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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and the President has proclaimed the following Law:

The Criminal Law

General Part

Chapter I General Provisions

Section 1. Basis of Criminal Liability

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

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

(3) In the cases provided for by law, a person shall be found guilty of committing a criminal offence and a punishment determined also by a public prosecutor by drawing up an injunction regarding the punishment.

[28 September 2005]

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

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

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

¹ The Parliament of the Republic of Latvia

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

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

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

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

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

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

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

[17 October 2002; 16 December 2004; 21 May 2009; 21 October 2010]

Section 5. Time when The Criminal Law is In Force

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

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

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

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

Chapter II Criminal Offences

Section 6. Concept of a Criminal Offence

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

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

Section 7. Classification of Criminal Offences

(1) Criminal offences are criminal violations and crimes. Crimes are sub-divided as follows: less serious crimes, serious crimes and especially serious crimes.

(2) A criminal violation is an offence for which this Law provides for deprivation of liberty for a term not exceeding two years, or a lesser punishment.

(3) A less serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding two years but not exceeding five years, or an offence, which has been committed through negligence and for which this Law provides for deprivation of liberty for a term exceeding two years, but not exceeding ten years.

(4) A serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding five years but not exceeding ten years, or an offence, which has been committed through negligence and for which this Law provides for deprivation of liberty for a term exceeding ten years.

(5) An especially serious crime is an intentional offence for which this Law provides for deprivation of liberty for a term exceeding ten years, life imprisonment or the death penalty.

[21 May 2009]

Section 8. Forms of Guilt

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

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

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

A criminal offence shall be considered to have been committed deliberately (intentionally) if the person who has committed it has foreseen the consequences of the offence and has desired such (direct intent) or, even if such consequences have not been desired, nevertheless has knowingly allowed these to result (indirect intent).

Section 10. Commission of a Criminal Offence through Negligence

(1) A criminal offence shall be considered to be committed through negligence if the person who committed it foresaw the possibility that the consequences of his or her act or failure to act would result and nevertheless carelessly relied on these being prevented (criminal self-reliance), or did not foresee the possibility that such consequences would result, although

according to the actual circumstances of the offence he or she should and could have foreseen such (criminal neglect).

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

Section 11. Age at which Criminal Liability Applies

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

Section 12. Liability of a Natural Person as the Representative of a Legal Person

(1) In a legal person matter, a natural person who has committed a criminal offence acting as an individual or as a member of the collegial institution of the relevant legal person on the basis of a right to represent the legal person, to act on behalf of or to take decisions in the name of such legal person, or realising control within the scope of the legal person or while in the service of the legal person, shall be criminally liable therefor.

(2) For legal persons, who are not public law legal persons, the coercive measures provided for in Chapter VIII.¹ of this Law may be applied.

[5 May 2005]

Section 13. Mental Incapacity

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

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

Section 14. Diminished Mental Capacity

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

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

Section 15. Completed and Uncompleted Criminal Offences

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

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

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

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

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

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

Section 16. Voluntary Withdrawal

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

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

Section 17. Perpetrator of a Criminal Offence

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

Section 18. The Participation of Several Persons in a Criminal Offence

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

Section 19. Participation

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

Section 20. Joint Participation

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

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

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

(4) A person who knowingly has promoted the commission of a criminal offence, providing advice, direction, or means, or removing impediments for the commission of such, as well as a person who has previously promised to conceal the perpetrator or joint participant, the instrumentalities or means for committing the criminal offence, trail of the criminal offence or

the objects acquired by criminal means or has previously promised to acquire or to sell these objects shall be considered to be an abettor.

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

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

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

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

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

Section 21. Organised Groups

(1) An organised group is an association formed by more than two persons, which has been created for purposes of jointly committing criminal offences or a serious or especially serious crime and whose participants in accordance with previous agreement have divided responsibilities.

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

[25 April 2002]

Section 22. Previously Unpromised Concealment or Failure to Inform

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

(2) The betrothed, spouse, parents, children, brothers and sisters, grandparents and grandchildren of a person who has committed a crime are not liable for previously unpromised concealment or failure to inform.

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

Section 23. Separate (Unitary) Criminal Offence

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

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

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

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

(5) In cases specifically provided for in the Special Part of this Law, a separate (unitary) criminal offence is constituted by repetition, during a one-year period, of such violations of law as criminal liability applies for only when they are aggregate, that is, if it is determined that these violations of law have been committed not less than two times during this period, and if upon the previous occurrence they have, the violator knowing thereof, been recorded pursuant to procedures specified by law.

Section 24. Multiplicity of Criminal Offences

(1) Multiplicity of criminal offences is the commission by one person of two or more separate criminal offences which correspond to the constituent elements of several criminal offences, or to the constituent elements of only one criminal offence, but which are not encompassed by the unitary purpose of the offender, and also is the commission by a person of one criminal offence which corresponds to the constituent elements of at least two different criminal offences.

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

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

[20 June 2002]

Section 25. Repetition of Criminal Offences

(1) Repetition of criminal offences is the commission by one person of two or more criminal offences, which are provided for in one and the same Section of this Law, or two or more criminal offences which are provided for in various Sections of this Law, if liability for such repetition is provided for in this Law.

(2) Repetition of a criminal offence is not constituted by an offence for the commission of which a person is released from criminal liability or for which a limitation period has become applicable, or for which the criminal record has been set aside or extinguished pursuant to procedures set out in the Law.

(3) In cases when the repetition of a criminal offence is provided for in this Law as a constituent element of a criminal offence, all repeated offences by the offender as provided for in one and the same section of this Law shall be examined only pursuant to that part of a section of this Law in which liability is provided for repeated criminal offences.

Section 26. Aggregation of Criminal Offences

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

- (2) One criminal offence committed by a person which corresponds to the constituent elements of several different criminal offences constitutes a conceptual aggregation of criminal offences.
- (3) Two or more mutually unrelated offences committed by a person which correspond to the constituent elements of several different criminal offences constitute a factual aggregation of criminal offences.
- (4) An aggregation of criminal offences is not constituted by an offence for the commission of which a person has been released from criminal liability.

Section 27. Recidivism of Criminal Offences

Recidivism of criminal offences is constituted by a new criminal offence being committed by a person after the conviction of such person for a criminal offence committed earlier, if the criminal record for such has not been set aside or extinguished.

Chapter III Circumstances which Exclude Criminal Liability

Section 28. Circumstances Excluding Criminal Liability

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

Section 29. Necessary Self-defence

- (1) Necessary self-defence is an act which is committed in defence of the interests of the State or the public, or the rights of oneself or another person, as well as in defence of a person against assault, or threats of assault, in such a manner that harm is caused to the assailant. Criminal liability for this act applies if the limits of necessary self-defence have been exceeded.
- (2) Protective acts manifestly disproportionate to the nature and the danger of the assault, which were not necessary in order to prevent or repel the assault and as a result of which harm is caused to the assailant, shall be considered as exceeding the limits of necessary self-defence.
- (3) Causing harm to the assailant through negligence, while repelling an assault, shall not be criminally punishable.
- (4) A person has the right to necessary self-defence, irrespective of the possibilities of avoiding the assault or turning to other persons for help.

Section 30. Apparent Self-defence

- (1) Apparent self-defence occurs when an actual assault, as mentioned in Section 29 of this Law, is not taking place but a person mistakenly thinks that such an assault is taking place.
- (2) In cases when the circumstances of the offence have provided a basis for assuming that an actual assault is taking place but the person who has taken the defensive measures did not know that such an assumption was mistaken, and, additionally, he or she could not have and, moreover, should not have known it, the acts of such person shall be judged as necessary self-defence.

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

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

Section 31. Detention Causing Personal Harm

(1) Detention causing personal harm is an act which is directed against such person as is committing or has committed a criminal offence. Criminal liability for this act shall not apply if the harm allowed to be effected to the person is not evidently disproportionate to the character of the offence, non-compliance or resistance.

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

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

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

Section 32. Acts of Extreme Necessity

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

Section 33. Justifiable Professional Risk

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

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

Section 34. Execution of Criminal Commands or Criminal Orders

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

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

Chapter IV Punishment

Section 35. Punishment and Objective Thereof

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

(2) The objective of punishment is to punish the offender for a committed criminal offence, as well as to achieve that the convicted person or other persons comply with the law and refrain from committing criminal offences.

[28 September 2005]

Section 36. Forms of Punishment

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

- 1) the death penalty;
- 2) deprivation of liberty;
- 3) custodial arrest;
- 4) confiscation of property;
- 5) community service; or
- 6) a fine.

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

- 1) confiscation of property;
- 2) deportation from the Republic of Latvia;
- 3) a fine;
- 4) limitation of rights;
- 5) police supervision; and

6) a prohibition to become a candidate in *Saeima*, European Parliament, republic city council and county council elections.

(3) For a person who has committed a criminal violation or a less serious crime, a public prosecutor in drawing up an injunction regarding a punishment may specify a fine or community service, as well as an additional punishment – limitation of rights.

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

[12 February 2004; 28 September 2005; 8 December 2005; 21 May 2009]

Section 37. Death Penalty

(1) The death penalty – death by shooting – may be adjudged only for murder in especially aggravating circumstances.

(2) The death penalty may only be applied where a crime has been committed in time of war.

(3) The death penalty may not be applied to persons who, as of committing of the crime, have not attained eighteen years of age, and to women.

[18 May 2000]

Section 38. Deprivation of Liberty

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

(2) Deprivation of liberty shall be determined for a term of not less than three months and not exceeding fifteen years, but for especially serious crimes – for a term not exceeding twenty years.

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

(4) The term of deprivation of liberty shall be determined in years and months, but in cases provided for in this Law, also in days.

[16 June 2009]

Section 39. Custodial Arrest

(1) Custodial arrest is the holding of a person in short-term compulsory imprisonment.

(2) Custodial arrest shall be determined for a term of not less than three days and not exceeding three months.

(3) *[16 June 2009]*

(4) Soldiers shall serve their punishment in the guardhouse.

(5) Custodial arrest may not be applied to pregnant women and mothers caring for an infant not exceeding one year of age.

[17 October 2002; 16 June 2009]

Section 40. Community Service

(1) Community service is compulsory participation in indispensable public service, which a convicted person or a person for whom community service has been determined with a public prosecutor's injunction regarding punishment, serves as punishment by doing work, in the area where he or she resides, as specified by the community service implementation authorities during free time outside regular employment or studies and without remuneration. Community service shall be determined for a term of not less than forty hours and not exceeding two hundred and eighty hours. A public prosecutor in determining community work in the injunction regarding punishment may apply not more than one half of the length of the maximum community service provided for in this Section.

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

(3) If a person punished with community service or a person for whom community service has been specified with a public prosecutor's injunction regarding punishment evades, in bad faith, serving the punishment, a court shall substitute custodial arrest for the unserved punishment, calculating four hours of work as one day of custodial arrest.

[25 April 2002; 17 October 2002; 28 April 2005; 28 September 2005; 16 June 2009]

Section 41. Fines

(1) A fine is a monetary amount, which a court or a public prosecutor, shall impose to be paid in favour of the State within 30 days in the amount set out in this Section as a basic punishment, but the court also as an additional punishment.

(2) A fine as a basic punishment proportionate to the harmfulness of the criminal offence and the financial status of the offender shall be determined for an amount of not less than three, and not exceeding two hundred times the minimum monthly wage prescribed in the Republic of Latvia at the time of preparation of the judgment, indicating the amount of the fine in the monetary units of the Republic of Latvia in the judgement. A public prosecutor may impose a fine in the amount of not more than a half of the amount of the maximum fine provided for in the relevant Section in the Special Part of this Law, taking into account the minimum monthly wage prescribed in the Republic of Latvia at the time, when the injunction regarding

punishment is drawn up, and indicating the amount of this fine in the monetary units of the Republic of Latvia in the injunction regarding punishment.

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

(4) The financial status of the offender shall be determined evaluating not only his or her possibilities to pay the fine immediately, but also the possibilities to acquire foreseeable income which could provide the possibility for him or her to pay the fine imposed within the time period prescribed by the Law.

(5) A court or public prosecutor as appropriate may divide the payment of the fine into terms or suspend the payment for a time period which is not longer than a year from a day when a judgement or the injunction regarding punishment has come into legal force.

(6) If a fine is not paid, then, in the cases where the amount specified does not exceed thirty times the minimum monthly wage, custodial arrest shall be substituted for it, calculating one minimum monthly wage as four days of custodial arrest, however, not exceeding three months of custodial arrest; if the fine has been set at an amount in excess of thirty times the minimum monthly wage, deprivation of liberty shall be substituted for it, calculating one minimum monthly wage as four days of deprivation of liberty, however, not exceeding one year of custodial arrest.

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

[12 February 2004; 28 September 2005; 16 June 2009]

Section 42. Confiscation of Property

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

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

(3) A court, in determining partial confiscation of property, shall specifically indicate which property is to be confiscated. The court, in determining confiscation of property for a criminal offence against traffic provisions, shall apply partial confiscation of property and relate it to the vehicle. A court, in determining confiscation of property for a cruel treatment of animals, shall apply partial confiscation of property and relate it to the animals.

(4) The indispensable property of the convicted person or of his or her dependants, which may not be confiscated, is that specified by law.

[12 February 2004; 6 October 2005; 21 May 2009]

Section 43. Deportation from the Republic of Latvia

(1) A citizen of another state, or a person who has a permanent residence permit of another state, may be deported from the Republic of Latvia if a court finds, that considering the

circumstances of the matter and the personality of the offender, it is not permissible for him or her to remain in the Republic of Latvia.

(2) This punishment shall be adjudged as an additional punishment, determining the entry ban for a period from three to ten years, executing it only after the basic punishment has been served or after conditional release prior to completion of punishment according to the procedures specified by law. The period of serving of the additional punishment shall be counted from the day when the person has been deported from the Republic of Latvia.

[13 December 2007]

Section 44. Limitation of Rights

(1) Limitation of rights is the deprivation of rights as to specific or all forms of entrepreneurial activity, to specific professional or other type of employment, to the holding of specific positions or the acquisition of permits or rights provided for in a special law.

(2) Limitation of rights is an additional punishment which the court may adjudge to prohibit, for a term of not less than one year and not exceeding five years or is determined by a public prosecutor in drawing up an injunction regarding punishment and prohibiting for a time period, which is not longer than half of the time period for the maximum limitation of rights provided for in the relevant Section in the Special Part of this Law, engaging in a specific form or all forms of entrepreneurial activity or specific professional or other type of employment, the holding of specific positions in State, local government, private or public organisations, undertakings (companies) or institutions or the acquiring of permits or rights provided for in a special law, which pursuant to procedures specified by law are either issued or conferred by the State, local governments, or other agencies authorised therefor.

(3) The court may also adjudge limitation of rights in cases when such punishment has not been provided for in the Sections of the Special Part of this Law, if the criminal offence has been directly related to the entrepreneurial activity or employment of the offender, or has been committed using, in bad faith, a special permit issued to him or her or rights conferred upon him or her.

(4) If a person has been punished with deprivation of liberty or custodial arrest and with limitation of rights, then the prohibition mentioned in this Section shall apply not only when the person is serving the term of deprivation of liberty or custodial arrest, but also to the term to be served for the additional punishment adjudged in the judgment, calculated from the time when he or she completes serving the basic punishment. In the adjudging of such additional punishments jointly with other forms of basic punishments, the term for serving the additional punishment shall be calculated from the time when this person starts serving the basic punishment.

[28 September 2005; 21 May 2009]

Section 44.¹ Prohibition to Become a Candidate in *Saeima*, European Parliament, City Council, County Council and Parish Council Elections

(1) A prohibition to become a candidate in *Saeima*, European Parliament, republic city council and county council elections is a prohibition to nominate a person as a candidate in *Saeima*, European Parliament, republic city council and county council elections.

(2) A prohibition to become a candidate in *Saeima*, European Parliament, republic city council and county council elections is an additional punishment, which a court may adjudge for a term of not less than two years and not exceeding four years, for a person who has committed a criminal offence against the State (Sections 80-95 of this Law).

(3) If a person has been punished with deprivation of liberty or custodial arrest and with a prohibition to become a candidate in *Saeima*, European Parliament, republic city council and county council elections, the prohibition referred to in this Section shall apply not only when

the person is serving the term of deprivation of liberty or custodial arrest, but also to the term to be served for the additional punishment adjudged in the judgment, calculated from the time when he or she completes serving the basic punishment. In the adjudging of such additional punishments jointly with other forms of basic punishments, the term for serving the additional punishment shall be calculated from the time when this person starts serving the basic punishment.

[8 December 2005; 21 May 2005]

Section 45. Police Supervision

(1) Police supervision is an additional punishment, which a court may adjudge as a compulsory measure, in order to supervise the behaviour of the person released from a place of deprivation of liberty and so that this person may be subjected to the limitations prescribed by the police institution. In case, when a person has been conditionally released from serving the term before the end of the term, the fulfilment of additional punishment – police supervision – shall be commenced from the moment when the supervision of a person after conditional release before the end of the term has been ended.

(2) Police supervision shall be imposed only when adjudging a punishment of deprivation of liberty in cases set out in the Special Part of this Law, for a term of not less than one year and not exceeding three years.

(3) A court may reduce the term of police supervision, or revoke it, pursuant to a submission by the administrative commission of the imprisoning institution or by the police institution.

(4) If a convicted person, while serving the term of an additional punishment, has committed a new crime, a court shall substitute deprivation of liberty for the unserved additional punishment term and shall determine the final punishment in accordance with the provisions provided for in Sections 51 and 52 of this Law.

(5) If a person, for whom police supervision has been determined by a judgment of the court, violates its provisions in bad faith, a court, pursuant to a submission from the police institution, may substitute, for the term of an additional punishment that has not been served, counting two police supervision days as one day of deprivation of liberty.

(6) A violation of a police supervision provision is in bad faith if the person has been administratively punished twice within a one-year period for such violation.

[16 June 2009]

Chapter V Determination of Punishment

Section 46. General Principles for Determination of Punishment

(1) A court shall adjudge punishment to the extent set out in the section of the Special Part of this Law as provides for liability for the criminal offence committed, and in compliance with the provisions of the General Part of this Law.

(2) A court in determining punishment, and a public prosecutor in drawing up an injunction regarding punishment, shall take into account the character of and harm caused by the criminal offence committed, the personality of the offender and mitigating or aggravating circumstances.

[28 September 2005]

Section 47. Mitigating Circumstances

(1) The following shall be considered to be mitigating circumstances:

- 1) the perpetrator of the criminal offence has admitted his or her guilt, has freely confessed and has regretted that which he or she has committed;
 - 2) the offender has voluntarily compensated the offender has actively furthered the disclosure and investigation of the offence;
 - 3) the offender has facilitated the disclosure of the crime of another person;
 - 4) for the loss occasioned or has allayed the harm caused;
 - 5) the criminal offence was committed due to serious personal or family circumstances;
 - 6) the criminal offence was committed under the influence of violence, or on account of financial or other dependence;
 - 7) the criminal offence was committed as a result of the unlawful or immoral behaviour of the victim;
 - 8) the criminal offence was committed exceeding the conditions regarding necessary self-defence, extreme necessity, detention of the person committing the criminal offence, justifiable professional risk or the legality of the execution of commands and orders;
 - 9) the criminal offence was committed by a pregnant woman; and
 - 10) the criminal offence was committed by a person in a state of diminished mental capacity.
- (2) In determining punishment, other circumstances which are not provided for in this Law and which a court finds to be mitigating circumstances, may be taken into account.
- (3) A circumstance, which is provided for in this Law as a constituent element of a criminal offence, may not be considered to be a mitigating circumstance.

Section 48. Aggravating Circumstances

- (1) The following may be considered to be aggravating circumstances:
- 1) the criminal offence was committed repeatedly or constitutes recidivism of criminal offences;
 - 2) the criminal offence was committed while in a group of persons;
 - 3) the criminal offence was committed, taking advantage in bad faith of an official position or the trust of another person;
 - 4) the criminal offence has caused serious consequences;
 - 5) the criminal offence was committed against a woman, knowing her to be pregnant;
 - 6) the criminal offence was committed against a person who has not attained fifteen years of age or against a person taking advantage of his or her helpless condition or of infirmity due to old-age;
 - 7) the criminal offence was committed against a person taking advantage of his or her official, financial or other dependence on the offender;
 - 8) the criminal offence was committed with particular cruelty or with humiliation of the victim;
 - 9) the criminal offence was committed taking advantage of the circumstances of a public disaster;
 - 10) the criminal offence was committed employing weapons or explosives, or in some other generally dangerous way;
 - 11) the criminal offence was committed out of a desire to acquire property;
 - 12) the criminal offence was committed under the influence of alcohol, narcotic, psychotropic, toxic or other intoxicating substances;
 - 13) the person committing the criminal offence, for purposes of having his or her punishment reduced, has knowingly provided false information regarding a criminal offence committed by another person;
 - 14) the criminal offence was committed due to racist motives;

15) the criminal offence related to violence or threats of violence was committed against a person to whom the perpetrator is related in the first or the second degree of kinship, against the spouse or former spouse, or against a person with whom the perpetrator is or has been in unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household.

(2) A court, taking into account the character of the criminal offence, may decide not to consider any of the circumstances mentioned in Paragraph one of this Section as aggravating.

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

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

[27 May 2004; 12 October 2006; 21 October 2010]

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

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

(2) On the same basis, a court may decide not to apply an additional punishment, which has been provided for as mandatory for the relevant criminal offence in this Law.

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

(4) [8 November 2007]

[25 April 2002; 8 November 2007]

Section 49.¹ Determination of Punishment if the Rights to Termination of Criminal Proceedings in Reasonable Term has not been Observed

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

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

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

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

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

[21 October 2010]

Section 50. Determination of Punishment for Several Criminal Offences

(1) If a person has committed several independent criminal offences, the public prosecutor by drawing up an injunction regarding the punishment or the court, having adjudged punishment separately for each offence, shall determine final punishment according to the aggregation of the criminal offences, including the lesser punishment within the more serious or also totally

or partially adding together the punishments imposed. In such a case, the aggregate term of the punishments shall not exceed the maximum term set out for the relevant form of punishment.

(2) After the addition of all punishments of deprivation of liberty for the criminal offences (with the exception of life imprisonment), the aggregate term shall not exceed twenty years.

(3) For a person who has been found guilty of committing several of the criminal offences provided for in the various sections or paragraphs of sections of the Special Part of this Law, the additional punishment shall, similarly to the basic punishment, initially be determined separately for each offence but thereafter, according to the aggregation of the criminal offences together with the basic punishment.

(4) Additional punishments, which are determined separately for each of the criminal offences, may be added to the basic punishment adjudged for the aggregation of criminal offences.

(5) The court shall determine the punishment in accordance with the same procedure if, after a judgment has been rendered or an injunction of the public prosecutor regarding the punishment has been drawn up, it is established that the person is also guilty of another criminal offence, which he or she had committed prior to the rendering of judgment or the drawing up of the injunction of the public prosecutor regarding the punishment in respect of the first matter. In such case, the term of the punishment shall include the punishment, which has already been totally or partially served after the first judgment.

[21 October 2010]

Section 51. Determination of Punishment after Several Judgments

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

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

(3) In adding together punishments for several judgments, the aggregate term of the punishments shall not exceed the maximum term set out for the relevant form of punishment. In adding up punishments of deprivation of liberty (with the exception of life imprisonment), the term of the punishment in total shall not exceed twenty-five years.

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

[13 December 2007; 21 October 2010]

Section 52. Provisions for Addition of and Substitution of Punishments

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

- 1) one day of custodial arrest;
- 2) eight hours of community service; or
- 3) two days of police supervision.

(2) A punishment of a fine or of limitation of rights shall, if such are imposed in conjunction with a punishment involving deprivation of liberty, custodial arrest or community service, be executed independently.

(3) In determination of punishments which have not been mentioned in Paragraph one of this Section, a court, taking into account any pre-trial arrest, the part of a punishment already

served, or a term of application of compulsory measures of a medical nature, may reduce the punishment or totally release the offender from serving punishment.

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

(5) Pre-trial arrest or a part of a served punishment shall be counted as part of the punishment pursuant to the provisions of Paragraph one of this Section.

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

[12 June 2003; 28 September 2005; 16 June 2009]

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

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

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

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

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

Section 55. Suspended Sentence

(1) If, in determining punishment – deprivation of liberty for a period not longer than five years, or custodial arrest – a court, taking into account the nature of the committed criminal offence and the harm caused, the personality of the offender and other circumstances of the matter, becomes convinced that the offender, not serving the punishment, will not commit violations of the law in the future, it may punish the offender with a sentence that is suspended.

(2) In such case, the court shall decide that the execution of sentence is suspended if, within the term of probation adjudicated by it, the convicted person does not commit a new criminal offence, does not violate public order, and fulfils the obligations imposed by the court and those specified in the regulating laws regarding the execution of criminal punishments.

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

(4) In imposing suspended sentence, circumstances which the court has found material for not serving the punishment, as well as reasons why relevant obligations have been imposed for the convicted person, shall be set out in the judgment.

(5) Additional punishments, except for police supervision and deportation from the Republic of Latvia, may be imposed when a suspended sentence is imposed.

(6) In imposing a suspended sentence, the court may place upon the convicted person the following obligations:

- 1) to allay the harm caused, within a specified term;
 - 2) not to change his or her place of residence without the consent of the State Probation Service;
 - 3) to participate in probation programmes in accordance with State Probation Service instructions;
 - 4) not to visit specified places;
 - 5) to be present at his or her place of residence at the time specified; and
 - 6) to observe other conditions, which the court has recognised as necessary to achieve the purpose of the punishment.
- (7) In imposing a suspended sentence, the court may impose, for a convicted person who has committed a criminal offence due to alcoholism, narcotic, psychotropic addiction or toxic substance addiction, the duty to undergo treatment for alcoholism, narcotic addiction or toxic substance addiction, with his or her consent.
- (8) A court may fully or partially remove obligations imposed in regard to a term of probation upon a convicted person, upon whom a suspended sentence has been imposed.
- (9) If a convicted person upon whom a suspended sentence has been imposed, without justifiable reason does not fulfil the obligations imposed by the court or and those specified in the regulating laws regarding the execution of criminal punishments or repeatedly commits administrative violations for which administrative penalties are imposed upon him or her, the court, pursuant to a submission by the institution which has been assigned supervision of the behaviour of the convicted person, may take a decision regarding serving of the punishment determined for the convicted person, or extension of the term of probation for one year.
- (10) If a convicted person, upon whom a suspended sentence has been imposed, commits a new criminal offence during the term of probation, his or her imposed punishment shall be implemented and the court shall determine punishment for him or her in accordance with the provisions provided for in Sections 51 and 52 of this Law.
- (11) Imposition of a suspended sentence shall not be determined for a person for the committing of an intentional criminal offence, if the person has been previously convicted with deprivation of liberty or custodial arrest and the criminal record thereof has not been set aside or extinguished according to the procedures specified by law.

[18 December 2003; 12 February 2004; 27 May 2004; 21 June 2007; 8 November 2007; 13 December 2007]

Chapter VI

Release from Criminal Liability and Punishment

Section 56. Criminal Liability Limitation Period

- (1) A person may not be held criminally liable if from the day when he or she committed the criminal offence, the following time period has elapsed:
- 1) [21 October 2010];
 - 2) two years after the day of commission of a criminal violation;
 - 3) five years after the day of commission of a less serious crime;
 - 4) ten years after the day of commission of a serious crime; or
 - 5) fifteen years after the day of commission of an especially serious crime, except for a crime for which, in accordance with law, a death penalty or life imprisonment may be adjudged.
- (2) The limitation period shall be calculated from the day when the criminal offence has been committed until when charges are brought or the accused has been issued an official extradition request if the accused resides in another state and a search warrant has been issued for him or her.

(3) The running of the limitation period is interrupted if, before the date of termination of the period prescribed in Paragraph one of this Section, the person who has committed the criminal offence commits a new criminal offence. In such case, the limitation period provided for the more serious of the committed criminal offences shall be calculated from the time of the commission of the new criminal offence.

(4) The issue of the applicability of a limitation period, in respect of a person who has committed a crime for which a death penalty or life imprisonment may be imposed, shall be decided by a court, if thirty years have passed since the day of commission of the crime. If, in the opinion of the court, it is not possible to apply a limitation period, the death penalty may not be imposed and deprivation of liberty shall be substituted for it.

[20 May 2004; 28 September 2005; 12 October 2006; 21 October 2010]

Section 57. Inapplicability of Limitation Period

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

Section 58. Release from Criminal Liability

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

(2) A person who has committed a criminal violation or a less serious crime may be released from criminal liability if there is a settlement effected with the victim or with his or her representative.

(3) A person who has given substantial assistance in the uncovering of a serious or especially serious crime, which is more serious or dangerous than the crime committed by the person himself or herself, may be released from criminal liability. This provision shall not apply to person who are held criminally liable for especially serious crimes provided for in Sections 116, 117, 118, 125, 159, 160, 176, 190.¹, 251, 252 and 253.¹ of this Law or to a person who has established or managed himself or herself an organised group or a gang.

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

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

[25 April 2002; 28 September 2005; 21 May 2009; 21 October 2010]

Section 58.¹ Conditional Release from Criminal Liability

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

(1¹) A person who is accused for committing of a serious crime and who has given substantial assistance in the uncovering of a serious or especially serious crime, which is more serious or dangerous than the crime committed by the person himself or herself, may be also conditionally released from criminal liability by a prosecutor in accordance with the procedures specified by the Law. This provision shall not apply to persons who are held criminally liable for serious crimes provided for in Sections 125, 159, 160, 176, 190.¹, 251, 252 and 253.¹ of this Law or to a person who has been an organiser of a crime.

(2) In conditionally releasing from criminal liability, the public prosecutor shall decide not to continue the criminal prosecution of the person for the offence if in the probationary period, the person does not commit a new criminal offence and fulfils the duties imposed.

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

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

1) to apologise to the victim;

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

2¹) not to change his or her place of residence without the consent of the State Probation Service;

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

3¹) to notify regarding change of the place of residence;

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

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

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

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

Section 59. Release from Punishment or Serving of Punishment

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

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

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

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

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

(6) If a person who has been convicted of a criminal offence or for whom a punishment has been specified with a public prosecutor's injunction regarding punishment, after the judgment is proclaimed or after a public prosecutor has issued an injunction regarding punishment, has

become ill with another serious incurable illness, the court may release such person from serving the punishment.

[27 May 2004; 13 December 2007]

Section 60. Reduction of Punishment in Exceptional Cases

If a convicted person has helped uncover a crime, committed by other persons, which is more serious or more dangerous than the criminal offence committed by the person, the court, by whose judgment such person has been convicted, may reduce the punishment specified in the judgment, but where the death penalty or life imprisonment has been adjudged, a term of deprivation of liberty for twenty years shall be substituted therefor.

[25 April 2002; 21 May 2009]

Section 61. Conditional Release Prior to Completion of Punishment

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

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

- 1) the convicted person has reached a certain result of resocialisation;
- 2) the convicted person to the extent possible has voluntarily made compensation for losses caused by his or her crime;
- 3) the convicted person has possibilities to acquire means of subsistence in legal way after his or her release;
- 4) the convicted person does not have in effect a punishment in respect of serving of punishment regime requirement violations or administrative violations;
- 5) the convicted person is solving and is ready to continue to solve his or her psychological problems which have caused or may cause commitment of criminal offence; or
- 6) he or she agrees to treatment for alcoholism or narcotic, psychotropic or toxic substance addiction, if the convicted person has committed the criminal offence due to alcoholism or narcotic, psychotropic or toxic substance addiction.

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

- 1) not less than half of the punishment imposed for a criminal violation or a less serious crime committed;
- 2) not less than two-thirds of the punishment imposed, if it has been imposed for a serious crime, or if the convicted person is a person who previously has been punished with deprivation of liberty for an intentional crime and the criminal record for this crime has not been set aside or extinguished;
- 3) not less than three-quarters of the punishment imposed, if it has been adjudged for an especially serious crime or if the convicted person is a person who previously had been conditionally released prior to completion of punishment and has newly committed an intentional crime during the period of the unserved punishment; or
- 4) twenty-five years of a punishment of deprivation of liberty, if the convicted person is a person for whom deprivation of liberty on the basis of clemency or amnesty has been substituted for the death penalty, or a person for whom life imprisonment has been imposed.

(4) A court, in conditionally releasing a convicted person prior to completion of punishment, may, for the period of the unserved punishment, impose on him or her the obligations set out in Section 55 of this Law. A duty to participate in probation programmes in accordance with the instructions of the State Probation Service shall be imposed mandatory for a person of legal age, who is punished for commitment of serious or especially serious crime, if a crime is

connected with violence or turned against sexual inviolability or morals. If the person conditionally released prior to completion of punishment does not, without justifiable reason, fulfil the obligations imposed by the court or those specified in the regulating laws regarding the execution of criminal punishments, or repeatedly commits administrative violations, for which administrative punishments are imposed on him or her, the court, on the basis of a submission from the institution to which the supervision of the behaviour of the convicted person has been assigned, may take a decision that the portion of the punishment unserved should be served.

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

(6) Conditional release prior to completion of punishment shall not be applied, if it is imposed for a persona of legal age for especially serious crime which has been committed against a minor and is connected with violence or turned against sexual inviolability or morals.

[27 May 2004; 21 June 2007; 30 October 2008]

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

(1) A judgment of conviction and a public prosecutor's injunction regarding punishment may not be executed, if from the day that it comes into legal effect, it has not been executed within the following time periods:

1) within two years, if custodial arrest, confiscation of property, community service or a fine has been adjudged;

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

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

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

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

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

(3) Issues in regards to limitation periods respecting persons for whom life imprisonment or the death penalty has been adjudged, shall be decided by a court. If a court does not consider it possible to apply a limitation period, deprivation of liberty shall be substituted for the death penalty.

[12 February 2004; 13 December 2007]

Section 63. Extinguishment and Setting Aside of Criminal Record

(1) Criminal record is the juridical consequence of the convicting or the determination of punishment of a person who has committed a criminal offence, which is in effect during the term of the punishment imposed by a court or in a public prosecutor's injunction regarding

punishment, as well as after such until the criminal record is extinguished or set aside in accordance with the procedures set out in law.

(2) A person shall be considered to be convicted from the day the judgment of conviction or the public prosecutor's injunction regarding punishment comes into effect.

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

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

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

3) persons upon whom a suspended sentence has been imposed – one year after the end of the probationary period, but in the case of the application of an additional punishment – also within one year after the end of serving the additional punishment, if the institutions executing the adjudication have not established a violation during the probationary period or serving the additional punishment;

4) after one year – persons for whom a punishment of custodial arrest, confiscation of property, community service or a fine has been imposed;

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

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

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

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

(4) The period for extinguishment of criminal record shall be calculated from the day that the person has completed his or her basic punishment and additional punishment in full extent.

(5) If, according to procedures set out in law, a person is released from punishment before completion of the term of his or her punishment, the period for extinguishment of a criminal record shall be calculated from the day when he or she has been released from serving the punishment, taking into account the time of the punishment actually served.

(6) If a person who has served a punishment, before termination of the period of time for the extinguishment of a criminal record, commits a new criminal offence, the period for extinguishment of the criminal record is interrupted. The period for extinguishment of the criminal record for the first criminal offence is calculated anew from the time after the punishment has actually been completed for the last criminal offence. In such cases a person shall be considered as being convicted of both criminal offences until the period for the extinguishment of criminal record has expired for the more severe punishment.

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

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

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

[17 October 2002; 12 February 2004; 28 September 2005; 8 November 2007; 21 October 2010]

Chapter VII

Special Nature of Criminal Liability of Minors

Section 64. Liability of Minors

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

Section 65. Application of Punishment for Minors

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

- 1) deprivation of liberty;
- 2) custodial arrest;
- 3) community service; or
- 4) fine,

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

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

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

(3) A person, who has committed a criminal offence before attaining eighteen years of age, may be conditionally released from punishment before serving the term of the punishment, if he or she has served not less than half of the imposed punishment.

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

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

[20 June 2001; 12 June 2002; 16 June 2009]

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

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

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

[31 October 2002]

Section 67. [21 May 2009]

Chapter VIII

Compulsory Measures of a Medical Nature

Section 68. Compulsory Measures of a Medical Nature

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

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

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

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

Section 69. Provision of Compulsory Measures of a Medical Nature for Persons in a State of Mental Incapacity

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

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

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

(4) Provision of compulsory measures of a medical nature shall be terminated or altered by a court, on the basis of the opinion of the medical institution, if the person concerned has recovered his or her health or the nature of the illness has changed to such a degree that it is not necessary to provide such measures.

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

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

Compulsory measures of a medical nature may also be determined in regard to persons who have committed criminal offences while being in a state of diminished mental capacity.

If such persons are punished with deprivation of liberty, medical treatment shall be provided in places of deprivation of liberty as are appropriate thereto. If such persons are punished without deprivation of liberty, a court shall impose upon them the obligation to have medical treatment in a psychiatric medical institution pursuant to their place of residence.

Chapter VIII¹ **Coercive Measures Applicable to Legal Persons**

Section 70.¹ Basis for the Application of Coercive Measures to Legal Persons

(1) For the criminal offences provided for in the Special Part of this Law, coercive measures may be applied to a legal person, if the criminal offence has been committed in the interests of the legal person by a natural person in conformity with the provisions of Section 12, Paragraph one of this Law.

(2) Coercive measures applicable to legal persons shall not apply to State, local government and other public law legal persons.

[5 May 2005]

Section 70.² Types of Coercive Measures Applicable to Legal Persons

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

- 1) liquidation;
- 2) limitation of rights;
- 3) confiscation of property; or
- 4) monetary levy.

(2) For a legal person the following additional coercive measures may be specified:

- 1) confiscation of property; and
- 2) compensation for harm caused.

(3) For the criminal violations provided for in the Special Part of this Law and less serious crimes by a legal person, as a basic coercive measure only a monetary levy may be applied, except in cases where the legal person, a branch, representation or structural unit thereof has been especially established for the committing of a criminal offence.

(4) For the serious and especially serious crimes provided for in the Special Part of this Law by a legal person, as basic coercive measures liquidation, limitation of rights, confiscation of property or monetary levy may be applied.

(5) Confiscation of property may also be applied to a legal person as an additional coercion measure, if as a result of the offence by the legal person it has gained a material benefit and as basic coercion measures limitation of rights or monetary levy has been applied to it.

(6) Compensation for harm caused may be applied as an additional coercive measure to a legal person, if as a result of the criminal offence by the legal person it has caused substantial harm or serious consequences are caused thereby.

[5 May 2005]

Section 70.³ Liquidation

(1) Liquidation is the compulsory termination of the activities of a legal person, a branch, representation or structural unit thereof.

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

(3) In liquidating a legal person, a branch, representation or structural unit thereof, all of the existing property thereof shall be alienated without compensation to the ownership of the State. Such property, which is necessary for the legal person to fulfil its obligations to employees, the State and creditors, shall not be alienated.

[5 May 2005]

Section 70.⁴ Limitation of Rights

Limitation of rights is the deprivation of rights as to a specific form of entrepreneurial activity, to the acquisition of permits or rights provided for in regulatory enactments or a prohibition to perform a specific type of activity for a term of not less than one and not exceeding five years.

[5 May 2005]

Section 70.⁵ Confiscation of Property

(1) Confiscation of property is the compulsory alienation to State ownership without compensation, fully or partially, of the property owned by a legal person, which may be applied as a basic coercive measure or as an additional coercive measure.

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

(3) In determining full confiscation of property, the property owned by a legal person, which is necessary to fulfil its obligations to employees, the State and creditors, shall not be confiscated.

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

[5 May 2005]

Section 70.⁶ Monetary Levy

(1) A monetary levy is a compulsory levy, which in conformity with the seriousness of the criminal offence and the financial circumstances of a legal person, shall be determined in the amount of not less than one thousand and not exceeding ten thousand times the minimum monthly wage specified in the Republic of Latvia at the moment of the rendering of the judgment, indicating in the judgment the amount of the monetary levy in the monetary units of the Republic of Latvia.

(2) A monetary levy, which has been imposed upon a legal person, shall be paid from the funds of the legal person for the benefit of the State.

(3) If a legal person avoids the payment of the monetary levy, such coercive measure shall be implemented by compulsory procedures.

[5 May 2005]

Section 70.⁷ Compensation for Harm Caused

(1) Compensation for harm caused is the compensation of the material losses caused as a result of a criminal offence, as well as the rectification of other interests protected by law and rights jeopardised.

(2) Harm shall be compensated or rectified from the funds of a legal person.

(3) If a legal person avoids the compensation for harm caused, such coercive measure shall be implemented by compulsory procedures.

[5 May 2005]

Section 70.⁸ Conditions for the Application of Coercive Measures to Legal Persons

(1) In determining coercive measures, a court shall take into account the nature of the criminal offence and the harm caused.

(2) A court in applying coercive measures to a legal person shall observe the following conditions:

- 1) the actual actions of the legal person;
- 2) the status of the natural person in the institutions of the legal person;
- 3) the nature and consequences of the acts of the legal person;
- 4) measures, which the legal person has performed in order to prevent the committing of a new criminal offence; and
- 5) the size, type of activities and financial circumstances of the legal person.

(3) The coercive measures provided for in this Law may be applied by a court to a legal person on the basis of a proposal from the Office of the Public prosecutor.

[5 May 2005]

Special Part

Chapter IX

Crimes against Humanity and Peace, War Crimes and Genocide

Section 71. Genocide

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

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

[21 May 2009]

Section 71.¹ Invitation to Genocide

For a person who commits public invitation to genocide,
the applicable punishment is deprivation of liberty for a term not exceeding eight years.

[28 April 2005]

Section 71.² Crimes against Humanity

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

activity indicated in this Section or genocide, or war crime or other activity provided for in the international law binding upon the Republic of Latvia, which causes serious physical or mental suffering,

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

[21 May 2009]

Section 72. Crimes against Peace

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

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

Section 73. Preparation, Storage, Movement, Use and Distribution of Weapons of Mass Destruction

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

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

[19 November 2009]

Section 74. War Crimes

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

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than three and not exceeding twenty years.

[21 May 2009]

Section 74.¹ Acquittal of Genocide, Crime against Humanity

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

the applicable punishment is deprivation of liberty for a term of not less than five years or community work.

[21 May 2009]

Section 75. Force against Residents in the Area of Hostilities

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

the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding fifteen years.

Section 76. Pillaging

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

the applicable punishment is deprivation of liberty for a term not exceeding eight years.

Section 77. Invitation to War of Aggression

For a person who commits public invitation of a war of aggression or of triggering of military conflict,

the applicable punishment is deprivation of liberty for a term not exceeding eight years.

Section 78. Triggering of National, Ethnic and Racial Hatred

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

the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if they are associated with violence, fraud or threats, or where they are committed by a group of persons, a State official, or a responsible employee of an undertaking (company) or organisation, or if it is committed utilising automated data processing systems,

the applicable punishment is deprivation of liberty for a term not exceeding ten years.

[21 June 2007]

Section 79. Destruction of Cultural and National Heritage

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

the applicable punishment is deprivation of liberty for a term not exceeding seventeen years or a fine not exceeding two hundred times the minimum monthly wage.

Chapter X Crimes against the State

Section 80. Acts Promoting the Overthrow of the State Authority

For a person who commits actions directed towards the violent overthrow of the State authority of the Republic of Latvia,

the applicable punishment is deprivation of liberty for a term of not less than ten and not exceeding twenty years, with confiscation of property.

Section 80.¹ Uniting in Organisations with the Aim to Overthrow the State Authority of the Republic of Latvia

For a person who commits the uniting with more than two persons in an organised group for the purpose of overthrowing the State authority of the Republic of Latvia or to destroy the independence of the State, or to destroy its territorial integrity,

the applicable punishment is deprivation of liberty for a term of up to five years or a fine of up to one hundred times the minimum monthly wage.

[25 April 2002]

Section 81. Invitation to Forcibly Overthrow the State Authority of the Republic of Latvia and Forcibly Change the Political System

For a person who commits public invitation to violently overthrow the State authority of the Republic of Latvia as established by the Constitution, or to violently change the political system, as well as commits the distribution of materials containing such invitation for the same purpose,

the applicable punishment is deprivation of liberty for a term not exceeding five years or a fine not exceeding one hundred times the minimum monthly wage.

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

(1) For a person who commits public invitation of destruction of the independence of the Republic of Latvia as a state, with purpose of incorporating Latvia into a unified state structure with some other state, or destruction thereof in some other way,

the applicable punishment is deprivation of liberty for a term not exceeding three years or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits organisational activities directed towards destruction of the independence of the Republic of Latvia as a state, with purpose of incorporating Latvia into a unified state structure with some other state, or destruction thereof in some other way,

the applicable punishment is deprivation of liberty for a term not exceeding six years or a fine not exceeding one hundred times the minimum monthly wage.

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

(1) For a person who commits public invitation to destruction of the territorial integrity of the Republic of Latvia, that is, secession of a part of the territory of the Republic of Latvia in a manner not provided for by the Constitution of the Republic of Latvia,

the applicable punishment is deprivation of liberty for a term not exceeding three years or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits organisational acts directed towards the destruction of the territorial integrity of the Republic of Latvia,

the applicable punishment is deprivation of liberty for a term not exceeding five years or a fine not exceeding one hundred times the minimum monthly wage.

Section 84. Violation of Sanctions Imposed by International Organisations

(1) For a person who commits intentional violation of regulatory enactments regulating implementation of sanctions determined by the United Nations Security Council, European Union or other international organisations in the Republic of Latvia,

the applicable punishment is deprivation of liberty for a term not exceeding five years or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated, or by a group of persons pursuant to prior agreement, or by a State official, the applicable punishment is deprivation of liberty for a term not exceeding eight years, with or without confiscation of property.

[1 June 2000]

Section 85. Espionage

(1) For a person who commits transfer of confidential information, or stealing or collection thereof pursuant to an assignment from the intelligence agency of a foreign power, in order that this information be utilised in a manner prejudicial to the interests of the Republic of Latvia,

the applicable punishment is deprivation of liberty for a term not exceeding ten years, with confiscation of property.

(2) For a person who commits the same acts, if the information is an official secret, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twenty years, or life imprisonment, with confiscation of property.

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

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

the applicable punishment is deprivation of liberty for a term not exceeding fifteen years.

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

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

the applicable punishment is deprivation of liberty for a term not exceeding fifteen years.

(2) For a person who commits the same acts, if such have caused serious consequences for the Republic of Latvia,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twenty years.

Section 88. Terrorism

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

purposes of harming the State or the inhabitants thereof or the interests of international organisations (terrorism),

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than eight and not exceeding twenty years, with confiscation of property.

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

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than eight and not exceeding twenty years, with confiscation of property.

(3) For a person who commits the acts provided for in Paragraph one or two of this Section if commission thereof is by a group of persons pursuant to previous agreement (a terrorist group),

the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than ten and not exceeding twenty years, with confiscation of property.

(4) For a person who commits the establishment or leading of a terrorist group, the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than fifteen and not exceeding twenty years, with confiscation of property.

[18 May 2000; 8 December 2005; 13 December 2007/2]

Section 88.¹ Financing of Terrorism

(1) For a person who commits the direct or indirect collection or transfer of any type of acquired funds or other property for the purposes of utilising such or knowing that such will be fully or partially utilised in order to commit one or several acts of terror or in order to transfer such to the disposal of terrorist groups or individual terrorists (financing of terrorism), the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than eight and not exceeding twenty years, with confiscation of property.

(2) For a person who commits the financing of terrorism if commission thereof is by a group of persons pursuant to previous agreement or it committed on large scale, the applicable punishment is life imprisonment or deprivation of liberty for a term of not less than fifteen and not exceeding twenty years, with confiscation of property.

[28 April 2005; 13 December 2007/2]

Section 88.² Invitation to Terrorism and Terrorism Threats

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

the applicable punishment is deprivation of liberty for a term not exceeding eight years.

[13 December 2007/2]

Section 88.³ Recruitment and Training of Persons for the Commitment of Acts of Terror

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

the applicable punishment is deprivation of liberty for a term of not exceeding ten years, with or without confiscation of property.

[13 December 2007/2]

Section 89. Sabotage

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

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property.

Section 89.¹ Criminal Organisation

(1) For a person who commits the establishment of such a criminal organisation (association), in the composition of which are at least five persons, for the purpose of committing especially serious crimes against humanity or peace, war crimes, to commit genocide or to commit especially serious crimes against the State, as well as for involvement in such an organisation or in an organised group included within such organisation or other criminal formation, the applicable punishment is deprivation of liberty for a term of not less than eight and not exceeding seventeen years, with confiscation of property.

(2) For a person who commits the leading of a criminal organisation or participates in the committing of the crimes provided for in Paragraph one of this Section by such an organisation, the applicable punishment is deprivation of liberty for a term of not less than ten and not exceeding twelve years or life imprisonment, with confiscation of property.

[25 April 2002]

Section 90. Hindrance of the Exercise of Voting rights and the Right to Participate in Referendums

For a person who knowingly commits hindrance of the unrestricted exercise of the right to elect representatives, the right to be elected, or the right to freely participate in a national referendum organised in accordance with the laws of the Republic of Latvia, by the use of violence, fraud, threats, payoffs, or other unlawful means,

the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding sixty times the minimum monthly wage.

[12 February 2004]

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

[12 June 2002]

Section 92. Falsification of Election and National Referendum Documents, Miscount of Votes and Violation of Right of Secret Ballot

For a person who commits falsification of election or referendum documents, or knowingly miscounting votes or knowingly commits violation of the right of secret ballot, where committed by a State official or a member of the Election Committee,

the applicable punishment is deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding eighty times the minimum monthly wage.

[12 February 2004]

Section 93. Desecration of State Symbols

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

the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding fifty times the minimum monthly wage.

[12 February 2004]

Section 94. Intentional Disclosure of Official Secrets

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

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine up to two hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding five years.

[21 October 2010]

Section 95. Disclosure of Official Secrets through Negligence

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

the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine up to two hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding two years.

[21 October 2010]

Chapter XI

Criminal Offences against the Environment

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

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

the applicable punishment is deprivation of liberty for a term not exceeding three years or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[21 October 2010]

Section 97. Violation of Provisions regarding the Utilisation of the Natural Resources of the Sea

(1) *[21 October 2010]*

(2) For a person who commits violation of the provisions regarding the researching or utilisation of natural resources of the territorial sea, continental shelf or exclusive economic

zone of the Republic of Latvia, if substantial harm is caused to the sea or coastal area, or other substantial harm is caused thereby,
the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[12 February 2004; 21 October 2010]

Section 98. Violation of Provisions regarding the Circulation of Radioactive and Chemical Substances

(1) [21 October 2010]

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

the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

(3) For violation of the provisions indicated in Paragraph two of this Section, if serious consequences are caused thereby or if it has been committed by an organised group, the applicable punishment is deprivation of liberty for a term not exceeding eight years and with or without police supervision for a term not exceeding three years.

[12 February 2004; 12 October 2006; 13 December 2007/2; 21 October 2010]

Section 99. Violation of Provisions Regarding Management of Hazardous Waste

[21 October 2010]

(1) [21 October 2010]

(2) For a person who commits a violation of the provisions for the collection, storage, reloading, transportation, processing, regeneration or burial of hazardous waste, if substantial harm is caused thereby to the environment, human health, or property or economic interests, the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding one hundred fifty times the minimum monthly wage.

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

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

(4) For a person who commits a violation of the provisions in Paragraph two of this Section or the activities provided for in Paragraph three of this Section, if commission thereof is by an organised group,

the applicable punishment is deprivation of liberty for a term not exceeding seven years and with police supervision for a term not exceeding three years.

[12 February 2004; 13 December 2007/2; 21 October 2010]

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

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

the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

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

the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding twenty years.

[18 May 2000; 12 February 2004]

Section 101. Pollution of the Sea

(1) [21 October 2010]

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

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

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

the applicable punishment is deprivation of liberty for a term not exceeding ten years.

[13 December 2007/2; 21 October 2010]

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

(1) [21 October 2010]

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

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

(3) For a person who commits polluting with dangerous or other polluting substances, materials or wastes, littering or otherwise harmfully affecting the earth, forests, or internal waters (surface water or groundwater) in any way, if serious consequences are caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding ten years.

[12 February 2004; 13 December 2007/2; 21 October 2010]

Section 103. Pollution of the Air of the Atmosphere

(1) [21 October 2010]

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

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[12 February 2004; 21 October 2010]

Section 104. Operation of Facilities without Treatment Structures

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

the applicable punishment is custodial arrest or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[21 October 2010]

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

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

the applicable punishment is custodial arrest or community service, or a fine not exceeding forty times the minimum monthly wage.

[12 February 2004; 21 October 2010]

Section 106. Concealment of Data regarding Environmental Pollution

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

the applicable punishment is custodial arrest or community service, or a fine not exceeding fifty times the minimum monthly wage.

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

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[21 October 2010]

Section 107. Forest Arson

(1) For a person who commits intentional forest arson,
the applicable punishment is deprivation of liberty for a term not exceeding three years or custodial arrest, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if substantial harm or, due to the negligence of the offender, loss of human life or other serious consequences are caused thereby,
the applicable punishment is deprivation of liberty for a term not exceeding eight years.

[21 October 2010]

Section 108. Destruction and Damaging of a Forest Through Negligence

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

the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if loss of human life or other serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[12 February 2004; 21 October 2010]

Section 109. Arbitrary Cutting and Damaging Trees

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

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

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

the applicable punishment is deprivation of liberty for a term not exceeding three years or custodial arrest, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

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

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[13 December 2007/2; 21 October 2010]

Section 110. Arbitrary Fishing and Acquisition of Aquatic Animals

(1) *[21 October 2010]*

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

the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

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

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[25 April 2002; 21 October 2010]

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

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

the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

[12 February 2004; 21 October 2010]

Section 112. Illegal Hunting

(1) *[21 October 2010]*

(2) For a person who commits illegal hunting, if commission thereof is by a group of persons pursuant to previous agreement or in a specially protected nature territory, or if substantial harm is caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

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

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

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

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

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

the applicable punishment is custodial arrest or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[12 February 2004; 21 October 2010]

Section 114. Destruction and Damaging of Special Areas of Protection

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

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[21 October 2010]

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

For a person who commits destruction or damaging of specially protected animals, plants, mushrooms or lichens or the habitat thereof, or destruction or damaging of specially protected biotopes, if substantial harm is caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[21 October 2010]

Section 115.¹ Violation of the Trading Provisions of Specimens of Endangered Wild Animal and Plant Species

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

the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[21 October 2010]

Chapter XII Homicide

Section 116. Murder

For a person who commits intentional unlawful homicide (murder) of another person, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with or without police supervision for a term not exceeding three years.

Section 117. Murder Committed in Aggravating Circumstances

For a person who commits murder, if:

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

the applicable punishment is life imprisonment, or deprivation of liberty for a term of not less than ten years and not exceeding twenty years, police supervision for a term not exceeding three years, with confiscation of property.

[18 May 2000]

Section 118. Murder Committed in Especially Aggravating Circumstances

For a person who commits murder:

1) associated with the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other unlawful offence, or having provided testimony in court or at a pre-trial investigation;

2) if two or more persons have been murdered;

3) if it has been committed by a person who has previously committed murder, except for a murder committed in a state of extreme mental agitation or a murder committed in the course of violating measures necessary for self-defence or provisions regarding detention of a person;

4) if it is committed by a person serving a term of life imprisonment;

5) if commission thereof is by an organised group,

the applicable punishment is life imprisonment, or deprivation of liberty for a term of not less than fifteen years and not exceeding twenty years and police supervision for a term not exceeding three years, and confiscation of property, or the death penalty.

[13 December 2007/2]

Section 119. Murder of a Newborn Child

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

the applicable punishment is deprivation of liberty for a term not exceeding five years.

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

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

the applicable punishment is deprivation of liberty for a term not exceeding five years.

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

For a person who commits murder in the course of exceeding the limits of necessary self-defence,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service.

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

(1) For a person who commits murder in the course of violating provisions regarding detention of a person,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service.

(2) For a person who commits the same act, if he or she is a State official, the applicable punishment is deprivation of liberty for a term not exceeding five years.

Section 123. Homicide Through Negligence

(1) For a person who commits unlawful homicide through negligence, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service.

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

the applicable punishment is deprivation of liberty for a term not exceeding five years.

Section 124. Leading to Suicide

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

the applicable punishment is deprivation of liberty for a term not exceeding three years.

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

the applicable punishment is deprivation of liberty for a term not exceeding five years.

Chapter XIII Criminal Offences Against Health of a Person

Section 125. Intentional Serious Bodily Injury

(1) For a person who commits intentional infliction of such bodily injury as is dangerous to life or has been the cause of loss of vision, hearing or any other organs or functions of organs, or mental or other health disorder, if it is associated with a general ongoing loss of ability to work to the extent of not less than one third, or has resulted in the termination of pregnancy, or has been manifested in irreparable facial disfigurement (serious bodily injury),

the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without police supervision for a term not exceeding three years.

(2) For a person who commits the same acts, if:

1) their commission is associated with the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other unlawful offence, or having provided testimony in court or at a pre-trial investigation;

2) they have been committed against two or more persons;

3) they have been committed in a way dangerous to the life or health of several persons;

4) they have been in the nature of torment or torture;

5) they have been committed by a group of persons;

6) they have been committed by a person who has previously committed a murder or inflicted intentional serious bodily injury, except where committed in a state of extreme mental agitation or in the course of violating the limits of necessary self-defence or provisions regarding detention of a person;

7) they have been committed by a person who has been confined to a place to be held in short-term detention or in prison;

8) they have been committed against a person in the state of helplessness,
the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding twelve years, with or without police supervision for a term not exceeding three years.

(3) For a person who commits intentional infliction of serious bodily injury which, as a result of the negligence of the offender, has been the cause of the death of the victim,
the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding fifteen years, with or without police supervision for a term not exceeding three years.

(4) For a person who commits intentional infliction of serious bodily injury, if commission thereof is by an organised group,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, confiscation of property, and with police supervision for a term not exceeding three years.

[13 December 2007/2; 30 October 2008; 21 May 2009]

Section 126. Intentional Moderate Bodily Injury

(1) For a person who commits intentional infliction of such bodily injury as is not dangerous to life and has not resulted in the consequences provided for in Section 125 of this Law but has resulted in continued health disorder or general ongoing loss of ability to work to the extent of less than one third (moderate bodily injury),

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if:

1) their commission is associated with the victim or his or her relative having performed his or her official or professional duty or having participated in the prevention or interruption of a criminal or other unlawful offence, or having provided testimony in court or at a pre-trial investigation;

2) they have been in the nature of torment or torture;

3) they have been committed by a group of persons;

4) they have been committed by a person who has previously committed a murder or inflicted intentional serious or moderate bodily injury, except where committed in a state of extreme mental agitation (in an aggravated state) or in the course of violating limits of necessary self-defence or provisions regarding detention of a person;

5) they have been committed by a person who has been confined to a place to be held under short-term detention or in prison;

6) they have been committed against a person in the state of helplessness,
the applicable punishment is deprivation of liberty for a term not exceeding eight years.

[30 October 2008; 21 May 2009]

Section 127. Intentional Bodily Injury Inflicted in a State of Extreme Mental Agitation

For a person who commits intentional infliction of serious or moderate bodily injury while in a sudden state of extreme mental agitation which has been caused by violence or grievous insult to dignity on the part of the victim,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

Section 128. Intentional Bodily Injury Inflicted Exceeding the Limits of Necessary Self-defence

For a person who commits intentional infliction of serious or moderate bodily injury in the course of exceeding the limits of necessary self-defence, if this injury is not inflicted to protect oneself from a threat to life or from rape,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

Section 129. Intentional Bodily Injury Inflicted Violating Provisions Regarding Detention of a Person

(1) For a person who commits intentional infliction of serious or moderate bodily injury in the course of violating provisions regarding detention of a person, the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits the same acts, where commission thereof is by a State official, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

[12 February 2004]

Section 130. Intentional Slight Bodily Injury

(1) *[21 October 2010]*

(2) For a person who commits intentional infliction of slight bodily injury, the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(3) For a person who commits regular beating having the nature of torture, or any other kind of torture, provided these acts have not had the consequences provided for in Sections 125 and 126 of this Law,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

[21 October 2010]

Section 131. Negligent Bodily Injury

For a person who commits infliction of serious or moderate bodily injury through negligence,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

Section 132. Threatening to Commit Murder and to Inflict Serious Bodily Injury

For a person who commits threatening to commit murder or to inflict serious bodily injury, if there have been reasonable grounds to fear that these threats may be carried out,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

Section 133. Infection with Human Immunodeficiency Virus and Hepatitis B and C Virus

For a person who knowingly commits infection of a person with human immunodeficiency virus or hepatitis B or C virus,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

[21 May 2009]

Section 133.¹ Infection with a Dangerous Agent of Infectious Disease

For a person who knowingly commits infection of a person with a dangerous agent of the infectious disease, if as a result thereof serious bodily injury has been committed or it has been a cause for the death of victim,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

[21 May 2009]

Section 134. Infection with Agent of Sexually Transmitted Disease

(1) For a person who knowingly commits intentional infection of a person with an agent of sexually transmitted disease,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who knowingly commits intentional infection of a minor with an agent of sexually transmitted disease,

the applicable punishment is deprivation of liberty for a term not exceeding four years.

[12 February 2004; 21 May 2009]

Section 135. Unauthorised Performing of an Abortion

(1) For a person who, being a person who has the right to perform abortions, commits abortion on a pregnant woman, where the abortion is performed outside of the premises of a hospital or any other medical institution, or at a medical institution but without legal basis therefor,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

(2) For a person who commits abortion on a pregnant woman in unsanitary conditions, or where commission thereof is by a person who does not have the right to perform abortions, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without deprivation of right to engage in the practice of medical treatment for a period not exceeding five years.

(3) For a person who repeatedly commits unauthorised abortions on pregnant women, the applicable punishment is deprivation of liberty for a term not exceeding five years, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

(4) For a person who commits unauthorised abortion against the will of a pregnant woman, or where commission of an unauthorised abortion has resulted in the death of a pregnant woman or other serious consequences,

the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with or without deprivation of right to engage in the practice of medical treatment for a period not exceeding five years.

[12 February 2004]

Section 136. Compelling Commission of an Abortion

For a person who commits compelling a pregnant woman to have an abortion performed, if it has resulted in the abortion being performed,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

Section 137. Unauthorised Medical Treatment

(1) For a person who commits unauthorised medical treatment, if such has caused health disorder to the victim,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding three years.

(2) For a person who commits unauthorised medical treatment, if such has caused the death of the victim or serious bodily injury through the negligence of the offender,

the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

[12 February 2004]

Section 138. Improper Performance of Professional Duties by a Medical Practitioner

(1) For a person who, being a medical practitioner, commits failing to fulfil professional duties or negligently fulfilling such, if such offence has, due to the negligence of the offender, caused serious or moderate bodily injury to the victim,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding forty times the minimum monthly wage, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding three years.

(2) For a person who commits the same offence, if it has resulted in the infection of the victim with human immunodeficiency virus or hepatitis B or C virus, or has been the cause of the death of the victim,

the applicable punishment is deprivation of liberty for a term not exceeding five years, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding three years.

[12 February 2004; 29 May 2009]

Section 139. Illegal Removal of Tissue and Organs from a Human Being

For a person who commits illegal removal of tissue or organs from a living or deceased human being in order to utilise such for medical purposes, where commission thereof is by a medical practitioner,

the applicable punishment is deprivation of liberty for a term not exceeding five years, with or without deprivation of the right to engage in the practice of medical treatment for a period not exceeding five years.

Section 140. Violation of Sanitary Hygienic and Epidemiological Safety Provisions

For a person who commits violation of sanitary hygienic and epidemiological safety provisions, if an epidemic is caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

[12 February 2004]

Section 141. Abandonment without Assistance

(1) For a person who commits failing to provide necessary and manifestly undelayable assistance, to a human being in a state in which life is endangered, if the offender knew that he or she could have provided such without serious danger to himself or herself or other persons, and if the failure to provide assistance has resulted in the death of the human being or other serious consequences,

the applicable punishment is community service or a fine not exceeding five times the minimum monthly wage.

(2) For a person who knowingly commits abandonment without assistance of a person who is in a state in which life or health is endangered and who is unable to save himself or herself due to his or her juvenility, old-age, illness, or feebleness, if the offender was able to provide assistance to the victim and had an obligation to take care of him or her, or the offender himself or herself has put the person in the life endangering state,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

Section 142. Failure to Provide Assistance to Victims at Sea

(1) For a person who, being a captain of a ship, commits failing to proceed to the location of a disaster at sea, if information is received that assistance is necessary,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who, being a captain of a ship, commits failing to provide assistance to human beings who are perishing at sea or on another waterway, if this assistance could have been provided without serious danger to the ship, its crew and passengers,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

[12 February 2004]

Chapter XIV

Criminal Offences against Fundamental Rights and Freedoms of a Person

Section 143. Transgression of Inviolability of the Apartment of a Person

(1) For a person who commits illegal entering a apartment against the will of a person residing there,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(20 For a person who commits the same act, using violence, threats or arbitrary appropriation of the title of a State official,
the applicable punishment is deprivation of liberty for a term not exceeding four years, or community service, or a fine not exceeding eighty times the minimum monthly wage.
[12 February 2004]

Section 144. Violating the Confidentiality of Correspondence, Information in the Form of Transmissions over a Telecommunications Network and Other Information

(1) For a person who commits intentional violation of the confidentiality of personal correspondence, information in the form of transmissions over a telecommunications network, as well as commits intentional violation of the confidentiality of information and programs provided for use in connection with electronic data processing,
the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without deprivation of the right to engage in specific activities for a period not exceeding five years.

(2) For a person who commits the same acts, if such are committed for purposes of acquiring property,
the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific activities for a period not exceeding five years.
[20 April 2004]

Section 145. Illegal Activities Involving Personal Data of Natural Persons

(1) For illegal activities involving personal data of a natural person, if it has caused substantial harm,
the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For illegal activities involving personal data of a natural person, if they have been performed by a personal data processing administrator or operator for the purpose of vengeance, acquisition of property or blackmail,
the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(3) For influencing a personal data processing administrator or operator or the data subject, using violence or threats or using trust in bad faith, or using deceit in order to perform illegal activities involving personal data of a natural person,
the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.
[10 September 2009]

Section 146. Violation of Labour Protection Provisions

(1) For a person who commits violation of the requirements of regulatory enactments regulating labour protection or technical safety, where commission thereof is by the manager of an undertaking (company), institution or organisation, or other person responsible for

compliance therewith, and if such offence has caused bodily injury with health disorder or permanent loss of ability to work,
the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a period not exceeding five years.

(2) For a person who commits the same offence, if such has caused the death of a human being or serious bodily injury to several human beings,
the applicable punishment is deprivation of liberty for a term not exceeding eight years, with or without deprivation of the right to engage in specific employment for a period not exceeding five years.

[12 February 2004]

Section 147. Violation of Inventors' and Designers' Rights

(1) For a person who commits intentional disclosure of an invention or a design without the consent of the owner of the inventor, designer or the successors in rights thereof prior to the relevant person disclosing the invention or design himself or herself or prior to it being disclosed with the consent of such persons, as well as commits appropriation of authorship or compelling of joint authorship of an invention or design,
the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits compelling, by means of violence, threats of violence or blackmail, the renouncing of the authorship of an invention or design or commits compelling of joint authorship,
the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

[17 October 2002; 12 February 2004]

Section 148. Infringement of Copyright and Neighbouring Rights

(1) For a person who commits infringement of copyright or neighbouring right, if such infringement has caused substantial harm to rights and interests protected by law of a person,
the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if they are committed by a group of persons according to prior agreement,
the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a term not exceeding three years.

(3) For a person who commits infringement of copyright or neighbouring right if it is committed in large scale or by an organised group, or by compelling, by means of violence, threats or blackmail, the renouncing of authorship, or commits compelling of joint authorship, if it is committed by means of violence, threats or blackmail,
the applicable punishment is deprivation of liberty for a term not exceeding six years, with deprivation of the right to engage in specific employment for a term not exceeding five years. and with or without police supervision for a term not exceeding three years.

[21 October 2010]

Section 149. Illegal Acts with Objects of Copyright and Neighbouring Rights
[21 October 2010]

Section 149.¹ Violation of Discrimination Prohibitions

(1) For a person who commits discrimination due to racial or ethnic origin or for the violation of discrimination prohibitions specified in other regulatory enactments if it committed repeatedly within a one year period,

the applicable punishment is a fine not exceeding thirty times the minimum monthly wage.

(2) For a person who commits the same acts, if by such acts substantial harm is caused or they are associated with violence, fraud or threats, or where they are committed by a group of persons or a State official, or a responsible employee of an undertaking (company) or organisation, or if it is committed utilising automated data processing systems,

the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding fifty times the minimum monthly wage.

[21 June 2007]

Section 150. Incitement of Religious Hatred

(1) For a person who commits violation of religious feelings of persons or incitement of hatred in connection with the attitudes of such persons towards religion or atheism, the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same act, if by such act is caused substantial harm or it is associated with violence, fraud or threats, or where it is committed by a group of persons or a State official, or a responsible employee of an undertaking (company) or organisation, or if it committed utilising automated data processing systems,

the applicable punishment is deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding eighty times the minimum monthly wage.

[21 June 2007]

Section 151. Interference with Religious Rituals

For a person who commits intentional interference with religious rituals, if such are not in violation of law and are not associated with violation of personal rights,

the applicable punishment is community service, or a fine not exceeding ten times the minimum monthly wage.

Chapter XV

Criminal Offences against Personal Liberty, Honour and Dignity

Section 152. Illegal Deprivation of Liberty

(1) For a person who commits unlawful acts depriving a person of the possibility to freely determine where he or she may be (illegal deprivation of liberty), if the elements of a criminal offence by a State official are not present,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding thirty times the minimum monthly wage.

(2) For a person who commits the same acts, if such are committed in a manner dangerous to the life or health of the victim, or if they are associated with the causing of physical suffering to him or her, or they have continued for more than a week, or they have been committed

repeatedly, or they have been committed by a group of persons pursuant to previous agreement,

the applicable punishment is deprivation of liberty for a term not exceeding three years.

(3) For a person who commits illegal deprivation of liberty, if serious consequences are caused thereby or if commission thereof is by an organised group,

the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property, and with or without police supervision for a term not exceeding three years.

[12 February 2004; 13 December 2007/2]

Section 153. Kidnapping

(1) For a person who commits a seizure, using violence or threats, or abduction of a person by fraud or using the state of helplessness of a person (kidnapping),

the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

(2) For a person who commits the same acts, if commission thereof is repeated, as well as for a person who kidnaps an underaged person,

the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding twelve years, with or without confiscation of property.

(3) For a person who commits kidnapping, if serious consequences are caused thereby or commission thereof is by an organised group,

the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property, and with or without police supervision for a term not exceeding three years.

[13 December 2007/2; 30 October 2008]

Section 154. Seizure of Hostages

(1) For a person who commits seizure or detaining of a person as a hostage, if such is associated with threats of murder, infliction of bodily injury or further detainment of such person for the purposes of compelling a natural or legal person or a group of persons to do some act or refrain from doing such, proposing this as a condition for the release of the hostage,

the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding twelve years, with or without confiscation of property.

(2) For a person who commits the same acts, if commission thereof is against a minor, or is repeated, or by a group of persons pursuant to prior agreement, or serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property.

(3) For a person who commits the acts provided for in Paragraph one of this Section, if commission thereof is by an organised group,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, confiscation of property, and with police supervision for a term not exceeding three years.

[8 December 2005; 13 December 2007/2]

Section 154.¹ Human Trafficking

(1) For a person who commits human trafficking,

the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding eight years, with or without confiscation of property.

(2) For a person who commits the same acts if commission thereof is with respect to a minor, or if commission thereof is by a group of persons pursuant to prior agreement, or if commission thereof is repeated,

the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding twelve years, with confiscation of property.

(3) For a person who commits the same acts, if serious consequences are caused thereby or if commission thereof is with respect to an underaged person, or by an organised group,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, with confiscation of property, and with or without police supervision for a term not exceeding three years.

[25 April 2002; 16 December 2004; 13 December 2007/2]

Section 154.² Meaning of Human Trafficking

(1) Human trafficking is the recruitment, transportation, transfer, concealment or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.

(2) The recruitment, transportation, transfer, concealment or reception of a minor for the purpose of exploitation shall be recognised as human trafficking also in such cases, if it is not connected with the utilisation of any of the means referred to in the Paragraph one of this Section.

(3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour or to provide services, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or the compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the illegal removal of a person's tissues or organs.

[25 April 2002]

Section 155. Illegal Commitment to a Psychiatric Hospital

For a person who knowingly commits illegal commitment of a person to a psychiatric hospital,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage, and deprivation of the right to specific employment for a term not exceeding five years.

[12 February 2004]

Section 156. [19 November 2009]

Section 157. Defamation

(1) For a person who knowingly commits intentional distribution of fictions, knowing them to be untrue and defamatory of another person, in printed or otherwise reproduced material, as well as orally, if such has been committed publicly (defamation),

the applicable punishment is community service or a fine not exceeding sixty times the minimum monthly wage.

(2) For defamation in mass media, the applicable punishment is custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

[12 June 2003; 12 February 2004; 19 November 2009]

Section 158. [19 November 2009]

Chapter XVI **Criminal Offences against Morals, and Sexual Inviolability**

Section 159. Rape

(1) For a person who commits an act of sexual intercourse by means of violence, threats or taking advantage of the state of helplessness of a victim (rape), the applicable punishment is deprivation of liberty for a term not exceeding seven years, with or without police supervision for a term not exceeding three years.

(2) For a person who commits rape where commission is by a person who has previously committed rape or commission is by a group of persons, or who commits rape of a minor, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with police supervision for a term not exceeding three years.

(3) For a person who commits rape, if serious consequences are caused thereby, or commits rape of an underaged person, the applicable punishment is life imprisonment, or deprivation of liberty for a term of not less than ten years and not exceeding twenty years, with police supervision for a term not exceeding three years.

[13 December 2007/2; 21 May 2009]

Section 160. Forcible Sexual Assault

(1) For a person who commits pederastic or lesbian or other unnatural sexual acts of gratification, if such acts have been committed using violence or threats or by taking advantage of the state of helplessness of a person, the applicable punishment is deprivation of liberty for a term not exceeding six years, or custodial arrest.

(2) For a person who commits the same acts, if commission thereof is on a minor, or is repeated, or by a person who has previously committed rape, or by a group of persons, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding twelve years and with police supervision for a term not exceeding three years.

(3) For a person who commits acts provided for in Paragraph one or two of this Section, if serious consequences are caused thereby, as well as if commission thereof is on an underaged person, the applicable punishment is a life imprisonment or deprivation of liberty for a term of not less than ten years and not exceeding twenty years and with police supervision for a term not exceeding three years.

[18 May 2000; 13 December 2007/2; 30 October 2008]

Section 161. Sexual Connection, Pederasty and Lesbianism with a Person who has not Attained the Age of Sixteen Years

For a person who commits an act of sexual connection, or pederastic, lesbian or other unnatural sexual acts of gratification, with a person who has not attained the age of sixteen

years and who is in financial or other dependence on the offender, or if such offence has been committed by a person who has attained the age of majority,

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest or community service.

[18 May 2000; 21 May 2009]

Section 162. Leading to Depravity

(1) For a person who commits leading to depravity of a minor against the will of the minor or if such have been committed by a person who has attained the age of majority, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest or community service.

(2) For a person who commits leading to depravity of an underaged person, the applicable punishment is deprivation of liberty for a term not exceeding six years.

[18 May 2000; 21 May 2009]

Section 162¹ Encouraging to Involve in Sexual Acts

(1) For a person who encourages a person who has not attained the age of sixteen to involve in sexual acts or encourages such person to meet with the aim to commit sexual acts or enter into a sexual relationship regardless of the way in which the encouraging is expressed, if such have been committed by a person who has attained the age of majority, the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service.

(2) For a person who commits the same acts, if commission thereof is against an underaged person, the applicable punishment is deprivation of liberty for a term not exceeding five years.

[30 October 2008]

Section 163. Violation of Provisions Restrictive of Prostitution

For a person who commits a violation of provisions restrictive of prostitution, if commission thereof is repeated within a one-year period,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

Section 163.¹ Establishment, Maintenance, Management and Financing of Brothel

For a person who establishes, maintains, manages or finances a brothel (illegal place for organising and provision of prostitution services),

the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding hundred times the minimum monthly wage.

[21 May 2009]

Section 164. Involvement of a Person in Prostitution and Compelling Engaging in Prostitution

(1) For a person who commits involvement of a person in prostitution, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits compelling to engage in prostitution or involvement of a person in prostitution, using their trust in bad faith, or by deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of helplessness, the applicable punishment is deprivation of liberty for a term from two to five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits activities provided for in Paragraphs one and two of this Section, if such acts have been committed repeatedly or by a group of persons, or commits inducing or compelling a minor to engage in prostitution, or commits providing premises to minors for purposes of prostitution, the applicable punishment is deprivation of liberty for a term from five to eight years, with or without confiscation of property.

(4) For a person who commits encouraging or compelling an underaged person to engage in prostitution, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property.

(5) For a person who commits the acts provided for in this Section, if commission thereof is by an organised group, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

[18 May 2000; 12 February 2004; 21 May 2009]

Section 165. Living on the Avails of Prostitution

(1) For a person who commits taking advantage, for purposes of enrichment, of a person who is engaged in prostitution, the applicable punishment is deprivation of liberty for a term not exceeding six years, with confiscation of property or without confiscation of property.

(2) For a person who commits the same acts if commission thereof is by a group of persons, or with respect to minors, the applicable punishment is deprivation of liberty for a term not exceeding eight years, with confiscation of property.

(3) For a person who commits the same acts if commission thereof is by an organised group or if commission thereof is with respect to underaged persons, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

[18 May 2000; 13 December 2007/2; 21 May 2009]

Section 165.¹ Sending a Person for Sexual Exploitation

(1) For a person who commits sending a person with his or her consent for sexual exploitation, that is, for any act which facilitate legal or illegal movement, transit or residence of a person for such purpose within the territory of one country or several countries - the applicable punishment is deprivation of liberty for a term not exceeding six years.

(2) For a person who commits the same acts, if commission thereof is for purposes of enrichment or if commission thereof is by a group of persons pursuant to prior agreement, or if commission thereof is repeated, the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

(3) For a person who commits the acts provided for in Paragraph one or two of this Section, if commission thereof is by an organised group, the applicable punishment is deprivation of liberty for a term of not less than eight years and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

[18 May 2000; 16 December 2004; 13 December 2007/2; 21 May 2009]

Section 165.² [21 May 2009]

Section 166. Violation of Provisions Regarding Importation, Production and Distribution of Pornographic or Erotic Materials

(1) For a person who commits violation of provisions regarding importation, production, distribution, public demonstration, playing or advertising of pornographic writings, printed publications, pictures, films, video and audio recordings or other pornographic materials, if commission thereof is repeated within a one year period, the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding thirty times the minimum monthly wage.

(2) For a person who commits the downloading, acquisition, importation, production, public demonstration, advertising or other distribution of such pornographic or erotic materials as relate or portray the sexual abuse of children, sexual activities of people with animals, necrophilia or violence of a pornographic or erotic nature, or the keeping of such materials, the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits involvement or utilisation of minors in the production (manufacturing) of pornographic or erotic materials, the applicable punishment is deprivation of liberty for a term not exceeding six years, or a fine not exceeding eighty times the minimum monthly wage, with or without confiscation of property.

(4) For a person who commits involvement or utilisation of underaged persons in the production (manufacturing) of pornographic or erotic materials, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property.

(5) For a person who commits the acts provided for in Paragraph three or four of this Section, if commission thereof is by an organised group, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

[18 May 2000; 12 February 2004; 12 October 2006; 21 June 2007; 13 December 2007/2]

Chapter XVII Criminal Offences against the Family and Minors

Section 167. Substitution of a Child

(1) For a person who commits intentional substitution of a newborn child for another, the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits substitution of a newborn child for another for purposes of acquisition of property,

the applicable punishment is deprivation of liberty for a term not exceeding six years.

Section 168. Failure to Comply Adjudications regarding Child Care Rights, Custody Rights and Access Rights

For a person who avoids, in bad faith, to comply with an adjudication of the court or Orphan's court, which arises from the child custody rights, care rights or access rights, or fails to comply with, in bad faith, of such adjudication or delaying, in bad faith, of compliance thereof,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

[21 October 2010]

Section 169. Disclosure of Confidentiality of Adoption

For a person who commits the disclosure of confidentiality of adoption contrary to the will of the adopter,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding ten times the minimum monthly wage.

[12 February 2004]

Section 169.¹ Illegal Acts in Handling of Adoptions

(1) For a person who commits the giving of consent for the adoption of a minor if such consent was given by the mother, father or guardian of such minor for the purpose of acquiring property,

the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the asking of consent for the adoption of a minor from the mother, father or guardian of such minor personally or through an intermediary using violence, threats, by means of fraud, bribes, or other unlawful means, as well as for such intermediation,

the applicable punishment is deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding eighty times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits any acts provided for by Paragraph two of this Section, if it has been committed by a group of persons pursuant to prior agreement,

the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding eight years, confiscation of property.

[21 June 2007]

Section 170. Avoiding of Maintenance

For a person who commits avoiding, in bad faith, the caring for and providing maintenance to his or her parents, grandparents, children, grandchildren, or other persons, if such an obligation has been imposed by a court judgment or the decision of a judge,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

[12 February 2004]

Section 171. Abuse of the Rights of a Guardian

For a person who commits utilisation of a guardianship or trusteeship to the detriment of persons subject to the guardianship or trusteeship,
the applicable punishment is custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

Section 172. Involvement of a Minor in a Criminal Offence

For a person who commits the involving of a minor in a criminal offence,
the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

Section 173. Causing Condition of Drunkenness of a Minor, Involving of a Minor in Non-Medical Use of Therapeutic Medicaments and Other Means which Cause Intoxication

(1) For a person who knowingly commits causing condition of drunkenness of a minor or the involving of a minor in non-medical use of therapeutic medicaments or other means as are not narcotic or psychotropic substances but cause intoxication, if commission thereof is repeated within a one year period, or if such is committed by a person who employs the minor or upon whom the minor is financially or otherwise dependent,
the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who knowingly commits causing condition of drunkenness of a minor, or commits the involving of a minor in non-medical use of therapeutic or other medicaments which as are not narcotic or psychotropic substances but cause intoxication, if such has been committed using violence or threats,
the applicable punishment is deprivation of liberty for a term not exceeding five years.

Section 174. Cruelty Towards and Violence Against a Minor

(1) For a person who commits cruel or violent treatment of a minor, if physical or mental suffering has been inflicted upon the minor and if such has been inflicted by persons upon whom the victim is financially or otherwise dependent and if the consequences provided for in Section 125 or 126 of this Law are not caused by these acts,
the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage and with police supervision for a term not exceeding three years.

(2) For a person who commits the same acts, if commission thereof is against an underaged person,
the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding a hundred times the minimum monthly wage and with police supervision for a term not exceeding three years.

[30 October 2008]

Chapter XVIII

Criminal Offences against Property

Section 175. Theft

(1) For a person who commits concealed or overt stealing (theft) of the movable property of another,

the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits theft, if commission thereof is repeated, or is by a group of persons pursuant to prior agreement,

the applicable punishment is deprivation of liberty for a term not exceeding six years, with or without confiscation of property.

(3) For a person who commits theft, if it has been committed by entering a apartment or other premises, or if it has been committed from a storage facility, from a system connecting storage facilities, or from a means of transport,

the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

(4) For a person who commits theft, if it has been committed by an organised group, as well as commits theft of narcotic, psychotropic, powerfully acting, toxic or radioactive substances, or explosives, firearms or ammunition,

the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding fifteen years, confiscation of property and police supervision for a term not exceeding three years.

[25 April 2002]

Section 176. Robbery

(1) For a person who commits stealing of movable property of another associated with violence or threatened violence (robbery),

the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(2) For a person who commits robbery, if it has been committed by a group of persons pursuant to prior agreement, or if it has been committed by entering a apartment or other premises, or if it has been committed from a property storage facility, a system connecting storage facilities, or a means of transport,

the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding twelve years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(3) For a person who commits robbery, if it is committed on a large scale, or committed by a person who has previously committed robbery or extortion or been engaged in gangsterism or committed seizure of air or water transport vehicles, or such has been committed in an organised group, or who commits the robbery of narcotic, psychotropic, powerfully acting, poisonous or radioactive substances, or explosive substances, firearms or ammunition,

the applicable punishment is deprivation of liberty for a term of not less than eight years and not exceeding fifteen years, with confiscation of property, and police supervision for a term not exceeding three years.

(4) For a person who commits robbery, if it has been committed using firearms or explosives, or if such is associated with the infliction of serious bodily injury on the victim, or if other serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding seventeen years, with confiscation of property, and police supervision for a term not exceeding three years.

[25 April 2002; 12 February 2004]

Section 177. Fraud

(1) For a person who commits acquiring property of another, or of rights to such property, by the use, in bad faith, of trust, or by deceit (fraud), the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits fraud, if commission thereof is repeated, or by a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term not exceeding six years, or with confiscation of property, or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits fraud, if it has been committed on a large scale, or has been committed in an organised group, or it has been committed, acquiring narcotic, psychotropic, powerfully acting, poisonous or radioactive substances or explosive substances, firearms or ammunition,

the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding thirteen years, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without confiscation of property, and with or without police supervision for a term not exceeding three years.

[12 February 2004; 13 December 2007/2]

Section 177.¹ Fraud in an Automated Data Processing System

(1) For a person who commits the knowingly entering of false data into an automated data processing system for the acquisition of the property of another person or the rights to such property, or the acquisition of other material benefits, in order to influence the operation of the resources thereof (computer fraud),

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits computer fraud, if commission thereof is repeated, or by a group of persons pursuant to prior agreement,

the applicable punishment is deprivation of liberty for a term not exceeding eight years or with confiscation of property, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(3) For a person who commits computer fraud, if it has been committed on a large scale or if it has been committed in an organised group,

the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property, and with or without police supervision for a term not exceeding three years.

[28 April 2005; 13 December 2007/2]

Section 178. Insurance Fraud

(1) For a person who commits intentional destruction, damage or concealment of the property of himself or herself for the purpose of receiving insurance moneys, the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits compelling or persuading another person to destroy, damage or conceal insured property, or other influencing for the same objectives, if such has been committed by the owner of the property for purposes of receiving insurance moneys, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

(3) For a person who commits the acts provided for in Paragraphs one and two of this Section, if such have been committed for purposes of obtaining a large amount of insurance moneys, the applicable punishment is deprivation of liberty for a term not exceeding six years, or a fine not exceeding one hundred times the minimum monthly wage.

[12 February 2004]

Section 179. Misappropriation

(1) For a person who commits unlawful acquiring or wasting property of another, if such has been committed by a person to whom such property been entrusted or in whose charge it has been placed (misappropriation), the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or with confiscation of property, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits misappropriation, if commission thereof is repeated, or by a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding eight years, with or without confiscation of property.

(3) For a person who commits misappropriation, if commission thereof is on a large scale, or who commits misappropriation of narcotic, psychotropic, powerfully acting, poisonous or radioactive substances or explosive substances, firearms or ammunition, the applicable punishment is deprivation of liberty for a term of not less than six years and not exceeding fifteen years, with confiscation of property.

[12 February 2004]

Section 180. Theft, Fraud, Misappropriation on a Small Scale

(1) For a person who commits theft, fraud, or misappropriation on a small scale, except for the crimes provided for in the Section 175, Paragraphs three and four; Section 177, Paragraph three and Section 179, Paragraph three of this Law, the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if the commission thereof is repeated, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

[25 April 2002; 18 December 2003; 15 January 2004]

Section 181. Repeated Theft, Fraud, Misappropriation

In Sections 175, 177, 179 and 180 of this Law, a criminal offence shall be considered as repeated, if it has been committed by a person who has previously committed any of the criminal offences provided for in these Sections, or Sections 176, 178, and 224, or in Section 228, Paragraph three of this Law.

[25 April 2002; 18 December 2003; 15 January 2004]

Section 182. Arbitrary Consumption of Electricity, Thermal Energy and Gas, Arbitrary Utilisation of Electronic Communications Services

(1) For a person who commits arbitrary consumption of electricity, thermal energy or gas services if commission thereof is repeated within one year, or arbitrary utilisation of electronic communications services, if substantial material damage has been caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits arbitrary consumption of electricity, thermal energy or gas services or arbitrary utilisation of electronic communications services, if it is committed on a large scale or if it has been committed by a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[25 April 2002; 21 June 2007]

Section 182.¹ Illegal Acts with the Commercial Accounting of Consumed Electricity, Thermal Energy and Gas

(1) For a person who commits interference with the operation of an electricity, thermal energy or gas meter for commercial accounting of electricity, thermal energy or gas or the distortion thereof or making, adaptation, distribution or installation of equipment, devices or software, if such acts provide persons with the possibility to arbitrarily consume electricity, thermal energy or gas,

the applicable punishment is custodial arrest or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts if the commission thereof is repeated or if it has been committed by a group of persons according to prior agreement, or they have caused serious consequences,

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage.

[21 October 2010]

Section 183. Extortion

(1) For a person who commits demanding without legal basis therefor the surrender of property or rights to property, or the performing of any acts of a financial nature, therewith threatening violence against, or disclosure of defamatory information concerning, the victim or relatives of the victim, or to destroy their property or cause them other substantial harm (extortion),

the applicable punishment is deprivation of liberty for a term not exceeding eight years, with or without confiscation of property.

(2) For a person who commits extortion, if commission thereof is repeated, or by a group of persons pursuant to prior agreement, or using violence, firearms or explosives,

the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding twelve years, with confiscation of property, and police supervision for a term not exceeding three years.

Section 184. Extortion by an Organised Group

(1) For a person who commits establishing an organised group or participating in such for purposes of extortion,
the applicable punishment is deprivation of liberty for a term of not less than six years and not exceeding ten years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(2) For a person who commits extortion as a member of an organised group, if the extortion is committed using violence, threats, firearms or explosives,
the applicable punishment is deprivation of liberty for a term of not less than eight years and not exceeding twelve years, confiscation of property and police supervision for a term not exceeding three years.

(3) For a person who commits any acts provided for by Paragraph two of this Section if they have resulted in serious consequences,
the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years, confiscation of property and police supervision for a term not exceeding three years.

Section 185. Intentional Destruction of and Damage to Property

(1) For a person who commits intentional destruction of or damage to property of another,
the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the intentional destruction of or damage to property of another, if such has been committed by arson or in another generally dangerous way, or has caused extensive material loss, or, as a result of the negligence of the offender, the death of a human being has occurred or other serious consequences have been caused,
the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding ten years.

[12 February 2004]

Section 186. Negligent Destruction of and Damage to Property

(1) For a person who commits destruction of or damage to the property of another through negligence, by careless handling of fire or in any other generally dangerous way,
the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits destruction of or damage to the property of another through negligence, if as a result thereof the death of a human being has occurred or other serious consequences have been caused,
the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

[12 February 2004]

Section 187. Intentional Destruction and Damaging of Electrical Transmission Networks, Heating Networks and Natural Gas, Oil and Oil Product Pipelines

[21 October 2010]

(1) For a person who commits the intentional destruction of or damage to an electrical transmission network, heating network or natural gas, oil and oil product pipelines or installations thereof,

the applicable punishment is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts if as a result thereof the death of a human being has occurred or an emergency, disaster or other serious consequences have been caused, or if it has been committed in an organised group,

the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with or without confiscation of property, and with or without police supervision for a term not exceeding three years.

[13 December 2007/2; 21 October 2010]

Section 188. Negligent Destruction of or Damage to Natural Gas and Oil Pipelines

[21 October 2010]

(1) For a person who commits the destruction of or damage to natural gas, oil or oil product pipelines or their installations through negligence,

the applicable punishment is community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if as a result thereof the death of a human being has occurred or an emergency, disaster or other serious consequences have been caused,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

[12 February 2004; 21 October 2010]

Section 189. Irresponsible and Careless Guarding of Property

For a person who, being a person who has been entrusted with the guarding of property, commits performing his or her duties irresponsibly and carelessly, if such conduct has been the cause of stealing, destruction or damage of such property on a large scale and if such is not the criminal offence of a State official or of a responsible employee of an undertaking (company) or organisation,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

[12 February 2004]

Chapter XIX

Criminal Offences of an Economic Nature

Section 190. Smuggling

(1) For a person who commits the bringing in of goods or other valuables into the customs territory of the Republic of Latvia or taking out thereof, by avoiding customs control or concealing such goods or other valuables from such control, or not declaring such goods or other valuables, or utilising false customs or other documents, or in any other illegal way (smuggling), if the commission thereof is repeated within one year,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits smuggling, if such is committed on a large scale, the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding eight years or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits the acts provided for in Paragraph two of this Section, where committed in a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding ten years or community service, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

(4) For a person who commits smuggling, where committed in an organised group, the applicable punishment is deprivation of liberty for a term of not less than eight and not exceeding fifteen years, with confiscation of property, and with police supervision for a term not exceeding three years.

[17 October 2002; 12 February 2004; 28 April 2005; 13 December 2007/2]

Section 190.¹ Movement of Goods and Substances the Circulation of which is Prohibited or Specially Regulated across the State border of the Republic of Latvia

(1) For a person who commits the moving of narcotic or psychotropic substances or the source materials (precursors) for the preparation of such substances, as well as radioactive or hazardous substances, goods of strategic importance or other valuable property, explosives, weapons and ammunition across the State border of the Republic of Latvia in any illegal way, the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits the same acts, if the commission thereof is repeated, or where committed in a group of persons pursuant to prior agreement, or if such is committed on a large scale, the applicable punishment is deprivation of liberty for a term of not less than ten years, with or without confiscation of property.

(3) For a person who commits the same acts, where committed in an organised group, the applicable punishment is deprivation of liberty for a term of not less than twelve years, with confiscation of property, and with police supervision for a term not exceeding three years.

[17 October 2002; 28 April 2005; 21 June 2007; 13 December 2007/2; 19 November 2009]

Section 191. Unauthorised Activities with Goods and Other Valuable Property Subject to Customs Clearance

(1) For a person who commits storage, transportation, forwarding or sale of goods or other valuable property subject to customs clearance in the customs territory of the Republic of Latvia without the permission of the customs authorities, if the commission of these acts is repeated within one year, the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits storage, transportation, forwarding or sale of goods or other valuable property subject to customs clearance in the customs territory of the Republic of

Latvia without the permission of the customs authorities, where committed by a group of persons pursuant to prior agreement or on a large scale, the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding ten years or community service, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

[12 February 2004; 28 April 2005]

Section 192. Manufacture, Distribution, Transportation, Forwarding, Acquisition and Storage of Counterfeit Money and State Financial Instruments

(1) For a person who commits the manufacture, transportation, forwarding, acquisition or storage of counterfeit banknotes and coins in circulation or intended for circulation in the Republic of Latvia, State financial instruments or foreign currency for the purpose of the distribution thereof, or commits the distribution of such counterfeits, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding ten years, with or without the confiscation of property.

(2) For a person who commits the same acts where commission thereof is repeated or on a large scale, or where committed by an organised group, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property, and with or without police supervision for a term not exceeding three years.

[10 April 2003; 18 December 2003; 5 May 2005; 13 December 2007/2]

Section 193. Illegal Activities with Financial Instruments and Means of Payment

(1) For a person who commits acquisition or alienation of financial instruments in his or her own name or in the name of another person, on the basis of inside information of the financial instrument market, as well as commits manipulation of the market with financial instruments, the applicable punishment is deprivation of liberty for a term not exceeding ten years, or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits stealing, destruction, damage or illegal utilisation of financial instruments or means of payment of another person, the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without confiscation of property.

(3) For a person who commits counterfeiting of financial instruments or means of payment, as well as commits circulating or utilising such counterfeits, if the elements of the crime provided for by Section 192 of this Law are not present, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding ten years, with confiscation of property.

(4) For a person who commits the acts provided for by Paragraph one, two or three of this Section, if commission thereof is repeated or on a large scale, or if commission thereof is in an organised group, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years, with confiscation of property, and with or without police supervision for a term not exceeding three years.

[1 June 2000; 18 December 2003; 13 December 2007/2]

Section 193.¹ Obtaining, Manufacture, Distribution, Utilisation and Storage of Data, Software and Equipment for Illegal Acts with Financial Instruments and Means of Payment

(1) For a person who commits obtaining, distribution or utilisation of such data as enable the illegal utilisation of financial instruments or means of payment, the applicable punishment is deprivation of liberty for a term not exceeding six years, with or without confiscation of property.

(2) For a person who commits manufacture or adaptation of software or equipment for the commission of the crimes provided for by Section 193 of this Law, or commits obtaining, storage or distribution of such software or equipment for the same purpose, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding eight years, with or without confiscation of property.

(3) For a person who commits the acts provided for by Paragraph one or two of this Section, if commission thereof is in an organised group, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding ten years, with confiscation of property, and with police supervision for a term not exceeding three years.

[1 June 2000; 18 December 2003; 13 December 2007/2]

Section 194. Unauthorised Issue of Financial Instruments

(1) For a person who commits putting into circulation financial instruments of a legal person before the legal person has commenced activity or without registration of financial instruments as prescribed by law, or knowingly providing false information concerning the public issue of financial instruments, the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits preparing and putting into circulation of financial instruments if such do not comply with the provisions of the articles of association, issuing prospectus or other document issued for this purpose, or issuing of a certificate of deposit (investment) without receipt of the relevant deposit, the applicable punishment is deprivation of liberty for a term not exceeding eight years, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without confiscation of property.

[18 December 2003; 12 February 2004]

Section 194.¹ Dissemination of Untrue Data or Information regarding the Condition of the Finance System of the Republic of Latvia

(1) For a person who commits knowingly the dissemination of untrue data or information orally, written or in other ways regarding the condition of the finance system of the Republic of Latvia, the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits the same acts, if the commission thereof is repeated or if committed by a group of persons pursuant to prior agreement, or if by such is caused substantial harm to the State or to the interests and rights of persons protected by law,

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits the acts provided for by Paragraph one of this Section, it is committed for the purposes of acquiring property, the applicable punishment is deprivation of liberty for a term not exceeding six years, with or without confiscation of property, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

[13 December 2007/2]

Section 195. Laundering of the Proceeds from Crime

(1) For a person who commits laundering of criminally acquired financial resources or other property, the applicable punishment is deprivation of liberty for a term not exceeding three years, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits the same acts, if the commission thereof is repeated or if committed by a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding eight years, with confiscation of property

(3) For a person who commits the acts provided for by Paragraph one or two of this Section, if commission thereof is on a large scale, or if commission thereof is in an organised group, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property, and with or without police supervision for a term not exceeding three years.

[25 April 2002; 28 April 2005; 13 December 2007/2]

Section 195.¹ Knowingly Providing False Information regarding Ownership of Resources

(1) For a person who commits knowingly providing false information to a natural or legal person which is not a State institution and which is authorised by law to request information regarding transactions and the financial resources involved therein or the true owner of other property or the true beneficiary, the applicable punishment is custodial arrest or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated, or by them substantial harm is caused to the State or business, or to the rights and interests of other persons protected by law, the applicable punishment is deprivation of liberty for a term not exceeding three years, or a fine not exceeding one hundred times the minimum monthly wage.

[28 April 2005]

Section 195.² Avoidance of Declaring of Cash

(1) For a person who commits the non-declaration or false declaration of cash as specified in regulatory enactments, which in crossing the State border of the Republic of Latvia is brought into the customs territory of the European Union or taken out thereof, if commission thereof is repeated within one year, the applicable punishment is deprivation of liberty for a term not exceeding two years, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the non-declaration or false declaration of cash as specified in regulatory enactments, which in crossing the State border of the Republic of Latvia is brought into the customs territory of the European Union or taken out thereof, if commission thereof criminally acquired cash or if commission thereof is in an organised group, the applicable punishment is deprivation of liberty for a term not exceeding five years, or a fine not exceeding two hundred times the minimum monthly wage.

[8 December 2005]

Section 196. Use of and Exceeding Authority in Bad Faith

(1) For a person who being a responsible employee of an undertaking (company) or organisation, that is, a person who, in an undertaking (company) or organisation, has the right to make decisions binding on other persons or the right to deal with the property or financial resources of the undertaking (company) or organisation, or a person similarly authorised by an undertaking (company) or organisation, commits carrying out intentional acts, in bad faith using his or her authority or exceeding such, if these acts have caused substantial harm to rights and interests of the undertaking (company) or organisation, or to rights and interests protected by law of another person,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or confiscation of property, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

[12 February 2004]

Section 197. Neglect

For a person who commits neglectfully fulfilling duties of employment, where committed by a responsible employee of an undertaking (company) or organisation or a person similarly authorised by an undertaking (company) or organisation, if substantial harm is caused thereby to the undertaking (company) or organisation, or to rights and interests protected by law of another person,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

[12 February 2004]

Section 198. Unauthorised Receipt of Benefits

(1) For a person who unlawfully accepts material values, property or benefits of other nature, or offers thereof, where accepted by an employee of an undertaking (company) or organisation, or a person who, on the basis of the law or a lawful transaction, is authorised to conduct the matters of another person, him or herself or through an intermediary, for performing or failing to perform some act, in the interests of the giver of the benefit or any other person, using his or her authority, regardless of whether the material values, property or benefits of other nature accepted are intended for this person or any other person,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits the acts provided for in Paragraph one of this Section, if commission thereof is repeated, or on a large scale, or they have been committed by a group of persons pursuant to prior agreement, or where material values, property or benefits of other nature have been requested,

the applicable punishment is deprivation of liberty for a term not exceeding five years, with confiscation of property, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific forms of entrepreneurial activity or employment for a term not exceeding two years.

(3) For a person who unlawfully accepts material values, property or benefits of other nature, or offers thereof, where accepted by a responsible employee of an undertaking (company) or organisation himself or herself or through an intermediary, or a person similarly authorised by an undertaking (company) or organisation, or a person who, on the basis of the law or a lawful transaction, is authorised to resolve disputes or take binding decisions but who is not a State official, for performing or failing to perform some act, in the interests of the giver of the benefit or the offerer, or any other person, using his or her authority, regardless of whether the accepted material values, property or benefits of other nature are intended for this person or any other person,

the applicable punishment is deprivation of liberty for a term not exceeding six years or with confiscation of property, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without deprivation of the right to engage in specific forms of entrepreneurial activity or employment for a term not exceeding three years.

(4) For a person who commits the acts provided for in Paragraph three of this Section, if commission thereof is repeated, or on a large scale, or they have been committed by a group of persons pursuant to prior agreement, or they are associated with a demand for material values, property or benefits of other nature,

the applicable punishment is deprivation of liberty for a term not exceeding eight years, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without confiscation of property, with or without deprivation of the right to engage in specific forms of entrepreneurial activity or employment for a term not exceeding five years.

[25 April 2002; 12 February 2004; 16 February 2006; 19 November 2009]

Section 199. Commercial Bribery

(1) For a person who commits the offering or giving of material values, property or benefits of other nature, if the offer is accepted, in person or through intermediaries to an employee of an undertaking (company) or organisation, or a person who, on the basis of the law or a lawful transaction, is authorised to conduct affairs of another person, or a responsible employee of an undertaking (company) or organisation, or a person similarly authorised by an undertaking (company) or organisation, or a person who, on the basis of the law or lawful transaction, is authorised to settle disputes so that he or she, using his or her authority, performs or fails to perform some act in the interests of the giver of the benefit or the offerer, or any other person regardless of whether the material values, property or benefits of other nature are intended for this person or any other person,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or on a large scale,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[25 April 2002; 12 February 2004; 19 November 2009]

Section 199.¹ Release of the Giver of Benefits from Criminal Liability

A person who has unlawfully offered or given material values, property or benefits of other nature shall be released from criminal liability if he or she, after committing of the criminal offence, voluntarily informs of the occurrence.

[19 November 2009]

Section 200. Disclosure of Non-disclosable Information, which is not an Official Secret; Unauthorised Acquisition and Disclosure of Information Containing Commercial Secrets, and Unauthorised Disclosure of Inside Information of the Financial Instrument Market

(1) For a person who commits disclosure of non-disclosable information, which is not an official secret, if commission thereof is by a person who not a State official and who in accordance with the law is liable for the storage of information, the applicable punishment is custodial arrest or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits unauthorised acquisition of economic, scientific technical, or other information in which there are commercial secrets, for use or disclosure by himself or herself or another person, or commits unauthorised disclosure of such information to another person for the same purpose, as well as commits unauthorised disclosure of inside information of the financial instrument market,

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits stealing of the information indicated in Paragraph one or two of this Section,

the applicable punishment is deprivation of liberty for a term not exceeding eight years or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

[18 December 2003; 12 February 2004; 26 May 2005]

Section 201. Usury

For a person who commits the making of loans in whatever form, knowingly taking advantage of the grave economic situation of the borrower of the loan, and the terms and conditions of which are excessively burdensome for the borrower (usury),

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[12 February 2004]

Section 202. Failing to Ensure Quality of Goods and Services

For a person who knowingly commits producing and selling such goods, or providing to consumers such services, as fail to comply with quality requirements set out in regulatory enactments or technical standards documents or agreements, as a result of which substantial harm is caused to the health of the consumer, his or her property or the environment,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum

monthly wage, with or without deprivation of the right to engage in specific forms of entrepreneurial activity for a term of not less than two years and not exceeding five years.
[12 February 2004; 13 December 2007/2]

Section 203. Failing to Observe Requirements Regarding Safety of Goods and Services

For a person who commits failing to comply with requirements regarding the safety of goods and services set out in regulatory enactments, in technical standards documents or agreements, or in standards approved by relevant authorised State institutions, as a result of which substantial harm is caused to the health of consumers, their property or the environment,

the applicable punishment is deprivation of liberty for a term not exceeding six years or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific forms of entrepreneurial activity for a term of not less than two years and not exceeding five years.
[12 February 2004; 13 December 2007/2]

Section 204. Defrauding Purchasers and Ordering Parties

(1) For a person who commits defrauding purchasers or ordering parties by short measure and weight, having received payment, or commits deceiving purchasers or ordering parties respecting characteristics of goods or services, or other defrauding in a shop or other trading or public food service location or in the providing of a service,
the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or if they have been committed by a group of persons pursuant to prior agreement, or if they have been committed by using specially adjusted scales or other measuring instruments,
the applicable punishment is deprivation of liberty for a term not exceeding five years or confiscation of property, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a term of not less than two years and not exceeding five years.
[12 February 2004; 13 December 2007/2]

Section 205. Violation of Trading Provisions

(1) For a person who commits intentional violation of trading provisions issued by a State institution, if such acts are committed repeatedly within one year,
the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits intentional violation of trading provisions issued by a State institution, if such has resulted in a substantial harm to the State or consumer rights and interests protected by law or such was committed in a group of persons pursuant to previous agreement,
the applicable punishment is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.
[25 April 2002]

Section 206. Illegal Use of Trademarks, Other Distinguishing Marks and Designs

(1) For a person who commits illegal using of a trademark, other distinguishing marks for goods or services or unauthorised using of a design, counterfeiting a mark or knowingly using or distributing a counterfeit mark, if substantial harm is caused thereby to rights and interests protected by law of a person,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if they are committed by a group of persons according to prior agreement,

the applicable punishment is deprivation of liberty for a term not exceeding four years or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a term not exceeding three years.

(3) For a person who commits illegal using of a trademark, other distinguishing marks for goods or services or unauthorised using of a design, counterfeiting a trademark or knowingly using or distributing a counterfeit mark, if it is committed by an organised group or in large scale,

the applicable punishment is deprivation of liberty for a term not exceeding six years, with deprivation of the right to engage in specific employment for a term not exceeding five years, and with or without police supervision for a term not exceeding three years.

[21 October 2010]

Section 207. Entrepreneurial Activities without Registration or a Permit (Licence)

(1) For a person who commits engaging in entrepreneurial activities, without registration or without a special permit (licence) where the requirement for such is prescribed by law, or commits continuing operation of an undertaking (company) after issue of an order for suspension of its operation, if commission of such acts is repeated within a one year period,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term not exceeding three years.

(2) For a person who commits engaging in entrepreneurial activity, without registration or without a special permit (licence) where the requirement for such is provided for by law, or commits continuing operation of an undertaking (company) after issue of an order for suspension of its operation, if substantial harm has been caused, by such entrepreneurial activity or continuation of operation, to the State, or to the rights and interests protected by law of a person,

the applicable punishment is deprivation of liberty for a term not exceeding five years or confiscation of property, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

[12 February 2004]

Section 208. Prohibited Entrepreneurial Activity

For a person who commits engaging in entrepreneurial activity regarding which a special prohibition applies,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or confiscation of property, or community service, or a fine not exceeding

eighty times the minimum monthly wage, with deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.
[12 February 2004]

Section 209. [21 May 2009]

Section 210. Fraudulent Obtaining and Use of Credit and Other Loans

(1) For a person who knowingly commits providing false information, to obtain subsidies, credit or other loans, or during the period of use of the subsidies, credit or other loans, the applicable punishment is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

(2) For a person who commits using subsidies, credit or other loans for purposes other than as provided for in an agreement, the applicable punishment is deprivation of liberty for a term not exceeding four years, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

(3) For a person who commits the acts provided for in Paragraphs one and two of this Section, if substantial harm has been caused thereby to the State, to a creditor, or to the rights and interests protected by law of another person, the applicable punishment is deprivation of liberty for a term not exceeding six years, or community service, or a fine not exceeding eighty times the minimum monthly wage, with deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

[12 February 2004]

Section 211. Unfair Competition, Misleading Advertising and Unfair Commercial Practice

For a person who commits unfair competition, misleading advertising or unfair commercial practices, if commission of such offences is repeated within a one-year period,

the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

[12 February 2004; 13 December 2007/2]

Section 212. Failing to Comply With the Requirements Set Out by an Institution for Protection of Competition

For a person who commits failing to comply with the legal requirements set out by a State institution for the protection and encouragement of competition, if commission of such offences is repeated within a one year period, or if such are associated with the causing of substantial harm to the interests of the State or of consumers,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

[12 February 2004]

Section 213. Driving into Insolvency

(1) For a person who commits driving a legal person the subject of the insolvency proceedings into insolvency due to neglect, if substantial harm is caused thereby to the rights and interests protected by law of another person,

the applicable punishment is deprivation of liberty for a term not exceeding three years or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage, with deprivation of the right to engage in entrepreneurial activity for a term not exceeding three years.

(2) For a person who commits intentionally driving a legal person the subject of the insolvency proceedings into insolvency, if substantial harm is caused thereby to the rights and interests protected by law of another person,

the applicable punishment is deprivation of liberty for a term not exceeding eight years or community service, or a fine not exceeding one hundred twenty times the minimum monthly wage, and deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

[12 February 2004; 13 December 2007/2]

Section 214. Submission of a False Application for Insolvency

[21 October 2010]

(1) *[21 October 2010]*

(2) For a person who commits submitting such application for insolvency wherein false information has been provided or there has been concealment of information, if due to the application the insolvency proceedings may be announced or was announced (knowingly untrue insolvency proceedings application),

the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

[12 February 2004; 13 December 2007/2; 21 October 2010]

Section 215. Delay of Insolvency Proceedings

[21 October 2010]

(1) *[21 October 2010]*

(2) For a person who commits non-submission of information to the court, meetings of creditors or other persons as provided for by law, or deceiving them, as well as commits engaging in transactions in favour of one or more creditors to the detriment of the remaining creditors, if such has been intentionally committed by the administrator of the insolvency proceedings,

the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits impeding the course of insolvency proceedings, which conduct is manifested by the representative of the debtor (legal person the subject of the insolvency proceedings) or of a natural person (natural person of the insolvency proceedings) in evading taking part in adjudication of the matter or failing to provide or concealing the information requested by the meetings of creditors of the legal person the subject of the insolvency proceedings, the court, or the administrator, illegal alienation of property, concealing property or transactions, non-transference, concealing, destroying or forging documents or in other intentional acts which delay the course of the insolvency proceedings,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage, and deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

[12 February 2004; 13 December 2007/2; 21 October 2010]

Section 215.¹ Violation of Legal Protection Proceedings Regulations

(1) For a person who commits the utilisation of legal protection proceedings provided for in the case of restricted insolvency for the purpose of evading the fulfilment of obligations, the applicable punishment is community service or a fine not exceeding one hundred and twenty times the minimum monthly wage, and with or without the deprivation of the right to engage in entrepreneurial activity for a term not exceeding three years.

(2) For a person who commits impeding the legal protection proceedings (in the case of restricted insolvency), which is manifested by failing to provide or concealing the information provided for by law requested by the court, or the administrator, illegal alienation of property, concealing property or transactions, non-transference, concealing, destroying or forging documents or in other intentional acts which delay the course of the legal protection proceedings,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage, and deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

[13 December 2007/2]

Section 216. Unlawful Disposition of Pledged Property

For a person who commits the disposition of property pledged by way of commercial pledge without the authorisation of the pledgee, if substantial harm is caused thereby to the property interests of the pledgee or other persons,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term not exceeding five years.

[12 February 2004]

Section 217. Violation of Provisions Regarding Accounting and Statistical Information

(1) For a person who commits violation of provisions regarding the conducting of accounting documentation or of procedures regarding compilation of annual accounts or statistical reports, prescribed by law for an undertaking (company), institution or organisation, or late or incomplete submitting of annual reports, statistical reports or statistical information to the appropriate State institutions, if commission thereof is repeated within a one year period, the applicable punishment is community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits concealing or forging accounting documents, annual accounts, statistical reports or statistical information required by law regarding an undertaking (company), institution or organisation,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding eighty times the minimum monthly wage.

[12 February 2004]

Section 218. Evasion of Tax Payments and Payments Equivalent Thereto

(1) For a person who commits evasion of tax payments and payments equivalent thereto or commits concealing or reducing income, profits and other items subject to tax, if commission of such acts is repeated within a year,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

(2) For a person who commits evasion of tax payments and payments equivalent thereto or of concealing or reducing income, profits and other items subject to tax, if losses on a large scale are caused thereby to the State or local government,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without confiscation of property, and with or without deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years.

(3) For a person who commits the acts provided for by Paragraph two of this Section, if commission thereof is in an organised group,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding fifteen years, with confiscation of property, deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years, and with police supervision for a term not exceeding three years.

[12 February 2004; 13 December 2007/2]

Section 219. Avoiding Submission of Declaration

(1) For a person who commits non-submission of a declaration of income, property or transactions, or other declaration of a financial nature on the basis of a warning by those State institutions, which are entitled to request the submission of such declarations,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits intentionally setting out false information in a declaration of income, property or transactions, or other declaration of a financial nature prescribed by law, if false information is indicated regarding property or other income on a large scale,

the applicable punishment is deprivation of liberty for a term not exceeding four years, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits not indicating the source of origin of the property or other income to be declared as specified by law, or providing false information regarding the source of origin of the property or other income, if such information has been requested by the relevant authorised State institution according to procedures specified by law, and if false information is indicated regarding property or other income on a large scale,

the applicable punishment is deprivation of liberty for a term not exceeding six years, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with confiscation of the property the source of origin of which was not indicated in the declaration.

[17 October 2002; 12 February 2004; 13 December 2007]

Section 220. Concealment of Property

For a person who commits disposing, squandering, hiding or other concealing of property or financial resources for purposes of evading payment of a debt or fulfilment of some other obligation,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

Section 220.¹ Illegal Storage, Movement (Transportation) and Sale of Oil Products

(1) For a person who commits illegal storage, movement (transportation) or sale of oil products, if it has been committed by the group of persons pursuant to previous agreement or it has been committed on large scale,

the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding hundred times the minimum monthly wage, with or without confiscation of property.

(2) For a person who commits illegal storage, movement (transportation) or sale of oil products, if it has been committed by the organised group,

the applicable punishment is deprivation of liberty for a term not exceeding six years, with confiscation of property and with police supervision for a term not exceeding three years.

[21 May 2009]

Section 221. Illegal Storage, Movement (Transportation) and Sale of Alcoholic Beverages and Tobacco Products

(1) For a person who commits illegal storage, movement (transportation) or sale of alcoholic beverages or tobacco products, if it has caused substantial harm,
the applicable punishment is custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits illegal storage, movement (transportation) or sale of alcoholic beverages or tobacco products, if commission thereof is by a group of persons pursuant to prior agreement, or has been committed on a large scale,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits illegal storage, movement (transportation) or sale of alcoholic beverages or tobacco products, if it has been committed by the organised group,

the applicable punishment is deprivation of liberty for a term not exceeding five years, with or without confiscation of property and with police supervision for a term not exceeding three years.

[12 February 2004; 12 October 2006; 21 May 2009]

Section 221.¹ Sale of Illegal Alcoholic Beverages

(1) For a person who commits the sale of illegally prepared (produced) or counterfeit alcoholic beverages or liquids containing alcohol, which are not alcoholic beverages, but which are offered as alcoholic beverages (illegal alcoholic beverages),

the applicable punishment is deprivation of liberty for a term not exceeding three years or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts if the commission thereof is repeated or has been committed on a large scale or if it has been committed by a group of persons pursuant to prior agreement,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits the same acts if serious consequences are caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding ten years or a fine not exceeding one hundred and fifty times the minimum monthly wage, with confiscation of property and with police supervision for a term not exceeding three years.

[21 June 2007]

Section 221.² Preparation (Production), Storage and Movement of Illegal Alcoholic Beverages

(1) For a person who commits the preparation (production), storage and movement of illegal alcoholic beverages, if substantial harm is caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding three years or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the preparation (production), storage and movement of illegal alcoholic beverages, if it has been committed on a large scale or if it has been committed by a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

[21 June 2007; 19 November 2009]

Section 221.³ Acquisition of Illegal Alcoholic Beverages

For a person who commits the acquisition of illegal alcoholic beverages, if the commission thereof is repeated within one year,

the applicable punishment is custodial arrest or community service, or a fine not exceeding fifty times the minimum monthly wage.

[21 June 2007]

Section 221.⁴ Release of a Person from Criminal Liability regarding the Acquisition, Storage and Movement of Illegal Alcoholic Beverages

A person who voluntarily has transferred illegal alcoholic beverages and voluntarily has informed regarding the acquisition, preparation (production), storage, movement or sale of such illegal alcoholic beverages, shall be released from criminal liability regarding the acquisition, storage or movement thereof.

[21 June 2007]

Section 221.⁵ Giving of Premises for the Preparation (Production), Storage and Sale of Illegal Alcoholic Beverages

For a person who commits the giving of premises for the preparation (production), storage or sale, if the commission thereof is repeated within one year,

the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[21 June 2007]

Section 222. Violation of Veterinary Provisions

For a person who commits intentional violation of veterinary provisions, if the spread of epizootic disease or other serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with confiscation of property.

Section 223. Violation of Provisions Regarding Prevention of Crop Disease and Infestation

For a person who commits violation of provisions regarding prevention of crop disease or infestation, if serious consequences are caused thereby,

the applicable punishment is community service, or a fine not exceeding fifty times the minimum monthly wage.

Chapter XX Criminal Offences against General Safety and Public Order

Section 224. Gangsterism

(1) For a person who commits joining with more than two persons, in an organised armed group (gang) for the committing of crime, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(2) For a person who commits participation in or leadership of crimes committed by a gang, the applicable punishment is deprivation of liberty for a term of not less than eight and not exceeding twenty years, confiscation of property, and police supervision for a term not exceeding three years.

Section 225. Mass Riot

For a person who commits organising of such mass riot, which entails demolition, destruction, burning, destruction of property, or violence against individuals, or resistance to representatives of public authority, or who takes active participation therein,

the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding twelve years, and police supervision for a term not exceeding three years.

[21 October 2010]

Section 226. Violation of Organisational and Procedural Requirements for Public Events

(1) For a person who commits violation of procedural requirements regarding organisation or conducting of public events, where commission is by the organiser of the event or another person, if substantial harm has been caused to State authority or local government order or the rights and interests of persons protected by law as a result thereof, the applicable punishment is deprivation of liberty for a term not exceeding three years or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits the same acts, if they have caused serious consequences,

the applicable punishment is deprivation of liberty for a term not exceeding six years, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage

[12 February 2004; 16 December 2004]

Section 227. Causing Danger to Public Safety, Order and the Health of Individuals While Performing Religious Activities

For a person who commits organisation or leadership of such group as the activities of which, manifested as the preaching of religious doctrine and performing of religious rituals, are associated with causing of harm to public safety and order, to the health of persons, or to the rights and interests protected by law of a person, or who commits participation in such acts,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[12 February 2004]

Section 228. Desecration of Graves and Corpses

(1) For a person who commits desecration of graves, funerary urns or interred or uninterred corpses,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits similar acts if commission thereof is repeated or by a group of persons pursuant to prior agreement,

the applicable punishment is deprivation of liberty for a term not exceeding eight years, or by a fine not exceeding one hundred and fifty times the minimum monthly wage.

(3) For a person who commits acts provided for in Paragraph one and two of this Section, if such acts are associated with stealing of a monument or funerary urn, or other objects placed on or in a grave or at a funerary urn,

the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding ten years, with or without confiscation of property.

[12 February 2004]

Section 229. Destruction of and Damage to Cultural Monuments

(1) For a person who commits destruction of or damage to a cultural monument protected by the State,

the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is by burning, use of explosives, or in another generally dangerous manner,

the applicable punishment is deprivation of liberty for a term not exceeding ten years, or a fine not exceeding one hundred and eighty times the minimum monthly wage.

[12 February 2004]

Section 230. Cruel Treatment of Animals

(1) For a person who commits cruel treatment of animal as results in its death or mutilation, or commits torture of animals,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to keep animals for a term not exceeding five years, and with or without confiscation of property.

(2) For a person who commits the same acts, if they have been committed in a public place or at the presence of a minor or if they have been committed by a group of persons pursuant to previous agreement, or if it has caused substantial harm,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without deprivation of the right to keep animals for a term not exceeding five years, with or without confiscation of property.

[12 February 2004; 21 May 2009]

Section 230.¹ Violation of Keeping of Animals Regulations

(1) For a person who commits violations of the keeping of animals regulations as results in the committing of slight bodily injury or moderate bodily injury to the victim, the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits violations of the keeping of animals regulations as results in the committing of serious bodily injury to the victim, or such has caused the death of a person,

the applicable punishment is deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding sixty times the minimum monthly wage.

[25 April 2002; 12 February 2004]

Section 231. Hooliganism

(1) For a person who commits a gross disturbance of the public peace, which is manifested in obvious disrespect for the public or in insolence, ignoring generally accepted standards of behaviour and disturbing the peace of persons or the work of institutions, undertakings (companies) or organisations (hooliganism),

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits hooliganism, if commission thereof is by a group of persons, or if such is associated with bodily injuries to the victim, damage to or destruction of property, or resistance to representatives of public authority or to a person who is acting to prevent the violation of public order, or if commission thereof is by using weapons or other objects which can be used to inflict bodily injuries,

the applicable punishment is deprivation of liberty for a term not exceeding seven years and police supervision for a term not exceeding three years.

Section 231.¹ Knowingly Making a False Report regarding the Placing or Locating of Explosive, Poisonous, Radioactive or Bacteriological Substances or Materials or Explosive Devices

For a person who knowingly commits making a false report regarding the placing of explosive, poisonous, radioactive or bacteriological substances or materials or explosive devices in an institution, undertaking or other object, or locating outside of an institution, undertaking or other object,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[25 April 2002; 12 February 2004]

Section 232. Involvement of Mentally Ill Persons in Criminal Offences

For a person who commits involvement of a person, knowing him or her to be suffering from mental disorder, in a criminal offence,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

Section 233. Unauthorised Manufacture, Repair, Acquisition, Storage, Carrying, Transportation, Forwarding and Sale of Firearms, Firearm Ammunition, High-powered Pneumatic Weapons, Explosives and Explosive Devices, and Violation of Selling Regulations

(1) For a person who sells firearms, firearm ammunition, high-powered pneumatic weapons, explosives or explosive devices, and does not have the relevant permits or special permits (licences), or for other violations of selling regulations committed repeatedly during the period of one year if committed by a person who has the relevant permits or special permits (licences),

the applicable punishment is deprivation of liberty for a term not exceeding four years, or a fine not exceeding eighty times the minimum monthly wage, with or without deprivation of the right to engage in specific activities for a period not exceeding five years.

(2) For a person who commits manufacturing, repair, acquiring, storing, carrying, transporting, forwarding or selling of firearms, firearm ammunition, high-powered pneumatic weapons, explosives or explosive devices, without the relevant licence,

the applicable punishment is deprivation of liberty for a term not exceeding ten years or custodial arrest, with or without deprivation of the right to engage in specific forms of entrepreneurial activity for a term of not less than two and not exceeding five years.

(3) For a person who commits the acts provided for by Paragraph two of this Section, if commission thereof is in an organised group,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding fifteen years, with confiscation of property, deprivation of the right to engage in entrepreneurial activity for a term of not less than two years and not exceeding five years, and with police supervision for a term not exceeding three years.

[20 May 2004; 13 December 2007/2]

Section 234. Unauthorised Manufacture of Gas Pistols (Revolvers) and the Ammunition thereof

For a person who commits manufacturing of a gas pistol (revolver) or ammunition loaded with irritating or paralysing action substances intended for such a pistol (revolver) without the relevant licence,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage.

[20 May 2004]

Section 235. Release of Persons from Criminal Liability for Manufacture, Repair, Acquisition, Carrying and Storage of Firearms, Firearm Ammunition, High-powered

Pneumatic Weapons, Explosives or Explosive Devices, and Manufacture of Gas Pistols (Revolvers) and the Ammunition thereof

A person who has voluntarily turned in a firearm, firearm ammunition, high-powered pneumatic weapons, explosives or explosive devices manufactured, acquired, carried or stored without the relevant licence, or a gas pistol (revolver) or the ammunition thereof,

shall be released from criminal liability, if the acts of such a person do not constitute another criminal offence.

[20 May 2004]

Section 236. Negligent Storage, Carrying, Transportation and Forwarding of Firearms and Firearm Ammunition, and Negligent Storage, Transportation and Forwarding of High-powered Pneumatic Weapons, Explosives or Explosive Devices

(1) For a person who commits negligently storing, carrying, transporting or forwarding firearms or firearm ammunition, or negligently storing, transporting or forwarding or high-powered pneumatic weapons, explosives or explosive devices, in violation of regulatory enactments, which regulate the circulation of weapons, if an opportunity for another person to acquire such firearms, firearm ammunition, high-powered pneumatic weapons, explosives or explosive devices is caused by such an offence,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding fifty times the minimum monthly wage, with deprivation of the right to engage in specific forms of entrepreneurial activity for a term not exceeding three years.

(2) For a person who commits the same acts, if serious consequences result therefrom, the applicable punishment is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage, with deprivation of the right to engage in specific forms of entrepreneurial activity for a term not exceeding five years.

[20 May 2004]

Section 237. Violation of Use or Utilisation Conditions or Procedures Regarding Firearms, Gas Pistols (Revolvers) and High-powered Pneumatic Weapons, and Violation of Procedures for Utilisation of Explosives or Explosive Devices

(1) For a person who commits a violation of use or utilisation conditions or procedures regarding firearms or high-powered pneumatic weapons or a violation of procedures for utilisation of explosives or explosive devices, if by commission thereof is by a person permitted to acquire, store or carry firearms or high-powered pneumatic weapons or who has the right to utilise explosives or explosive devices, and serious property losses are caused or serious consequences arise by such violation,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits a violation of use or utilisation conditions or procedures regarding a gas pistol (revolver), if by commission thereof serious property losses are caused or serious consequences arise by such violation,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[20 May 2004]

Section 237.¹ Violation of the Provisions for the Circulation of Goods of Strategic Significance

For the violation of the provisions for the circulation of goods of strategic significance, if it has caused substantial harm, or for the violation of the prohibition of the circulation of equipment, devices or instruments or the components thereof specially created or adapted for investigatory operational measures to be performed by a specific method,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a period not exceeding five years.

[10 September 2009]

Section 238. Violation of Provisions Regarding Production Safety and Technical Requirements

(1) For a person who commits a violation of provisions regarding production safety and technical requirements in construction work or in work associated with the use of explosives or with undertakings (companies) exposed to risk of explosion, if serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is by a person responsible for compliance with provisions regarding production safety or technical requirements, the applicable punishment is deprivation of liberty for a term not exceeding eight years.

Section 239. Violation of Construction Provisions

(1) For a person who commits a violation of construction provisions and requirements regarding buildings, bridges, overpasses and other construction, if as a result thereof a structure or part thereof collapses,

the applicable punishment is custodial arrest or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if serious consequences are caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding eight years.

[12 February 2004]

Section 240. Violation of Fire Safety Provisions

(1) For a person who commits intentional violation of fire safety provisions, if the commission thereof is repeated within a one year period,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits an intentional violation of fire safety provisions, where commission is by a person responsible for compliance with such provisions, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

Section 241. Arbitrary Accessing Automated Data Processing Systems

(1) For a person who commits arbitrary (without the relevant permission or utilising the rights granted to another person) accessing an automated data processing system or a part thereof, if

breaching of data processing protective systems is associated therewith or if substantial harm is caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property or if serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding five year or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

(3) For a person who commits the acts provided for in Paragraph one of this Section, if they are directed against the State information system,

the applicable punishment is deprivation of liberty for a term not exceeding eight years or a fine not exceeding one hundred and eighty times the minimum monthly wage.

[12 February 2004]

Section 242. Unauthorised Acquisition of Computer Software [28 April 2005]

[12 February 2004; 28 April 2005]

Section 243. Interference in the Operation of Automated Data Processing Systems and Illegal Actions with the Information included in Such Systems

(1) For a person who commits without authorisation modifying, damaging, destroying, impairing or hiding of information stored in an automated data processing system, or knowingly entering false information into an automated data processing system, if the protective systems are damaged or destroyed thereby or substantial harm is caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(2) For a person who commits knowingly interference in the operation of an automated data processing system by entering, transferring, damaging, extinguishing, impairing, changing or hiding information, if the protective systems are damaged or destroyed thereby or losses caused on large scale,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(3) For a person who commits acts provided for in Paragraph one or two of this Section, if commission thereof is in an organised group or for purposes of acquiring property, or if serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding eight years or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property, and with or without police supervision for a term not exceeding three years.

(4) For a person who commits acts provided for in Paragraph one or two of this Section, if they are directed against the State information system,

the applicable punishment is deprivation of liberty for a term not exceeding eight years or a fine not exceeding two hundred times the minimum monthly wage.

[12 February 2004; 28 April 2005; 13 December 2007/2]

Section 244. Illegal Operations with Automated Data Processing System Resource Influencing Devices

(1) For a person who commits the illegal manufacture, adaptation for utilisation, sale, distribution or storage of such devices (also software), which are intended for the influencing of automated data processing system resources for purposes of committing a criminal offence, the applicable punishment is deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if substantial harm is caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding ten years or a fine not exceeding two hundred times the minimum monthly wage.

[12 February 2004; 28 April 2005]

Section 244.¹ Acquisition, Development, Alterations, Storage and Distribution of Data, Programs and Equipment for Illegal Activities with Electronic Communications Network Terminal Equipment

(1) For a person who commits electronic communications network terminal equipment identification in an electronic communications network for necessary data alterations or the acquisition, storage or distribution of data intended for such purposes, as well as the acquisition, development, storage or distribution of programs or equipment intended for such purposes without the consent of the manufacturer or the authorised person thereof, if such activities have been committed for purposes of acquiring property or if it has been committed by a group of persons pursuant to prior agreement, or if it has caused significant damage - the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[13 December 2007/2; 21 May 2009]

Section 245. Violation of Safety Provisions Regarding Information Systems

For a person who commits violation of provisions regarding information storage and processing, which have been formulated in accordance with an information system or the protection thereof, or violation of other safety provisions regarding computerised information systems, where committed by a person responsible for compliance with these provisions, if such has been a cause of stealing, destruction or damage of the information, or other substantial harm has been caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding forty times the minimum monthly wage.

Section 246. Unauthorised Forwarding of Highly Inflammable Substances and Objects and of Caustic Substances

For a person who commits unauthorised forwarding of highly inflammable substances or objects, or caustic substances, if serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

Section 247. Unauthorised Transportation of Highly Inflammable Substances and Objects by Aircraft

(1) For a person who commits unauthorised transportation of highly inflammable substances and objects by aircraft,
the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if serious consequences are caused thereby,
the applicable punishment is deprivation of liberty for a term not less than three and not exceeding ten years.

[12 February 2004]

Section 248. Unauthorised Manufacture, Acquisition, Storage, Sale and Forwarding of Poisonous and Powerfully Acting Substances

(1) For a person who commits unauthorised manufacture, acquisition, storage, or sale of poisonous or powerfully acting substances, which are not narcotic or psychotropic substances, or commits violation of provisions regarding production, storage, dispensation, registration, transportation or forwarding of such substances,
the applicable punishment is deprivation of liberty for a term not exceeding one year or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if such have been committed repeatedly or by a group of persons pursuant to prior agreement,
the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding fifty times the minimum monthly wage.

(3) For a person who commits unauthorised production, acquisition or sale of substances specified in Paragraph one of this Section, if serious consequences are caused thereby,
the applicable punishment is deprivation of liberty for a term not exceeding five years.

[12 February 2004]

Section 249. Violation of Provisions Regarding the Production, Acquisition, Storage, Registration, Dispensation, Transportation and Forwarding of Narcotic and Psychotropic Substances

(1) For a person who commits violation of provisions regarding the production, acquisition, storage, registration, dispensation, transportation or forwarding of narcotic or psychotropic substances,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a term not exceeding three years.

(2) For a person who commits the same acts, if such have been committed repeatedly or by a group of persons pursuant to prior agreement,
the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding eighty times the minimum monthly wage.

[12 February 2004]

Section 250. Unauthorised Dispensation of Narcotic and Psychotropic Substances

For a person who commits issuing of prescriptions where not medically necessary, or illegal issue of other documents for the obtaining of narcotic or psychotropic substances, or who commits dispensation of narcotic or psychotropic substances without a prescription or other document or with knowledge that a prescription or other document is fictitious or issued illegally, if commission of such acts is for purposes of acquiring property or for other personal interests, or if commission of such acts is repeated within a one year period,

the applicable punishment is deprivation of liberty for a term of not less than one and not exceeding five years, with deprivation of the right to engage in specific employment for a term not exceeding five years.

[25 April 2002]

Section 251. Inducement to Use Narcotic and Psychotropic Substances

(1) For a person who commits inducing use of narcotic or psychotropic substances, or providing premises for using such substances,
the applicable punishment is deprivation of liberty for a term of not less than one and not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is repeated or with regard to a minor, a mentally ill person or a person undergoing treatment for addiction to narcotics, or with regard to a person financially or otherwise dependent on the guilty party, or if other substances have been added to narcotic or psychotropic substances as enhance their effect,
the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding eight years.

(3) For a person who commits inducing use of narcotic or psychotropic substances, if their use has caused serious consequences,
the applicable punishment is deprivation of liberty for a term of not less than eight and not exceeding fifteen years.

[25 April 2002]

Section 252. Administering of Narcotic and Psychotropic Substances Against a Person's Will

(1) For a person who commits administering of narcotic or psychotropic substances to another person or of adding such substances to the food or drink of another person against the will of such person or without his or her knowledge,
the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding eight years.

(2) For a person who commits the same acts, if other substances have been added to the narcotic or psychotropic substances as enhance their effect,
the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding ten years.

(3) For a person who commits acts provided for in Paragraph one or two of this Section, if such have been committed against a minor or by using violence, or threats of violence, or have caused serious consequences,
the applicable punishment is deprivation of liberty for a term of not less than eight and not exceeding fifteen years.

[25 April 2002]

Section 253. Unauthorised Manufacture, Acquisition, Storage, Transportation and Forwarding of Narcotic and Psychotropic Substances

(1) For a person who commits unauthorised manufacture, acquisition, storage, transportation or forwarding of narcotic or psychotropic substances without the purpose of selling such substances,

the applicable punishment is deprivation of liberty for a term not exceeding five years, with or without confiscation of property, and police supervision for a term not exceeding three years.

(2) For a person who commits the same acts, if commission thereof is repeated or in a group of persons pursuant to prior agreement, or by a person who has previously committed stealing of narcotic or psychotropic substances, or such have been committed regarding large amounts of narcotic or psychotropic substances,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding ten years, with or without confiscation of property and police supervision for a term not exceeding three years.

[18 May 2000; 25 April 2002; 17 October 2002]

Section 253.¹ Unauthorised Manufacture, Acquisition, Storage, Transportation and Forwarding of Narcotic and Psychotropic Substances for the Purpose of Sale and Unauthorised Sale

(1) For a person who commits unauthorised manufacture, acquisition, storage, transportation or forwarding of narcotic or psychotropic substances for the purpose of sale, or who commits unlawful sale of narcotic or psychotropic substances,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding ten years, with or without confiscation of property and police supervision for a term not exceeding three years.

(2) For a person who commits acts the same acts, if commission thereof is repeated or in a group of persons pursuant to prior agreement, or by a person who has previously committed stealing of narcotic or psychotropic substances,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with or without confiscation of property and police supervision for a term not exceeding three years.

(3) For a person who commits the same acts, if commission thereof is in an organised group, or such have been committed regarding large amounts of narcotic or psychotropic substances, as well as commits sale of narcotic or psychotropic substances to minors, in educational institutions or the territory thereof, in restaurants, cafeterias, bars, places of public recreation or holiday events,

the applicable punishment is deprivation of liberty for a term of not less than eight and not exceeding fifteen years, with confiscation of property and police supervision for a term not exceeding three years.

[17 October 2002]

Section 253.² Unauthorised Manufacture, Acquisition, Storage, and Sale of Narcotic and Psychotropic Substances in Small Amounts and Use of Narcotic and Psychotropic Substances without a Physician's Designation

(1) For a person who commits unauthorised acquisition, or storage in small amounts of narcotic or psychotropic substances without the purpose of sale thereof, or who commits use of narcotic or psychotropic substances without a physician's designation, if commission thereof is repeated within one year,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits unauthorised sale of narcotic or psychotropic substances in small amounts.

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.

[17 October 2002]

Section 254. Release of a Person from Criminal Liability for Acquisition, Storage, Transportation and Forwarding of Narcotic and Psychotropic Substances

A person who has voluntarily turned in narcotic or psychotropic substances or has voluntarily notified regarding the acquisition, storage, transportation or forwarding thereof shall be released from criminal liability for the acquisition, storage, transportation or forwarding of such substances.

[17 October 2002]

Section 255. Manufacture, Acquisition, Storage, Transportation, Forwarding and Sale of Equipment and Substances (Precursors) Intended for Unauthorised Manufacture of Narcotic and Psychotropic Substances

(1) For a person who commits manufacture, acquisition, storage, transportation or forwarding of equipment, devices, objects, materials or substances (precursors) intended for the unauthorised manufacture of narcotic or psychotropic substances,

the applicable punishment is deprivation of liberty for a term of not less than one and not exceeding three years.

(2) For a person who commits the same acts, if such have been committed for the purposes of sale of such equipment, devices, objects, materials or substances (precursors), or who commits sale of equipment, devices, objects, materials or substances (precursors) intended for unauthorised manufacture of narcotic or psychotropic substances,

the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding ten years, with or without confiscation of property or with or without deprivation of the right to engage in specific employment for a term of not less than two and not exceeding five years.

(3) For a person who commits the acts provided for in Paragraphs one or two of this Section, if such has been committed in a group of persons pursuant to prior agreement,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding ten years, with confiscation of property or deprivation of the right to engage in specific employment for a term of not less than two and not exceeding five years.

[25 April 2002; 21 June 2007]

Section 256. Unauthorised Sowing and Growing of Plants Containing Narcotic Substances

(1) For a person who commits unauthorised sowing or growing of plants containing narcotic substances, if commission thereof is repeated within a one year period,

the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits unauthorised sowing or growing of plants containing narcotic substances, over a large area,

the applicable punishment is deprivation of liberty for a term of not less than one and not exceeding five years, with or without confiscation of property.
[25 April 2002; 12 February 2004]

Chapter XXI **Criminal Offences against Traffic Safety**

Section 257. Violation of Provisions Regarding Traffic Safety and Operations of Railway, Water and Air Transport

(1) For a person who commits violation of provisions regarding traffic safety and operations of railway, water or air transport, or who knowingly commits permitting operation of a technically defective water or air transport vehicle, where commission thereof is by a transport employee, and transport operations are substantially disrupted thereby, the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same offence, if serious consequences have been caused thereby, the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding ten years.

[12 February 2004; 21 October 2010]

Section 258. Damaging of Roads, Railways, Water and Air Transport Vehicles

(1) For a person who commits intentional destruction or damage of roads, road construction or equipment, railways, water or air transport vehicles, transport telecommunication networks or signalling system devices, or electronic or communications equipment, or other intentional acts resulting in their becoming unusable for operations as well as where disruption of transport operations is caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding ten years.

(2) For a person who commits the same acts, if serious consequences have been caused thereby, the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding fifteen years.

[21 October 2010]

Section 259. Arbitrary Stopping of a Train

(1) For a person who commits arbitrary and without cause therefor the stopping of a train, by the emergency brake, or by disconnecting air brake lines, or otherwise, if disruption of normal movement of the train is caused thereby, the applicable punishment is custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if a disaster, damage to the rolling stock, or other serious consequences are caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding seven years, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

Section 260. Violation of Traffic Provisions and Provisions Regarding Vehicle Operation

(1) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if commission thereof is by a person operating the vehicle, and as a result thereof slight bodily injury has been caused to the victim,

the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without deprivation of the right to operate a vehicle for a term not exceeding five years.

(1¹) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if commission thereof is by a person operating the vehicle, and as a result thereof moderate bodily injury has been caused to the victim,

the applicable punishment is deprivation of liberty for a term not exceeding five years or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to operate a vehicle for a term not exceeding five years.

(2) For a person who commits violation of traffic provisions or provisions regarding vehicle operation, if commission thereof is by a person operating a vehicle and as a result thereof serious bodily injury has been occasioned to the victim or the death of a human being has been caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding ten years, with or without deprivation of the right to operate a vehicle for a term not exceeding five years.

(3) For a person who commits an offence provided for in Paragraphs one, 1.¹ or two of this Section, if such has been committed while under the influence of alcohol, or narcotic, psychotropic, toxic or other intoxicating substances,

the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding fifteen years, with deprivation of the right to operate a vehicle for a term not exceeding five years and with or without confiscation of property.

[12 February 2004; 27 May 2004; 6 October 2005; 21 October 2010]

Section 261. Concept of a Vehicle

By “vehicles”, as set out in Sections 260 and 262-265 of this Law, shall be understood all types of automobiles, tractors and other self-propelled machines, trams, trolley buses, motorcycles and other mechanical vehicles which move by their own source of energy, except vehicles with internal combustion engines with displacement of less than 50 cubic centimetres.

Section 262. Operating a Vehicle while Under the Influence of Alcohol or Narcotic, Psychotropic, Toxic or Other Intoxicating Substances

(1) For a person who commits operating a vehicle, or commits giving instruction regarding practical operation of a vehicle, while under the influence of alcohol, or narcotic, psychotropic, toxic or other intoxicating substances, if commission thereof is repeated within a one year period,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with deprivation of the right to operate a vehicle for a term not exceeding five years and with or without confiscation of property.

(2) For a person who commits operating a vehicle, or commits giving instruction regarding practical operation of a vehicle if he or she does not have a vehicle driving licence (the vehicle driving licence has not been acquired or taken away according to specific procedures)

and if the driver is under the influence of alcohol, or narcotic, psychotropic, toxic or other intoxicating substances,
the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with deprivation of the right to operate a vehicle for a term not exceeding five years and with or without confiscation of property.

[27 May 2004; 6 October 2005]

Section 262.¹ Refusal to take an Examination for the Influence of Alcohol or Narcotic, Psychotropic, Toxic or Other Intoxicating Substances

For a driver of a vehicle who commits refusing to take an examination for the influence of alcohol, or narcotic, psychotropic, toxic or other intoxicating substances, if commission thereof is repeated within a one year period,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with deprivation of the right to operate a vehicle for a term not less than three years, but not exceeding five years and with or without confiscation of property.

[6 October 2005]

Section 263. Permitting the Use of a Vehicle in a State of Technical Disrepair

For a person who knowingly commits permitting the use of a vehicle in a state of technical disrepair, or a violation of other provisions for ensuring of traffic safety regarding use thereof, where commission is by a person responsible for the technical state or use of the vehicle, and the consequences set out in Section 260 of this Law are caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with deprivation of the right to engage in specific employment for a term not exceeding five years.

[12 February 2004]

Section 264. Allowing the Operation of a Vehicle by a Person under the Influence of Alcohol, Narcotic, Psychotropic, Toxic and Other Intoxicating Substances

For a person who, being responsible for the technical state or the operation of a vehicle, commits allowing a person under the influence of alcohol, or narcotic, psychotropic, toxic or other intoxicating substances, to operate the vehicle, if the consequences set out in Section 260 of this Law are caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without deprivation of the right to engage in specific employment for a term not exceeding five years.

[27 May 2004]

Section 265. Illegal Manufacture, Sale, Issuing, Forgery, Destruction and Stealing of Registration Documents and Vehicle Identification Number Marks and Registration Number Plates of a Vehicle

(1) For a person who commits illegal manufacturing, selling, issuing, forging or destroying registration documents, or vehicle identification number marks or registration number plates of a vehicle,

the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits stealing of registration documents or registration number plates of a vehicle,

the applicable punishment is deprivation of liberty for a term not exceeding six years, or community service, or a fine not exceeding eighty times the minimum monthly wage.

(3) For a person who commits the acts provided for in Paragraph one or two of this Section, if commission thereof is repeated or by a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term not exceeding eight years or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

[12 February 2004]

Section 266. Violation of Traffic Provisions

For a person who commits violation of provisions for protecting traffic order or safety, if serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[12 February 2004]

Section 267. Failure to Give Notice Regarding the Name of a Ship in the Event of Collision of Ships

For a person, being a captain, who commits failing to inform another ship as his or her ship has collided with, of the name of his or her ship and the port of registration thereof, as well as its place of departure or destination, despite it being possible to provide such information,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

Section 268. Seizure of an Air or Water Transport Vehicle

(1) For a person who commits seizing an air or water transport vehicle, except vehicles of small dimensions, on the ground, in water or during a flight, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding fifteen years.

(2) For a person who commits the same acts, if commission thereof is by a group of persons pursuant to prior agreement or involves violence or threats of violence, or an accident or other serious consequences are caused thereby, the applicable punishment is deprivation of liberty for a term of not less than ten and not exceeding seventeen years.

(3) For a person who commits acts provided for in Paragraphs one and two of this Section, if the death of a human being is caused thereby, the applicable punishment is deprivation of liberty for a term of not less than twelve and not exceeding twenty years.

Chapter XXII

Criminal Offences against Administrative Order

Section 269. Assault Upon a Representative of Public Authority or Other State Official

(1) For a person who commits an assault upon a representative of public authority or other State official, in connection with lawful official activities of such a person, or commits an assault upon a person who is participating in preventing or interrupting a criminal or otherwise unlawful offence,

the applicable punishment is deprivation of liberty for a term not exceeding seven years, or custodial arrest.

(2) For a person who commits the same acts, if as a result of the assault serious bodily injuries are occasioned or other serious consequences caused, or if the assault was committed in an organised group,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding thirteen years, with or without confiscation of property, and with or without police supervision for a term not exceeding three years.

[25 April 2002; 13 December 2007/2]

Section 270. Resistance to a Representative of Public Authority or Other State Official

(1) For a person who commits resisting a representative of public authority, or other State official, where he or she is performing official duties imposed on him or her, or commits resisting a person, where he or she is participating in preventing or interrupting a criminal or other unlawful offence, or commits compelling such person to perform manifestly unlawful acts, if the resistance or compulsion was committed by using violence or threatening violence, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is by a group of persons, the applicable punishment is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

Section 271. Defamation and Injuring Dignity of a Representative of Public Authority or Other State Official [22 January 2004]

Section 272. Failing to Provide Requested Information and Providing False Information

(1) For a person who commits failing to make timely provision of requested information to a State institution authorised by law to request information, if commission thereof is repeated within a one year period,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding thirty times the minimum monthly wage.

(2) For a person who knowingly commits providing false information to a State institution authorised by law to request information, including a parliamentary investigation commission, the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding fifty times the minimum monthly wage.

(3) For a person who commits refusal to give an explanation, opinion or translations in a parliamentary investigation commission,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or community service, or a fine not exceeding fifty times the minimum monthly wage.

[18 December 2003; 12 February 2004]

Section 272.¹ Compelling of False Explanations, Opinions or Translations at a Parliamentary Investigation Commission

(1) For a person who commits bribery or other illegal influencing for the purpose of achieving that a person shall give a false explanation, opinion or translation or refuses to give an explanation, opinion or translation to a parliamentary investigation commission, the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if such have been associated with violence or the threat of violence, the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(3) For the activities provided for in Paragraph one of this Section, if they are related to torture, the applicable punishment is deprivation of liberty for a term not exceeding eight years.

[18 December 2003; 19 November 2009]

Section 273. Arbitrary Appropriation of the Title and Authority of a State Official

For a person who commits arbitrary appropriation of the title and authority of a State official for purposes of committing a criminal offence,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

[12 February 2004]

Section 274. Stealing and Destruction of a Document, Seal or Stamp

(1) For a person who commits stealing, concealment, intentional destruction of or damage to a document conferring rights or a release from obligations, a seal or a stamp, or commits using or selling the stolen document, seal or stamp,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if such have been committed for purposes of acquiring property, or have caused substantial harm to the State power or administrative order, or to rights and interests protected by law of a person,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[12 February 2004]

Section 275. Forgery of a Document, Seal and Stamp and Use and Sale of a Forged Document, Seal and Stamp

(1) For a person who commits forgery of a document conferring rights or a release from obligations, of a seal or a stamp, as well as commits using or selling a forged document, seal or stamp,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or by community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated, or for the purpose of acquiring property, or by a group of persons pursuant to prior arrangement, or substantial harm is caused thereby to the State power or administrative order or to rights and interests protected by law of a person,
the applicable punishment is deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding sixty times the minimum monthly wage.
[12 February 2004]

Section 276. Illegal Opening and Destruction of Mail

(1) For a person who commits illegally opening or destroying mail,
the applicable punishment is custodial arrest or community service, or a fine not exceeding forty times the minimum monthly wage.
(2) For a person who commits the same acts, if committed by an employee of a post office or of a railway, water, or air transport office,
the applicable punishment is deprivation of liberty for a term not exceeding two years or custodial arrest, or community service, or a fine not exceeding eighty times the minimum monthly wage.
[12 February 2004]

Section 277. Unauthorised Operations with Documents from Archival Collections

(1) For a person who commits unauthorised exporting of documents from State Archival collections or from the archival collections of public, co-operative or confessional organisations or other legal persons, or of substitute copies of such documents, outside of the territory of the Republic of Latvia, if the elements of stealing are not present,
the applicable punishment is deprivation of liberty for a term not exceeding one year or community service, or a fine not exceeding twenty times the minimum monthly wage.
(2) For a person who commits stealing of, unauthorised destruction of, damage to or concealment of documents from State Archival collections or from Archival collections of public, co-operative or confessional organisations or other legal persons, if as a result thereof substantial harm is caused to the State power or administrative order, or to rights and interests protected by law of a person,
the applicable punishment is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.
[12 February 2004]

Section 278. Forgery of Postage Payment Marks

For a person who commits forgery of postage stamps or other postage payment marks or of international pre-paid return postage vouchers, or commits using forged or obliterated postage stamps, other postage payment marks or international pre-paid return postage vouchers for sending mail, or of selling such for the same purposes,
the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or a fine not exceeding forty times the minimum monthly wage.

Section 279. Arbitrariness

(1) For a person who commits arbitrary acts, circumventing procedures prescribed by regulatory enactments, if the lawfulness of such acts is disputed by a State or local government institution or another person and as a result of such acts substantial harm is caused,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or by a group of persons pursuant to prior arrangement, or if such are associated with violence or threat of violence, or loss on a large scale is caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or a fine not exceeding one hundred times the minimum monthly wage.

(3) For a person who commits the same acts, if such are associated with the use of a weapon or explosive substances,

the applicable punishment is deprivation of liberty for a term not exceeding eight years.

Section 280. Violation of Provisions Regarding Employment of Persons

For a person who commits a violation of restrictions or provisions, as provided for by law, regarding employment of persons, where commission thereof is by the employer and repeated within a one year period,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

Section 281. Concealing Personal Identity

(1) For a person who commits concealing personal identity, in the course of residing in the Republic of Latvia without an appropriate personal identification document or using the document of another person or a forged personal identification document,

the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if such have been committed for purposes of avoiding criminal liability or of committing a criminal offence,

the applicable punishment is deprivation of liberty for a term not exceeding five years.

[12 February 2004]

Section 281.¹ Impersonation of another Person

(1) For a person who commits impersonation of another person in taking Latvian language skills or other knowledge examination specified in the Citizenship Law in order to create a possibility for such person to acquire Latvian citizenship according to naturalisation procedures, if commission thereof is repeated within one year,

the applicable punishment is deprivation of liberty for a term not exceeding two year or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits impersonation of another person in taking Latvian language skills or other knowledge examination specified in the Citizenship Law in order to create a possibility for such person to acquire Latvian citizenship according to naturalisation procedures, if such is committed for the purpose of acquiring property,

the applicable punishment is deprivation of liberty for a term not exceeding five year or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage

[21 June 2007]

Section 282. Evading Conscription into Mandatory Military Service [14 December 2006]

Section 282.¹ Evading Mobilisation

(1) For a person, being a person subject to mobilisation for the performance of civil defence measures, who commits intentional evading of mobilisation, the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service.

(2) For a person who commits the same acts, if commission thereof is by a reserve soldier or reservist, the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest.

[17 October 2002]

Section 282.² Hindering Mobilisation Activities and Non-fulfilment of Mobilisation Requests

(1) For a person who commits intentional hindering of the fulfilment of an order by a competent institution during mobilisation, or commits intentional hindering of the fulfilment of an order by a local government in the performance of civil defence measures, or commits intentional non-fulfilment of other mobilisation activities or mobilisation requests, the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if substantial harm is caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding five years, or a fine not exceeding one hundred times the minimum monthly wage.

[17 October 2002]

Section 282.³ Evading the Fulfilment of Alternative Service [14 December 2006]

[17 October 2002; 14 December 2006]

Section 283. Violation of State Border Regulatory Regime [11 December 2003]

Section 284. Illegal Crossing of the State Border

For a person who intentionally commits illegal crossing of the State border, if commission thereof is repeated within one year,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

[11 December 2003; 12 February 2004]

Section 285. Illegal Movement of a Person Across the State Border

(1) For a person who commits illegal movement of a person across the State border, the applicable punishment is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is repeated or by a State official utilising his or her official position,

the applicable punishment is deprivation of liberty for a term not exceeding seven years, with or without confiscation of property.

(3) For a person who commits the same acts, if commission thereof was in an organised group or such has resulted in serious consequences, or also who commits illegal movement of a large number of persons, that is, more than five persons at one time, across the State border,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding ten years, with confiscation of property, and with or without police supervision for a term not exceeding three years.

[25 April 2002; 11 December 2003; 13 December 2007/2]

Section 285.¹ Ensuring the Possibility of Residing Illegally in the Republic of Latvia

(1) For a person who knowingly commits ensuring persons the possibility of residing illegally in the Republic of Latvia, if commission thereof is repeated within one year, the applicable punishment is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who knowingly commits ensuring persons the possibility of residing illegally in the Republic of Latvia, if commission thereof is by a State official utilising his or her official position,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without the taking away of the right to hold specific positions for a period of not less than one and not exceeding five years.

(3) For a person who knowingly commits ensuring persons the possibility of residing illegally in the Republic of Latvia, if such is committed for the purpose of acquiring property or if such a possibility is ensured for two or more persons,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without confiscation of property.

[11 December 2003]

Section 286. Unauthorised Hoisting of the National Flag of Latvia on a Ship

For a person who commits hoisting the national flag of Latvia on a ship, without right thereto,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without confiscation of property.

[12 February 2004]

Section 287. Unauthorised Use of Red Cross, Red Crescent and Blue White Shield Marks

For a person who commits unauthorised use of Red Cross, Red Crescent, or Blue White Shield marks, as well as commits unauthorised use of Red Cross or Red Crescent designations,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

[18 December 2003]

Section 288. Damaging Telecommunications Equipment and Radio or Television Transmitters, and Postal Technology Equipment

(1) For a person who commits damaging, through negligence, telecommunications equipment, radio or television transmitters, or postal technology equipment, if such has been a cause of interruption of the relevant communications activities,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits intentionally destroying or damaging telecommunications equipment, radio or television transmitters, or postal technology equipment, the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding ten years.

[12 February 2004]

Section 288.¹ Violation of the Procedures provided for in the Radio and Television Transmission and Distribution Regulatory Enactments for the Installation and Use of Equipment

(1) For a person who commits violation of the procedures provided for in radio and television transmission and distribution regulatory enactments for the installation and use of radio wave radiating equipment, as well as television or sound broadcasting signal distribution in cable network systems, if commission thereof is repeated within one year or it has been the reason for the interruption of radio communications or disturbances in the normal operation of other electromagnetic field radiating equipment or the reception of public radio or television programmes,

the applicable punishment is custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits violation of the procedures provided for in radio and television transmission and distribution regulatory enactments for the installation and use of radio wave radiating equipment, as well as television or sound broadcasting signal distribution in cable network systems, if such has caused substantial harm to State authority or administrative order, or to rights and interests protected by law of a person, the applicable punishment is deprivation of liberty for a term not exceeding three years, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[31 October 2002]

Section 288.² Financing of Political Organisations (Parties) Utilising Intermediaries

For a person who finances political organisations (parties) utilising an intermediary or for committing such intermediation on a large scale,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine of not less than thirty and not exceeding two hundred times the minimum monthly wage.

[29 April 2004]

Chapter XXIII Criminal Offences Against Administration of Justice

Section 289. Falsification of Evidence

(1) For a person who knowingly commits creating false evidence or knowingly concealing existing evidence, if commission thereof is by a judge, prosecutor or investigator, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property, or in proceedings concerning serious or especially serious crimes, the applicable punishment is deprivation of liberty for a term not exceeding five years.

[12 February 2004; 21 May 2009]

Section 290. Subjecting a Person to Criminal Prosecution Knowing that the Person is Not Guilty

(1) For a person who commits subjecting a person to criminal prosecution while knowing that he or she is not guilty, if such has been committed by the prosecutor,
the applicable punishment is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property, or they are associated with accusation of commission of a serious or especially serious crime or with falsification of evidence,
the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding ten years.

[21 May 2009]

Section 291. Rendering of Illegal Judgments and Decisions

(1) For a person who knowingly commits rendering an illegal judgment or making an illegal decision, if commission thereof is by a judge, prosecutor or investigator,
the applicable punishment is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property, or they are associated with accusation of commission of a serious or especially serious crime or with falsification of evidence,
the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding ten years.

[21 May 2009]

Section 292. Committing Illegal Arrest Knowingly

For a person who commits illegal arrest knowingly, if commission thereof is by a judge,

the applicable punishment is deprivation of liberty for a term not exceeding three years.

Section 293. Committing Illegal Detention and Forced Conveyance Knowingly

For a person who commits illegal detention or forced conveyance knowingly, if commission thereof is for purposes of acquiring property, or is for vengeance or reason of other personal interest, and is by a judge, prosecutor or the employee of the pre-trial investigating institution,

the applicable punishment is deprivation of liberty for a term not exceeding one year or community service, or a fine not exceeding twenty times the minimum monthly wage.

[12 February 2004; 21 May 2009]

Section 294. Compelling of Testimony

(1) For a person who commits compelling testimony at an interrogation, if such is associated with violence, threats of violence or humiliation of the person being interrogated or committed in another way, and commission thereof is by an official, who performs pre-trial criminal proceedings,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(2) For a person who commits compelling testimony at an interrogation if such is associated with torture and commission thereof is by an official, who performs pre-trial criminal proceedings,

the applicable punishment is deprivation of liberty for a term not exceeding ten years

[21 May 2009; 19 November 2009]

Section 294.¹ Interference in the Pre-trial Criminal Proceedings

(1) For a person who commits influencing, in any way, an official performing a pre-trial criminal proceedings for purposes of impeding commencement or performance of pre-trial criminal proceedings, or of attaining the taking of an illegal decision,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if committed by a State official,

the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding eighty times the minimum monthly wage.

(3) For a person who commits the same acts, if committed in an organised group, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property, and with police supervision for a term not exceeding three years.

[25 April 2002; 12 February 2004; 13 December 2007/2; 21 May 2009]

Section 295. Interference in a Trial of a Matter

(1) For a person who commits influencing, in any way, a judge or a lay judge, for purposes of impeding a legal trial of a matter, or of attaining adoption or proclamation of an illegal judgment or decision,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if committed by a State official,

the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding eighty times the minimum monthly wage.

(3) For a person who commits the same acts, if committed in an organised group, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property, and with police supervision for a term not exceeding three years.

[25 April 2002; 12 February 2004; 13 December 2007/2; 21 May 2009]

Section 296. Failure to Execute Court Judgment and Decision

For a person who commits intentionally failing to execute a court judgment or decision, or delaying the execution thereof,

the applicable punishment is a fine not exceeding sixty times the minimum monthly wage.

Section 297. False Impersonation of an Accused, Victim, or Witness

For a person who commits falsely impersonating an accused, a victim, or a witness, at a pre-trial criminal proceedings or in court proceedings,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service.

[21 May 2009]

Section 298. Knowingly Providing False Information

(1) For a person who knowingly commits providing false information for purposes of causing commencement of criminal proceedings against a person, the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if such are associated with charges regarding commission of a serious or especially serious crime or creating false evidence regarding such charges, or if commission thereof is for purposes of acquiring property, the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[12 February 2004; 21 May 2009]

Section 299. Knowingly Submitting a False Report

For a person who knowingly commits submitting a false report, declaration or submission to a notary or a bailiff, where submission of a report, declaration or submission is prescribed by law,

the applicable punishment is deprivation of liberty for a term not exceeding one year or community service, or a fine not exceeding fifty times the minimum monthly wage.

[17 October 2002; 12 February 2004]

Section 300. Knowingly Giving False Testimony, Opinions, Translations and Explanations

(1) For a person who, being a witness, a victim or another person who has been warned against giving false testimony, knowingly commits giving false testimony or, being an expert, knowingly commits giving a false opinion or, being a translator, knowingly commits giving a false translation, during pre-trial criminal proceedings, in court, to a notary or bailiff, or an applicant on oath certifies knowingly a false explanation to a court in an administrative matter,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is during performance of pre-trial criminal proceedings or trial in court of matters concerning serious or especially serious crimes, or serious consequences result therefrom, or commission thereof is for purposes of acquiring property,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred times the minimum monthly wage.

[17 October 2002; 12 February 2004; 27 may 2004; 21 May 2009, 21 October 2010]

Section 301. Compelling the Giving of False Testimony, Explanations, Opinions and Translations

(1) For a person who commits bribing, or otherwise illegally influencing, a witness, victim, person against whom the criminal proceedings have been commenced, detained, suspect, accused, applicant, expert or translator, for the purpose of compelling him or her to give false testimony or to certify on oath a false explanation to a court in an administrative matter, or a false opinion, or to provide a false translation, or to refrain from giving testimony or an opinion, or providing a translation,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if such are associated with violence, or threats of violence,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage.

(3) For the activities provided for in Paragraph one of this Section, if they are related to torture,

the applicable punishment is deprivation of liberty for a term not exceeding ten years.

[12 February 2004; 27 May 2004; 21 May 2009; 19 November 2009]

Section 302. Refusing to Give Testimony or Opinions, or Provide Translations

(1) For a person who, being a witness, a victim or another person who has been warned against giving false testimony, commits unfounded refusal to give testimony to a pre-trial Prosecutor's Office or at a trial,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who, being an expert or translator, commits unfounded refusal to perform the tasks assigned to him or her by a pre-trial investigating institution or at a trial,

the applicable punishment is a fine not exceeding twenty times the minimum monthly wage.

[21 May 2009; 21 October 2010]

Section 303. Persons Not Liable for Refusal to Testify

The betrothed, spouse, parents, children, brothers and sisters, grandparents and grandchildren of a person against whom criminal proceedings have been commenced, a detained person, a suspect, an accused person or a defendant, as well as the person with whom the relevant natural person is living together and with whom he or she has a joint (single) household, shall not be held liable for refusal to testify.

[21 May 2009]

Section 304. Disclosure of Information Obtained from Pre-trial Criminal Proceedings

For a person who commits disclosure of data obtained from a pre-trial criminal proceedings without authorisation from an investigator or prosecutor until the completion of the proceedings, where he or she has been warned as to non-disclosure of relevant information,

the applicable punishment is deprivation of liberty for a term not exceeding one year or custodial arrest, or community service or a fine not exceeding twenty times the minimum monthly wage.

[12 February 2004; 21 May 2009]

Section 305. Violation of Provisions Regarding Special Protection of Persons

(1) For a person who commits failing to comply with procedures regarding special protection of persons set out by law, or who commits disclosure of identification data or the location of a person under protection, where commission is by a person who has knowledge, in connection with fulfilment of his or her official duties or other circumstances, in regard to the information about the person under special protection and who has been warned as to non-disclosure of such information,

the applicable punishment is deprivation of liberty for a term not exceeding three years or a fine not exceeding sixty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is for purposes of acquiring property,

the applicable punishment is deprivation of liberty for a term not exceeding five years.

(3) For a person who commits intentional disclosure of the organisation, methods, tactics, means of special protection measures or information regarding the persons involved in the performance of protection measures, which has been committed by the protected person, if as a result thereof the death of a person or other serious consequences have been caused,

the applicable punishment is deprivation of liberty for a term not exceeding five years or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(4) For a person who commits acts provided for in Paragraphs one or two of this Section, if as a result thereof the death of a person or other serious consequences have been caused, the applicable punishment is deprivation of liberty for a term not exceeding ten years.

[12 February 2004; 5 May 2005]

Section 306. Withholding of Evidence

For a person who, not being a detained, a person against whom the criminal proceedings have been commenced, a suspect, an accused, commits intentionally withholding objects, documents or other materials which may be significant as evidence concerning a criminal matter, where such have been required, by a pre-trial investigating institution, prosecutor or court, to be provided by the person,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

[21 May 2009]

Section 307. Illegal Activities with the Materials of a Criminal Matter

For a person who commits stealing, intentional destruction of, damage to or falsifications of materials relating to a criminal matter,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest.

Section 308. Disposition and Concealment of Attached Property

(1) For a person who commits squandering, disposition or concealing, of property upon which attachment has been imposed, or who commits substitution thereof,

the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission is by a person entrusted with such property,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding forty times the minimum monthly wage.

[12 February 2004]

Section 309. Illegal Providing of Substances and Objects to Persons who are Confined in Places of Short-term Detention and Prisons, and Illegal Receiving of Substances and Objects from Such Persons

(1) For a person who commits unauthorised providing of correspondence, money, food products or other objects or substances, in any way, to persons who are confined in places of short-term detention or prisons, if commission thereof is repeated within a one-year period, the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits receiving substances, manufactures or objects, the storing or using of which is prohibited, from persons who are confined in places of short-term detention or prisons, if commission of such receiving is repeated within a one year period, the applicable punishment is deprivation of liberty for a term not exceeding one year or community service, or a fine not exceeding twenty times the minimum monthly wage.

(3) For a person who commits providing of narcotic or psychotropic substances, explosive substances, weapons or ammunition to, or receiving of such from, persons who are confined in places of short-term detention or prisons, the applicable punishment is deprivation of liberty for a term not exceeding six years.

(4) For a person who commits unauthorised providing of correspondence, money, food products or other objects or substances to, or receiving of such from, persons who are confined in short-term place of detention or in prison, if commission thereof is by an employee of such institution,

the applicable punishment is deprivation of liberty for a term not exceeding ten years.

[12 February 2004; 21 May 2009]

Section 310. Escape from a Place of Short-term Detention and Prison

(1) For a person who commits escape from a place of short-term detention or prison, the applicable punishment is deprivation of liberty for a term not exceeding three years.

(2) For a person who commits the same acts, if such are associated with violence, or threats of violence against the prison guards or other official of a place of short-term detention or prison, or if commission thereof is repeated or by a group of persons, the applicable punishment is deprivation of liberty for a term not exceeding five years.

[21 May 2009]

Section 311. Assault at a Prison

For a person who commits forming an organised group of such persons as are present at the prison, or participating in such group, for the purpose of committing an assault or other violence upon the official of the prison, convicted or any other person present at a prison, or who commits such assault or violence,

the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding eight years, with confiscation of property, and with police supervision for a term not exceeding three years.

[13 December 2007/2; 21 May 2009]

Section 312. Evasion of Serving a Punishment

For a person who commits evading serving a punishment of deprivation of liberty, custodial arrest, or restriction of rights,

the applicable punishment is deprivation of liberty for a term not exceeding one year or community service, or a fine not exceeding twenty times the minimum monthly wage.

[12 February 2004; 21 June 2007]

Section 313. Concealing without Prior Promise

(1) For a person who commits concealing, without prior promise, a criminal, or instrumentalities or means for committing a crime, or trail of a crime or objects obtained by way of crime, if the concealment is in regard to a serious crime,

the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding forty times the minimum monthly wage.

(2) For a person who commits the same acts, if the concealment is in regard to an especially serious crime,

the applicable punishment is deprivation of liberty for a term not exceeding four years or community service, or a fine not exceeding eighty times the minimum monthly wage.

[12 February 2004]

Section 314. Acquisition and Sale of Property Obtained by Way of Crime

(1) For a person who commits acquiring or selling property, knowing that it is obtained by way of crime,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or on a large scale,

the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(3) For a person who commits the same acts, if committed in an organised group, the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding ten years, with confiscation of property, and with police supervision for a term not exceeding three years.

[25 April 2002; 12 February 2004; 13 December 2007/2]

Section 315. Failing to Inform of Crimes

For a person who commits failing to inform, where it is known with certainty that preparation for or commission of a serious or especially serious crime is taking place,

the applicable punishment is deprivation of liberty for a term not exceeding four years, or custodial arrest, or community service, or a fine not exceeding sixty times the minimum monthly wage.

Chapter XXIV

Criminal Offences Committed in State Authority Service

Section 316. Concept of a State Official

(1) Representatives of State authority, as well as every person who permanently or temporarily performs his or her duties in the State or local government service and who has the right to make decisions binding on other persons, or who has the right to perform any functions regarding supervision, control, inquiry, or punishment or to deal with the property or financial resources of the State or local government, shall be considered to be State officials.

(2) The President, members of the *Saeima*, the Prime Minister and members of the Cabinet as well as officials of State institutions who are elected, appointed or confirmed by the *Saeima* or the Cabinet, heads of local government, their deputies and executive directors shall be considered to be State officials holding a responsible position.

(3) As State officials shall also be considered foreign public officials, members of foreign public assemblies (institutions with legislative or executive functions), officials of international organisations, members of international parliamentary assemblies, as well as international court judges and officials.

[25 April 2002]

Section 317. Exceeding Official Authority

(1) For a person who, being a State official, commits intentional acts which manifestly exceed the limits of rights and authority granted to the State official by law or pursuant to his or her assigned duties, if substantial harm is caused thereby to State authority, administrative order or rights and interests protected by law of a person,
the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right occupy specified positions for a term of not less than one and not exceeding three years.

(2) For a person who commits the same acts, or they are associated with violence or threatened violence, or they are committed for purposes of acquiring property,
the applicable punishment is deprivation of liberty for a term not exceeding five years or community service, or a fine not exceeding two hundred times the minimum monthly wage, with or without deprivation of the right occupy specified positions for a term of not less than one and not exceeding five years.

(3) For the activities provided for in Paragraph one of this Section, if they are related to torture or if they have resulted in serious consequences,
the applicable punishment is deprivation of liberty for a term not exceeding ten years.

[12 February 2004; 19 November 2009]

Section 318. Using Official Position in Bad Faith

(1) For a person who, being a State official, commits intentional acts using his or her official position in bad faith, if such acts cause substantial harm to State authority, administrative order or rights and interests protected by law of a person,
the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding sixty times the minimum monthly wage, with or without deprivation of the right occupy specified positions for a term of not less than one and not exceeding three years.

(2) For a person who commits the same acts, if serious consequences are caused thereby, or they are committed for purposes of acquiring property, the applicable punishment is deprivation of liberty for a term not exceeding eight years or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without deprivation of the right occupy specified positions for a term of not less than one and not exceeding five years.

[12 February 2004]

Section 319. Failure to Act by a State Official

(1) For a person who, being a State official, commits failing to perform his or her duties, that is, if a State official intentionally or through negligence fails to perform acts which, according to law or his or her assigned duties, he or she must perform to prevent harm to State authority, administrative order or rights and interests protected by law of a person, and if substantial harm is caused thereby to State authority, administrative order or rights and interests protected by law of a person,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding fifty times the minimum monthly wage, with or without deprivation of the right occupy specified positions for a term of not less than one and not exceeding three years.

(2) For a person who commits the same offence, if serious consequences are caused thereby, or the acts of the State official are for purposes of acquiring property,

the applicable punishment is deprivation of liberty for a term not exceeding six years or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right occupy specified positions for a term of not less than one and not exceeding five years.

[12 February 2004]

Section 320. Accepting Bribes

(1) For accepting a bribe, that is, material values, properties or benefits of other nature, committed by a State official personally or through an intermediary, for an already performed lawful or illegal act or permitted omission in the interests of the giver of the bribe, the person offering the bribe or other persons by using his or her official position, irrespective of whether the accepted or offered bribe was meant for this State official or any other person,

the applicable punishment is deprivation of liberty for a term not exceeding five years, custodial arrest, or community service, or a fine not exceeding one hundred and twenty times the minimum monthly wage, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding two years.

(2) For accepting a bribe or the offer of a bribe, committed by a State official personally or through an intermediary, prior to the committing or non-committing of a lawful or illegal act in the interests of the giver of the bribe, the person offering the bribe or other persons by using his or her official position, irrespective of whether the accepted or offered bribe was meant for this State official or any other person,

the applicable punishment is deprivation of liberty for a term not exceeding eight years, with or without the confiscation of property, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding three years.

(3) For a person who commits the acts provided for in Paragraphs one and two of this Section, if they are committed repeatedly or on a large scale or if commission thereof is by a group of persons pursuant to prior agreement, or if a bribe has been demanded,

the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding ten years, with confiscation of property, with or without deprivation of the right to

engage in specific employment or to take up a specific office for a term not exceeding five years.

(4) For a person who commits the acts provided for in Paragraphs one and two of this Section, if they are committed by an organised group or a State official holding a responsible position, or if a bribe has been extorted,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding twelve years, with confiscation of property, with deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding five years and with police supervision for a term not exceeding three years.

[25 April 2002; 19 November 2009]

Section 321. Misappropriation of a Bribe

(1) For a person who commits misappropriation of a bribe which a person has received in order to provide to a State official, or which he or she has accepted, pretending to be a State official,

the applicable punishment is deprivation of liberty for a term not exceeding four years or with confiscation of property, or community service, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits misappropriation of a bribe which a State official has received in order to provide it to another State official, or which he or she has accepted claiming to be another State official,

the applicable punishment is deprivation of liberty for a term not exceeding six years or with confiscation of property.

[12 February 2004]

Section 322. Intermediation in Bribery

(1) For a person who commits intermediation in bribery, that is, acts manifested as the handing over of a bribe or the offering thereof from the giver of the bribe to a person accepting the bribe,

the applicable punishment is deprivation of liberty for a term not exceeding four years, or community service or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or is by a State official,

the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding ten years, with or without confiscation of property.

[19 November 2009]

Section 323. Giving of Bribes

(1) For a person who commits giving of bribes, that is, the handing over or offering of material values, properties or benefits of other nature, if the offer is accepted, in person or through intermediaries to a State official in order that he or she, using his or her official position, performs or fails to perform some act in the interests of the giver or person offering the bribe, or in the interests of other persons, irrespective of whether the bribe offered is for this State official or for any other person,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service or a fine not exceeding one hundred and twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or on a large scale or if they have been committed by a State official, or also if they have been committed in a group of persons pursuant to prior agreement, the applicable punishment is deprivation of liberty for a term of not less than three and not exceeding eight years, with or without confiscation of property and with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding five years.

(3) For the acts provided for in Paragraph one of this Section, if committed in an organised group,

the applicable punishment is deprivation of liberty for a term of not less than five and not exceeding ten years, with confiscation of property, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding five years and with police supervision for a term not exceeding three years.

[25 April 2002; 13 December 2007/2; 19 November 2009]

Section 324. Release of a Giver of a Bribe and Intermediary from Criminal Liability

(1) A person who has given a bribe shall be released from criminal liability if this bribe is extorted from this person or if, after the bribe has been given, he or she voluntarily informs of the occurrence. A person who has given a bribe shall be released from criminal liability if he or she voluntarily informs of the occurrence.

(2) Extortion of a bribe shall be understood to be the demanding of a bribe in order that legal acts be performed, as well as the demanding of a bribe associated with threats to harm lawful interests of a person.

(3) An intermediary or abettor respecting a bribe shall be released from criminal liability if, after commission of the criminal act, he or she voluntarily informs of the occurrence.

[25 April 2002]

Section 325. Violation of Restrictions Imposed on a State Official

(1) For a person who commits intentional violation of the restrictions or prohibitions imposed on State officials specified by law, if substantial harm is caused thereby to the interests of the State or of the public, or to rights and interests protected by law of a person, the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding three years.

(2) For a person who commits the acts provided for by Paragraph one of this Section, if commission thereof is by a State official who holds a responsible position, the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service or a fine not exceeding two hundred times the minimum monthly wage, with or without confiscation of property, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding five years.

[17 October 2002; 19 November 2009]

Section 326. Unlawful Participation in Property Transactions

(1) For a person who commits facilitating property transactions or participating in such transactions, if commission thereof is for purposes of acquiring property or due to other personal interest by a State official who, in connection with his or her official position, is prohibited from such transactions by law,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or a fine not exceeding one hundred times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is by a State official who holds a responsible position,

the applicable punishment is deprivation of liberty for a term not exceeding five years with or without confiscation of property.

Section 326.¹ Trading with Influence

(1) For a person who commits offering or giving of material values, properties or benefits of other nature to any person in person or through an intermediary, in order that he or she, using his or her official position, professional or social position, might unlawfully influence the activities of a State official, or encourage another person to unlawfully influence the activities of a State official in the interests of any person, irrespective of whether the material values, properties or benefits of other nature are intended for this person or any other person, if the elements of the crime provided for by Section 323 are not present,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding one hundred and fifty times the minimum monthly wage, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding two years.

(2) For a person who commits accepting an offer of material values, properties or benefits of other nature for him or herself or any other person, in order that he or she, using his or her official position, professional or social position, might unlawfully influence the activities of a State official, or to encourage any other person to influence the activities or taking of decisions of a State official in the interests of any person, if the elements of the crime provided for by Sections 198 and 320 of this Law are not present,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding five years.

[19 November 2009]

Section 326.² Unlawful Requesting and Receiving of Benefits

(1) For a person who knowingly commits unlawful receiving of material values, properties or benefits of other nature, where committed by an employee of a State or self-government institution, who is not a State official, or a similar person who is authorised by the State institution, himself or herself or through an intermediary, for performing or failing to perform some act, in the interests of the giver of the benefit or any other person, using his or her authority, irrespective of whether the material values, properties or benefits of other nature received are intended for this or any other person,

the applicable punishment is deprivation of liberty for a term not exceeding three years, or custodial arrest, or community service, or a fine not exceeding one hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding two years.

(2) For the same acts, if commission thereof is repeated or on a large scale, or by a group of persons according to prior agreement, or if they are related to requesting or extortion of material values, properties or benefits of other nature,

the applicable punishment is deprivation of liberty for a term not exceeding five years, or custodial arrest, or community service, or a fine not exceeding two hundred times the minimum monthly wage, with or without deprivation of the right to engage in specific employment or to take up a specific office for a term not exceeding five years.

[19 November 2009]

Section 327. Forging Official Documents

(1) For a person who commits forging documents, or issuing or using documents knowing they are forged, if commission thereof is by a State official, the applicable punishment is custodial arrest, or community service, or a fine not exceeding twenty times the minimum monthly wage.

(2) For a person who commits the same acts, if commission thereof is repeated or for purposes of acquiring property, the applicable punishment is deprivation of liberty for a term not exceeding two years or community service, or a fine not exceeding forty times the minimum monthly wage.

[12 February 2004]

Section 328. False Official Information

For a person who knowingly commits providing false information to an institution or a State official who has the right to request such information, or commits concealing or knowingly failing to inform of a document or information, if commission thereof is by a State official whose responsibilities include the providing of such information, and substantial harm has been caused thereby,

the applicable punishment is deprivation of liberty for a term not exceeding three years or community service, or a fine not exceeding sixty times the minimum monthly wage.

[12 February 2004]

Section 329. Disclosure of Non-disclosable Information

For a person who commits disclosure of non-disclosable information which is not an official secret, if commission thereof is by a State official who has been warned concerning the non-disclosability of the information or who in accordance with the law is liable for the storage of information,

the applicable punishment is custodial arrest or community service, or a fine not exceeding twenty times the minimum monthly wage.

[26 May 2005]

Section 330. Disclosure of Confidential Information After Leaving Office

For a person who commits disclosure of confidential information which is not an Official secret, if commission thereof is by a State official after his or her resignation, within a time limit specified in a warning to him or her concerning the non-disclosure of the information,

the applicable punishment is community service, or a fine not exceeding ten times the minimum monthly wage.

Chapter XXV Criminal Offences Committed in Military Service

Section 331. Concept of a Criminal Offence and Persons to Whom it Applies in the Military Service

The criminal offences in violation of the prescribed procedures regarding performance of military service, as provided for by this Law, which are committed by soldiers, and persons

regarding whom special provisions set out in laws apply, shall be regarded as criminal offences committed during military service.

[17 October 2002]

Section 332. Being Absent Without Leave

(1) For a person who commits being absent without leave, that is, leaving a National Armed Forces unit or place of service, as well as failing without valid reason to appear in a place of service within a specified time, if the being absent without leave continues for more than twenty-four hours, but not longer than seventy-two hours, and if it has been committed during a war or state of emergency, in battle conditions, or during proclaimed emergency situations in the case of public disorders, terrorism or armed conflict,

the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding eight years.

[14 December 2006]

Section 333. Desertion

(1) For a person who commits desertion, that is, leaving of a place of service, or commits failing to appear, for purposes of evading active service, if it has been committed during a war or state of emergency, in battle conditions, or during proclaimed emergency situations in the case of public disorders, terrorism or armed conflict,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

[14 December 2006]

Section 334. Evading Active Service

(1) For a person who commits evading performing the duties of active service by inflicting bodily injury upon oneself (self-mutilation) or simulating illness, falsifying documents or other deception, or commits refusing to perform official duties,

the applicable punishment is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is during war or in battle conditions,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

[14 December 2006]

Section 335. Insubordination

(1) For a person who commits insubordination, that is, overt refusal to carry out an order of a superior, or commits other intentional failure to carry out an order,

the applicable punishment is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same offence, if commission thereof is by a group of persons, or serious consequences have been caused thereby,

the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding ten years.

(3) For a person who commits the offences provided for by Paragraphs one and two of this Section, if commission thereof is during war or in battle conditions,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

Section 336. Failure to Carry Out an Order

For a person who commits failing to carry out an order of a superior through negligence, if serious consequences are caused thereby,
the applicable punishment is deprivation of liberty for a term not exceeding five years.

Section 337. Resisting a Superior and Forcing him or her to Act Outside of his or her Official Duties of Service

(1) For a person who commits resisting a superior or other persons in connection with performing the duties of military service imposed on him or her, or commits forcing him or her to act outside of their official duties,
the applicable punishment is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if commission thereof is by a group of persons, or is accompanied by violence, or serious consequences are caused thereby,
the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding ten years.

Section 338. Violence Against a Subordinate

(1) For a person who commits violence against a subordinate, if as a result thereof physical suffering is inflicted on the subordinate,
the applicable punishment is custodial arrest.

(2) For a person who commits infliction of intentional slight bodily injury on a subordinate,
the applicable punishment is deprivation of liberty for a term not exceeding three years.

(3) For a person who commits infliction of intentional moderate bodily injury on a subordinate, or commits other acts, which are in the nature of torture,
the applicable punishment is deprivation of liberty for a term not exceeding eight years.

(4) For a person who commits intentional infliction of serious bodily injury on a subordinate,
the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding fifteen years.

Section 339. Defamation of a Soldier

(1) For a person who commits defamation verbally or by acts which are not associated with violence, if commission thereof is by a superior as against a subordinate, or a senior against his or her junior, or by a subordinate against his or her superior, or a junior against his or her senior, and if in addition at least one of them at that time is performing duties of military service,
the applicable punishment is custodial arrest.

(2) For a person who commits the same acts, if they are associated with violence,
the applicable punishment is deprivation of liberty for a term not exceeding one year, or custodial arrest.

(3) For a person who commits defamation with violence, where commission is by a soldier as against another soldier, if they are not in a relationship of subordination or seniority with each other and if in addition at least one of them at that time is performing duties of military service,
the applicable punishment is custodial arrest.

[17 October 2002]

Section 340. Battering and Torture of a Soldier

(1) For a person who commits intentional hitting or battering, or commits other intentional acts of violence, where commission is by a soldier as against another soldier and at least one of them is performing duties of military service,
the applicable punishment is custodial arrest.

(2) For a person who commits the same acts, if they are associated with the infliction of intentional slight bodily injury,
the applicable punishment is deprivation of liberty for a term not exceeding two years.

(3) For a person who commits the acts provided for in Paragraph one of this Section, if they are associated with the infliction of intentional moderate bodily injury or if they are in the nature of torture,
the applicable punishment is deprivation of liberty for a term not exceeding eight years.

(4) For a person who commits the acts provided for by Paragraph one of this Section, if they are associated with the infliction of intentional serious bodily injury,
the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding twelve years.

[17 October 2002]

Section 341. Abuse of Power and Exceeding Official Authority

For a person who commits using power or an official position in bad faith or of exceeding official authority, where committed by a superior, if commission thereof is for purposes of acquiring property or as a result thereof substantial harm is caused,
the applicable punishment is deprivation of liberty for a term not exceeding ten years.

Section 342. Neglect of Official Duties

For a person who commits failing to perform official duties, or commits neglectfully performing such, if commission thereof is by a superior and as a result thereof substantial harm is caused,
the applicable punishment is deprivation of liberty for a term not exceeding three years.

Section 343. Squandering and Loss of Official Property

(1) For a person who commits selling, pledging or transferring to the use of another (squandering) uniforms or accoutrements issued to a soldier for personal use, or commits losing such articles while violating provisions regarding their storage,
the applicable punishment is custodial arrest.

(2) For a person who commits selling weapons, ammunition, vehicles or military equipment provided for official use, or commits losing such articles while violating provisions regarding their storage,
the applicable punishment is deprivation of liberty for a term not exceeding eight years or custodial arrest.

[17 October 2002]

Section 344. Intentional Destruction and Damage of Military Service Property

(1) For a person who commits intentional destruction or damage of weapons, ammunition, transport vehicles or military equipment,
the applicable punishment is deprivation of liberty for a term not exceeding five years.

(2) For a person who commits the same acts, if substantial harm is caused thereby, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding ten years.

Section 345. Destruction of and Damage to Military Service Property Through Negligence

For a person who commits destruction or damage of weapons, ammunition, transport vehicles and military equipment through negligence, if substantial harm is caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest.

Section 346. Violation of Provisions Regarding Storage, Use, Accounting for and Transportation of Weapons, Ammunition, Explosive Substances, Radioactive and Other Dangerous Substances

(1) For a person who commits violation of provisions regarding storage, use, accounting for and transportation of weapons, ammunition, explosive substances, radioactive substances or other dangerous substances, goods or materials, the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest.

(2) For a person who commits the same offence, if serious consequences are caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding five years.

Section 347. Violation of Provisions Regarding the Operation and Use of Combat Vehicles

For a person who commits violation of provisions regarding operation or use of combat vehicles, if the death of a person or other serious consequences are caused thereby, the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding ten years.

Section 348. Violation of Provisions Regarding Operation of Ships

For a person who commits violation of provisions regarding operation of ships, if a shipwreck or other serious consequence are caused thereby, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding twelve years.

Section 349. Violation of Provisions Regarding Flights and their Preparation

For a person who commits violation of provisions regarding flights or their preparation, if a catastrophe or other serious consequence are caused thereby, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding twelve years.

Section 350. Violation of Provisions of Guard Duty Regulations

(1) For a person who commits violation of provisions of guard duty regulations or commands or orders issued for the application of these provisions, as committed while on guard or sentry duty, guarding ammunition, weapons, fuel, equipment warehouses or other objects of importance,

the applicable punishment is custodial arrest.

(2) For a person who commits the same offence, if serious consequences are caused thereby, the applicable punishment is deprivation of liberty for a term not exceeding five years.

Section 351. Violation of Provisions of Internal Service Regulations

(1) For a person who commits violation of provisions of internal service regulations, if commission thereof is repeated and by a soldier assigned to twenty-four hour duty (with the exception of guard and patrol),

the applicable punishment is custodial arrest.

(2) For a person who commits violation of provisions of internal service, if commission thereof is by a soldier assigned to twenty-four hour duty (with the exception of guard and patrol) and serious consequences are caused thereby,

the applicable punishment is deprivation of liberty for a term of not less than three years and not exceeding eight years.

[17 October 2002]

Section 352. Disclosure of Military Information

For a person who commits disclosure of confidential military information which is not an Official secret,

the applicable punishment is custodial arrest.

Section 353. Surrendering and Abandoning Means to Wage War to the Enemy

For a person who, being a commander, commits surrendering entrusted military forces to the enemy or commits abandoning fortifications, combat equipment or other means of waging war to the enemy, where not justified by the battle conditions, if the said acts are not associated with purposes of supporting the enemy,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

Section 354. Unauthorised Leaving of a Battlefield and Refusal to Use a Weapon

For a person who commits unauthorised leaving of a battlefield during battle, or refusal to use a weapon in battle,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

Section 355. Criminal Activity by a Soldier as a Prisoner of War

(1) For a person who commits violence as against other prisoners of war or cruel treatment of them, if commission thereof is by a prisoner of war holding the position of a senior, the applicable punishment is deprivation of liberty for a term of not less than five years and not exceeding ten years.

(2) For a person who, being a soldier who is a prisoner of war, commits intentional acts against the Republic of Latvia for purposes of supporting or assisting the enemy,

the applicable punishment is deprivation of liberty for a term of not less than ten years and not exceeding fifteen years.

[17 October 2002]

Section 356. Illegal Wearing and Use in Bad Faith of Insignia of the Red Cross, Red Crescent and Blue White Shield

For a person who commits illegally wearing insignia of the Red Cross, Red Crescent or Blue White Shield in war zones, if committed by a person who does not have right thereto, or who commits the use in bad faith of the insignia of the Blue White Shield, or the flags or insignia of the Red Cross or Red Crescent, or of the colouring prescribed for medical assistance evacuation equipment, during war,

the applicable punishment is deprivation of liberty for a term not exceeding two years, or custodial arrest.

[18 December 2003]

Informative Reference to European Union Directives

This Law contains legal norms arising from:

- 1) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds;
- 2) Council Directive 91/308/EEC of 10 June 1991 on prevention of the use of the financial system for the purpose of money laundering;
- 3) Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons;
- 4) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;
- 5) Council Directive 93/15/EEC of 5 April 1993 on the harmonization of the provisions relating to the placing on the market and supervision of explosives for civil uses;
- 6) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data;
- 7) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;
- 8) Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues;
- 9) Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering;
- 10) Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements;
- 11) Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC;
- 12) Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law; and
- 13) Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements.

Transitional Provisions

1. The time of and procedures for the coming into force of this Law shall be prescribed by a special law.
2. The Cabinet shall formulate and submit to the *Saeima* a draft Law On the Time of and Procedures for the Coming into Force of The Criminal Law by 1 August 1998.
3. The Cabinet shall formulate and adopt regulations by 1 August 1998:
 - 1) regarding access to computer programmes and safety of information systems; and
 - 2) regarding restriction of prostitution.
4. Sections 282.¹ and 282.² of this Law shall come into force on 1 December 2003.
[17 October 2002]
5. Section 195.² of this Law shall come into force on 1 July 2006.
[8 December 2005]
6. Amendment to Section 61, Paragraph four of this Law regarding mandatory duty to participate in a probation programme shall come into force on 1 January 2013.
[30 October 2008]
7. Section 58.¹, Paragraph four, Clauses 2.¹ and 3 of this Law shall not be applies until 31 December 2012.
[16 June 2009]
8. Amendments to Section 65, Paragraph two of this Law regarding reducing of the time period for the punishment of deprivation of liberty and non-application of such type of punishment shall apply to minors who have committed a criminal offence after coming into effect of this amendment.
[16 June 2009]
9. The regulation provided for in Paragraphs 1 and 2 of the Transitional Provisions of the Law On Amendments to the Criminal Law of 21 October 2010 in the part regarding the criminal proceedings in the record-keeping of courts, the Prosecutor's Office and pre-trial investigating institutions regarding criminal offences, which are qualified on the basis of Section 149, shall be applied only in relation to such criminal proceedings, in which the criminal offence has been qualified on the basis of Section 149, Paragraph one of the Criminal Law. The qualification of the offence in criminal cases in the record-keeping of courts, the Prosecutor's Office and pre-trial investigating institutions regarding criminal offences, which have been committed until 31 December 2010 and qualified on the basis of Section 149, Paragraphs two, three and four of the Criminal Law, shall not be amended and the persons shall be applied a punishment, which was in effect until 31 December 2010.
[2 December 2010]

This Law has been adopted by the *Saeima* on 17 June 1998.

Note. This Law shall come into force on 1 July 2009.
[21 May 2009]

*Note.*¹ This Law shall come into effect on 1 July 2009.
[16 June 2009]

President

G. Ulmanis

Rīga, 8 July 1998

Transitional Provisions Regarding Amendments to the Criminal Law

Transitional Provision

(regarding amending law of 25 April 2002)

Persons who commit knowingly making a false report regarding the placing of explosive, poisonous, radioactive or bacteriological substances or materials or explosive devices in an institution, undertaking or other object, or locating outside of an institution, undertaking or other object, until the moment of the coming into force of Section 231.¹ of the Criminal Law, shall be held to liability on the basis of Section 231 of the Criminal Code.

Transitional Provision

(regarding amending law of 17 October 2002)

Existing criminal matters in the record-keeping of the court and pre-trial investigating institutions regarding criminal offences, which were committed up to the day of the coming into force of this law and are qualified on the basis of Section 149 of the Criminal Law, the qualification of the offence shall remain unchanged.

Transitional Provision

(regarding amending law of 18 December 2003)

Sections 1 and 2 of this law shall come into force on 1 January 2006.

Transitional Provisions

(regarding amending law of 15 January 2004)

1. Terminate existing criminal matters in the record-keeping of pre-trial investigating institutions and the court regarding criminal offences, which are qualified on the basis of Section 180 (17 June 1998 version) and Section 180, Paragraph one (25 April 2002 version) of the Criminal Law.
2. Pre-trial investigating institutions shall terminate criminal matters regarding the criminal offences referred to in Paragraph one of these Transitional Provisions by a decision of a public prosecutor.
3. Existing criminal matters in court proceedings regarding the criminal offences referred to in Paragraph one of these Transitional Provisions shall be terminated by a court decision, which is taken in a court operative sitting or court sitting.
4. Release from the serving of punishments, persons who up to 1 January 2004 were punished for criminal offences, which are referred to in Paragraph one of these Transitional Provisions.

5. An institution that executes judgments regarding the release of persons from convictions shall submit a submission to the district (city) court on the basis of the place of serving of punishment according to the procedures of Section 374 of the Latvian Criminal Procedure Code.

6. A court may set aside convictions for persons who have already served their punishments or were released before completion of their punishment, if they were punished for the criminal offences referred to in Paragraph one of these Transitional Provisions and if the convictions have not been extinguished for them, on the basis of a submission from such persons.

7. Amend judgments for persons who were punished for the criminal offences referred to in Paragraph one of these Transitional Provisions and also other criminal offences, taking into account that such persons are to be released from all types of punishment, which is imposed on them for the criminal offences referred to in Paragraph one of these Transitional Provisions.

8. Matters regarding the amendment of judgments for persons who were punished for the criminal offences referred to in Paragraph one of these Transitional Provisions and also other criminal offences, shall be examined by the relevant same composition [district (city), regional] courts according to the procedures specified in Paragraph five of these Transitional Provisions.

Transitional Provisions

(regarding amending law of 22 January 2004)

1. Terminate existing criminal matters in the record-keeping of pre-trial investigating institutions regarding criminal offences, which are qualified on the basis of Section 271 of the Criminal Law by a decision of the performer of procedures, on the basis of Section 5, Paragraph one, Clause 2 of the Latvian Criminal Procedure Code.

2. Criminal matters regarding the criminal offences referred to in Paragraph one of these Transitional Provisions, which are terminated by conditionally releasing the accused from criminal liability (Section 5.⁴ of the Latvian Criminal Procedure Code), shall be terminated by a decision of a public prosecutor, on the basis of Section 5, Paragraph one, Clause 2 of the Latvian Criminal Procedure Code.

3. Existing criminal matters in court proceedings regarding the criminal offences referred to in Paragraph one of these Transitional Provisions shall be terminated by a court decision, which is taken in a court operative sitting in accordance with Section 236, Paragraph one of the Latvian Criminal Procedure Code, or shall be render an acquittal judgment in accordance with Section 304, Paragraph four of the Latvian Criminal Procedure Code.

4. Release from the serving of punishments, persons who up to 1 February 2004 were punished for criminal offences, which are referred to in Paragraph one of these Transitional Provisions.

5. An institution that executes judgments regarding the release of persons from convictions shall submit a submission to the district (city) court on the basis of the place of serving of punishment, which the court shall examine according to the procedures of Section 374 of the Latvian Criminal Procedure Code.

6. Amend judgments for persons who were punished for the criminal offences referred to in Paragraph one of these Transitional Provisions and also other criminal offences, taking into account that such persons are to be released from all types of serving of punishment, which is imposed on them for the criminal offences referred to in Paragraph one of these Transitional Provisions.

7. Matters regarding the amendment of judgments for persons who were punished for the criminal offences referred to in Paragraph one of these Transitional Provisions and also other criminal offences, shall be examined by the court which rendered the judgment or by the relevant same composition [district (city), regional] courts, according to the procedures specified in Paragraph five of these Transitional Provisions.

8. A court may set aside convictions for persons who are released from serving their punishments in accordance with Paragraph four of these Transitional Provisions, as well as persons who have already served their punishments or were released before completion of their punishment, if they were punished for the criminal offences referred to in Paragraph one of these Transitional Provisions and if the convictions have not been extinguished for them, on the basis of a submission from such persons.

Transitional Provisions

(regarding amending law of 12 February 2004)

1. The conditions of this Law shall not apply to persons who were convicted prior to the coming into force of this Law.

2. The Cabinet, in developing the Draft State budget for 2005, shall include the necessary funding for the implementation of this Law.

This Law shall come into effect on 1 January 2005.

Transitional Provisions

(regarding amending law of 20 May 2004)

1. Criminal matter in the record-keeping of pre-trial investigating institutions regarding criminal offences, which are committed up to the moment of the coming into force of this Law and qualified on the basis of Section 233, Paragraphs one and two and Section 234, Paragraphs one [except for the manufacture of gas pistols (revolvers) and the ammunition thereof without a relevant permit] and two of the Criminal Law, shall be terminated by a decision of the performer of procedures, on the basis of Section 5, Paragraph one, Clause 2 of the Latvian Criminal Procedure Code.

2. Criminal matters in respect of the criminal offences referred to in Paragraph one of these Transitional Provisions, which are terminated, the accused being conditionally released from criminal liability (Section 5.⁴ of the Latvian Criminal Procedure Code), shall be terminated by a decision of the Office of the Public prosecutor, on the basis of Section 5, Paragraph one, Clause 2 of the Latvian Criminal Procedure Code.

3. Criminal matters existing in court proceedings in the in respect of the criminal offences referred to in Paragraph one of these Transitional Provisions, shall be terminated by a court decision, which is taken at an assignments sitting in accordance with Section 236, Paragraph one of the Latvian Criminal Procedure Code, or an acquittal judgment rendered in accordance with Section 304, Paragraph four of the Latvian Criminal Procedure Code.

4. Persons who up to the moment of the coming into force of this Law have been punished for the commitment of the criminal offences referred to in Paragraph one of these Transitional Provisions, shall not be released from serving the punishment.

Transitional Provision

(regarding amending law of 28 April 2005)

Criminal offences, which are qualified on the basis Sections 190, 190.1, 191 or 242 of the Criminal Law and have been committed up to the day of the coming into force of this Law, the qualification of the offence shall remain unchanged.

Transitional Provision

(regarding amending law of 5 May 2005)

This Law shall come into force simultaneously with the coming into force of the Criminal Procedure Law.

Transitional Provision

(regarding amending law of 16 February 2006)

Criminal matters, which are in court proceedings and record-keeping of pre-trial investigative institution, which are qualified on the basis of Section 198 of the Criminal Law and have been committed up to the day of the coming into force of this Law, the qualification of the offence shall remain unchanged.

Transitional Provisions

(regarding amending law of 14 December 2006)

1. Criminal proceedings in the record-keeping of pre-trial investigating institutions, the Prosecutor's Office and court proceedings regarding criminal offences, which are qualified on the basis of Sections 282 and 282.3; Section 332, Paragraphs one and two (17 June 1998 version) and Section 333, Paragraph one (17 June 1998 version) of the Criminal Law, shall be terminated by a decision of the performer of procedures, on the basis of Section 377, Clause 2 of the Criminal Procedure Law.

2. Criminal proceedings regarding the criminal offences referred to in Paragraph one of these Transitional Provisions, which are terminated by conditionally releasing the accused from criminal liability, but the decision has not come into effect in full, shall be terminated by a decision of a public prosecutor, on the basis of Section 377, Clause 2 of the Criminal Procedure Law.

3. Release from the serving of punishments, taking into account the provisions of Sections 650-652 of the Criminal Procedure Law, persons who up to 1 February 2007 were punished or to whom a public prosecutor's injunction regarding punishment was applied for the criminal offences referred to in Paragraph one of these Transitional Provisions.

4. Amend judgments or public prosecutor's injunction regarding punishment, taking into account the provisions of Sections 650-652 of the Criminal Procedure Law, for persons who up to 1 February 2007 were punished or to whom a public prosecutor's injunction regarding punishment was applied for the criminal offences referred to in Paragraph one of these Transitional Provisions and also other criminal offences, taking into account that such persons

are to be released from all types of serving of punishment, which is imposed on them for the criminal offences referred to in Paragraph one of these Transitional Provisions.

Transitional Provisions

(regarding amending law of 21 May 2009)

1. The qualification of the offence shall be left unvaried for criminal offences of the criminal matters in the proceeding of pre-trial investigating institutions, the Prosecutor's Office or courts, which have been committed until the day of coming into force of this Law and qualified pursuant to Sections 71, 221, 230 and 244¹ of the Criminal Law.
2. Leave the judgement unvaried for persons which have been punished until coming into force of this Law pursuant to Section 71 of Criminal Law.

Transitional Provision

(regarding amending law of 10 September 2009)

The qualification of the offence shall be left unvaried for criminal matters related to criminal offences in the proceeding of courts, the Prosecutor's Office and pre-trial investigating institutions, which have been committed until the day of the coming into force of this Law and qualified according to Section 145 of the Criminal Law.

Transitional Provisions

(regarding amending law of 19 November 2009)

1. Criminal proceedings in the record-keeping of court proceedings regarding criminal offences, which are qualified on the basis of Section 156 of the Criminal Law and which are qualified on the basis of Section 158 of the Criminal Law in relation to defamation in mass media, shall be terminated in accordance with of Section 625, Paragraph two and Section 377, Clause 2 of the Criminal Procedure Law.
2. Release from the serving of punishments persons who until the day of the coming into force of this Law have been punished for the committing of the criminal offences referred to in Paragraph one of these Transitional Provisions.
3. Amend judgments for persons who have been punished for the criminal offences referred to in Paragraph one of these Transitional Provisions and also for other criminal offences, taking into account that these persons shall be released from the serving all types of punishments which have been imposed on them for the criminal offences referred to in Paragraph one of these Transitional Provisions.
4. Institutions enforcing punishments, in accordance with Section 650 of the Criminal Procedure Law, shall submit a submission to court for the release of a person from serving a punishment or for amending a judgment, which shall be examined by court in accordance with the procedures of Section 651 of the Criminal Procedure Law.
5. To recognise those persons as free of punishment which have been released from serving a punishment in accordance with Paragraph two of these Transitional Provisions, as well as those persons who have already served a punishment or have been released early, if they were punished for the criminal offences referred to in Paragraph one of these Transitional Provisions and if the conviction thereof has not been extinguished.

6. The necessary materials of criminal proceedings in the record-keeping of courts, a public prosecutor and pre-trial investigating institutions which have been committed until the day of the coming into force of this Law and are qualified on the basis of Section 190.¹, Paragraph one of the Criminal Law in relation to the moving of alcohol or other alcoholic beverages across the State border of the Republic of Latvia, shall be terminated in accordance with of Section 377, Clause 2 of the Criminal Procedure Law.

7. The necessary materials of criminal proceedings in the record-keeping of courts, a public prosecutor and pre-trial investigating institutions which have been terminated in accordance with Paragraph six of these Transitional Provisions, shall be sent to a competent authority (to an official) for examination in accordance with the procedures specified by the Administrative Violations Code of Latvia.

8. Criminal proceedings in the record-keeping of courts, a public prosecutor and pre-trial investigating institutions regarding criminal offences, which have been committed until the day of the coming into force of this Law and are qualified on the basis of Section 158 of the Criminal Law in relation to bringing into disrepute in mass media, Section 190.¹, Paragraphs two and three, Sections 221.², 272.¹, 294, 301, 317, 320, 322 and 323, the qualification of the offence shall remain unchanged.

9. Persons who have been punished for committing the criminal offences referred to in Paragraphs six and eight of these Transitional Provisions until the day of the coming into force of this Law shall not be released from serving the punishment.

Transitional Provisions

(regarding amending law of 21 October 2010)

1. Criminal proceedings in the record-keeping of courts, the Prosecutor's Office and pre-trial investigating institutions regarding criminal offences, which are qualified on the basis of Section 97, Paragraph one, Section 98, Paragraph one, Section 99, Paragraph one, Section 101, Paragraph one, Section 102, Paragraph one, Section 103, Paragraph one, Section 106, Paragraph one, Section 110, Paragraph one, Section 112, Paragraph one, Section 130, Paragraph one, Section 149, Section 214, Paragraph one and Section 215, Paragraph one of the Criminal Law, shall be terminated in accordance with Section 377, Clause 2 of the Criminal Procedure Law.

2. Courts, the Prosecutor's Office and pre-trial investigating institutions, which have in the record-keeping thereof criminal proceedings regarding such criminal offences, which have been committed until the date of the coming into force of this Law and qualified on the basis of Section 97, Paragraph one, Section 98, Paragraph one, Section 99, Paragraph one, Section 101, Paragraph one, Section 102, Paragraph one, Section 103, Paragraph one, Section 106, Paragraph one, Section 110, Paragraph one, Section 112, Paragraph one, Section 130, Paragraph one (except for intentional beating), Section 149, Section 214, Paragraph one and Section 215, Paragraph one of the Criminal Law, if the relevant criminal proceedings have been terminated in accordance with Paragraph 1 of the Transitional Provisions of this Law, shall send the necessary materials to the competent authority or official for examination according to the procedures specified in the Administrative Violations Code of Latvia.

3. The qualification of the offence in criminal cases in the record-keeping of courts, the Prosecutor's Office and pre-trial investigating institutions regarding criminal offences, which have been committed until the date of the coming into force of this Law and qualified on the

basis of Sections 94, 95, 104, Section 110, Paragraph two, Sections 148, 206 and 260, shall not be amended.

4. Such persons shall not be released from serving a punishment, who, until the time of the coming into force of this Law, have been convicted of the commission of the criminal offences referred to in Paragraphs 1 and 3 of the Transitional Provisions of this Law.