of title or possession of legal tenders, securities or other foreign currency values, property rights or real or movable property obtained from the profits of offences committed by other persons, and particularly those relating to production of or trafficking narcotics or psychotropic drugs, smuggling, counterfeiting money or securities, robbery or committing other offences against property of considerable value, extortion or trade in arms, ammunition, explosives or fissile materials, or takes other action which can prevent, or make significantly more difficult, determination of their criminal origin or place of deposition, detection or forfeiture

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The punishment specified in § 1 shall be imposed on any-one who, being an employee of a bank, financial or credit institution, unlawfully receives in cash significant amounts of money or foreign currency, transfers or converts them, receives them under other circumstances arousing justifiable suspicion as to their origin from acts specified in § 1, or else provides services to conceal its unlawful origin or in securing them against seizure.

§ 3. Whoever, being responsible in a bank, financial or credit institution for informing the management or financial supervising authority about undertaking a financial operation, does not do so promptly in the form provided for in law, in spite of the fact that surrounding circumstances of the financial operation are indicative of a justifiable suspicion as to the origin [of the amounts involved], being as specified in § 1

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 4. The punishment specified in § 3 shall be imposed on any-one who, being responsible in a bank, financial or credit institution for appointing a person authorised to receive information specified in § 3, or providing it to an authorised person, does not observe the provisions in force.

§ 5. If the perpetrator commits the act specified in § 1 or 2 acting in co-operation with other persons, he

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 6. The punishment specified in § 5 shall be imposed on a perpetrator who, by committing the act specified in § 1 or 2, gains considerable material benefit.

§ 7. In the event of conviction for the offence specified in § 1 or 2, the court shall decide on the forfeiture of items derived either directly or indirectly, even though they are not the property of the perpetrator.

§ 8. Whoever voluntarily disclosed before a law enforcement agency, information about persons taking part in the perpetration of an offence or about the circumstances of an offence: if it prevented the perpetration of another offence, he shall not be liable to the penalty for the offence specified in § 1-4: If the perpetrator undertook efforts leading to the disclosure of this information and circumstances, the court may apply extraordinary mitigation of punishment.

Article 300. § 1. Whoever, in case of threatened insolvency or bankruptcy, prevents or reduces the satisfaction of his creditor through removing, concealing, selling, donating, destroying or by actually or purportedly encumbering his assets shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. Whoever, in order to prevent the execution of a ruling by a court or other public authority, prevents or fails to fully compensate his creditor through removing, concealing, selling, donating, destroying or by actually or purportedly encumbering his assets forfeited or under threat of forfeiture

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 3. If the act specified in § 1 caused damage to many creditors, the perpetrator

shall be subject to the penalty of deprivation of liberty for a term of between 6 months and 8 years.

§ 4. If the injured party is not the State Treasury, the prosecution of the

offence specified in § 1 shall occur on a motion of the injured person.

Article 301. § 1. Whoever, while being a debtor to several creditors, prevents or reduces the satisfaction of through the establishment of a new business entity, under legal regulations, and transfer his assets into it

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 2. The same punishment shall be imposed on anyone, who while being a debtor to several creditors brings about his bankruptcy or insolvency.

§ 3. Whoever, while being a debtor to several creditors recklessly brings about his bankruptcy or insolvency, particularly through wasting assets, contracting liabilities or concluding transactions openly contradicting principles of good management

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 302. § 1. Whoever in the event of threatened insolvency or bankruptcy, is not able to satisfy all his creditors, repays or satisfies only some of them, thereby acting to the detriment of others

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. Whoever gives or promises to give a material profit to a creditor in return for actions detrimental to other creditors in connection with bankruptcy proceedings or bankruptcy-prevention proceedings

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 3. The same punishment shall be imposed on a creditor who in connection with proceedings specified in § 2 receives material profit in return for actions detrimental to other creditors, or who demands such a profit.

Article 303. § 1. Whoever causes material damage to a natural or legal person or an organisational unit which is not a legal person, by failing to document business activities or by documenting it in an dishonest or false manner, particularly by destroying, removing, concealing, altering or falsifying documents regarding such activities

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the perpetrator of the offence specified in § 1 causes a considerable material damage

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

§ 3. In the event that the act is of a lesser significance, the perpetrator of the offence specified in § 1

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 4. If the injured party is not the State Treasury, the prosecution of the offence specified in § 1-3 shall occur on a motion of the injured person.

Article 304. Whoever, taking advantage of another natural or legal person or organisational unit which is not a legal person, being under constraint, concludes with him a contract imposing upon [such an entity] an obligation to furnish a consideration, that is obviously incommensurate with the benefits provided

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 305. § 1. Whoever, in order to gain a material profit, prevents or obstructs a public tender or enters into co-operation with another person, to the detriment of the owner of property or a person or institution for which the tender is to be held

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. The same punishment shall be imposed on anyone who in connection with a public tender dissipates false information or withholds circumstances of significant importance to the tender result, or enters into an understanding with another person to the detriment of the owner of property or a person or institution for which the tender is to be held

§ 3. If the injured party is other than the State Treasury, the prosecution of the offence specified in § 1 or 2 shall occur on a motion of the injured person.

Article 306. Whoever removes, alters or falsifies identification marks, date of manufacture or date to which a product or equipment is fit to use

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 307. § 1. With regard to the perpetrator of the offence specified in Article 296 or 299-305, who voluntarily compensates in full for the damage caused, the court may apply an extraordinary mitigation of the penalty or even renounce its imposition.

§ 2. With regard to the perpetrator of the offence specified in § 1, who voluntarily repaired a significant part of the damage, the court may apply an

extraordinary mitigation of the penalty.

Article 308. Responsibility for the offences le for offences specified in this Chapter, as a debtor or a creditor, lies with anyone who, pursuant to legal provision, decision of a competent authority, contract or actual performance who manages the assets of another legal or natural person, a group of persons or entities, which do not have the status of legal person..

Article 309. In the event of sentencing for the offence specified in Article 296 § 3, Article 297 § 1 or Article 299, a fine may be imposed along with the penalty of deprivation of liberty imposed up to a maximum 2000 times the daily fine.

Chapter XXXVII

Offences against the Circulation of Money and Securities

Article 310. § 1. Whoever counterfeits or alters Polish or foreign money, other legal tender, or a document which entitles one to obtain a sum of money or contains an obligation to pay capital, interest, share of profits, or verifies a share in a company, or whoever removes a sign of cancellation from money, other legal tender or from such document

shall be subject to the penalty of deprivation of liberty for a minimum term of 5 years or the penalty of deprivation of liberty for 25 years.

§ 2. Whoever releases into circulation money or other legal tender or document as specified in § 1 or for such purpose receives, stores, transports,

carries, dispatches it or assists in selling or concealing it

shall be subject to the penalty of deprivation of liberty for a term of between 1 and 10 years.

§ 3. In the event that the act is of a lesser significance, the court may apply an extraordinary mitigation of the penalty.

§ 4. Whoever makes preparations to commit the offence specified in § 1 or 2

shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

Article 311. Whoever, in the documentation relating to trade in securities, dissipates false information or conceals information about the standing of the offeror, which is of essential importance for the purchasing, selling of securities or increasing or decreasing the holding

shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 312. Whoever introduces into circulation counterfeit or altered money which he himself received as genuine or the document specified in Article 310

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

Article 313. § 1. Whoever, with the purpose of using or introducing into circulation counterfeits or alters an official mark of value or from such a sign removes an indication of cancellation

shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. The same punishment shall be imposed on anyone, who introduces into circulation a counterfeit or altered official mark of value or one from which an indication of cancellation has been removed, or acquires, uses, or stores such with the purpose of uttering it into circulation.

Article 314. Whoever, with the purpose of using it in economic transactions counterfeits or alters an official mark designed to certify an authorisation, payments of fiscal charges or the result of an examination, or uses in economic transactions objects bearing such counterfeit or altered marks,

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 315. § 1. Whoever, with the purpose of using it in economic transactions, counterfeits or tampers with a certified measuring or testing instrument

shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The same punishment shall be imposed on anyone, who uses in economic transactions a counterfeit or altered measuring or testing instrument or stores the same with the purpose of using it in economic transactions.

Article 316. § 1. Money, documents or marks of value which are counterfeit, altered or from which the marks of cancellation have been removed or altered measuring instruments, as well as instruments used in commission of the offences specified in this Chapter are subject to forfeiture even if they are not the property of the perpetrator.

§ 2. Counterfeit or altered official marks as specified in Article 314 must be removed even though the removal results in the destruction of the item bearing them.