Act IV of 1978 on the Criminal Code

GENERAL PART Aim of the Criminal Code Section 1

Chapter I

Scope of the Criminal Code

Temporal Scope Section 2

A crime shall be adjudged in accordance with the law in force at the time of its perpetration. If, in accordance with the new Criminal Code in force at the time of the judgment of an act, the act is no longer an act of crime or it is to be adjudged more leniently, then the new law shall apply; otherwise, the new Criminal Code has no retroactive force.

Territorial and Personal Scope

Section 3

(1) Hungarian law shall be applied to crimes committed in Hungary, as well as to acts committed by Hungarian citizens abroad, which are crimes in accordance with Hungarian law.

(2) The Hungarian law shall also be applied to criminal acts committed on board of Hungarian ships or Hungarian aircraft situated outside the borders of the Republic of Hungary.

Section 4

(1) Hungarian law shall also be applied to acts committed by non-Hungarian citizens abroad, if they are

a) criminal acts in accordance with Hungarian law and are also punishable in accordance with the law of the place of perpetration,

b) it is a criminal act against the state (Chapter X), excluding espionage against allied armed forces (Section 148), regardless of whether it is punishable in accordance with the law of the country where committed,

c) crimes against humanity (Chapter XI) or any other crime, the prosecution of which is prescribed by an international treaty.

(2) Espionage (Section 148) against allied armed forces by a non-Hungarian citizen in a foreign country shall be punishable according to Hungarian penal law, provided that such offense is also punishable by the law of the country where committed.

(3) In the cases described in Subsections (1)-(2) the indictment shall be ordered by the Attorney General.

Diplomatic Exemption and other Exemption Based on International Law

Section 5

The criminal indictment of persons enjoying diplomatic immunity and other immunity based on international law, shall be governed by international treaties, and failing this, by international practice. In the issue of international practice, the declaration made by the Minister of Justice shall be governing.

Effect of Foreign Verdicts

Section 6

(1) A verdict rendered by a foreign court shall have the same effect as a verdict rendered by a Hungarian court, if

a) the foreign court proceeded on the basis of charges filed by the Hungarian authorities or upon transfer of the criminal proceeding,

b) the foreign court proceeded based on charges filed against the perpetrator for an act that is punishable by Hungarian law and by the law of the foreign state as well, and the proceeding conducted abroad and the sentence imposed or the measure employed is in conformity with Hungarian law.

(2) The validity of a verdict rendered by a foreign court shall not be recognized even in the event that the conditions set forth in Paragraph b) of Subsection (1) prevail, if such verdict was passed in connection with a criminal act of a political nature, or one closely related to such, or in connection with a military offense.

(3) An offense shall not be considered of political or military nature if the criminal aspects of the offense outweigh the political or military aspects in the commission of such offense, in view of all applicable circumstances, such as the intended objective of the act, the motive, the mode of commission and the means physically employed or contemplated.

(4) For the purposes of establishing the validity of a verdict rendered by a foreign court, premeditated homicide and any offense which includes premeditated homicide shall be construed as a criminal offense under any and all circumstances.

(5) If an act of a person falling under the jurisdiction of Hungarian criminal law has already been adjudicated by a foreign court, with the exception set forth in Subsection (1), the Attorney General shall decide on the institution of criminal proceedings. In such case, the time of sentence served in a foreign country or the time of detention shall be deducted from the sentence imposed by the Hungarian court.

(6) Court ruling shall also include the final ruling of an international criminal court installed under international convention promulgated by an act, or under a statutory resolution adopted by the United Nations Security Council.

Espousal and Passing On of the Execution of Punishment

Section 7

Offering of Criminal Proceedings

Section 8

Extradition and Asylum

Section 9

Chapter II

The Act of Crime and the Perpetrator

Title I

The Act of Crime

Section 10

(1) An act of crime is an act perpetrated intentionally or - if the law also punishes negligent perpetration - by negligence, which is dangerous for society and for which the law orders the infliction of punishment.

(2) That activity or omission shall be an act dangerous for society, which violates or endangers the state, social or economic order of the Republic of Hungary, the person or rights of the citizens.

Felony and Misdemeanour

Section 11

(1) An act of crime is either a felony or a misdemeanour.

(2) Felony is an act of crime perpetrated intentionally, for which the law orders the infliction of a punishment graver than imprisonment of two years. Any other act of crime is misdemeanour.

Cumulation

Section 12

(1) Cumulation of crimes is, if one or more act of the perpetrator realizes more than one act of crime and they are adjudged in the same proceedings.

(2) It is not a cumulation of crimes, but a crime perpetrated continuously, if the perpetrator commits the same crime with unified decision, to the detriment of the same injured party in short intervals on several occasions.

Intention and Negligence

Section 13

An act of crime is perpetrated intentionally by the person who wishes the consequences of his conduct or acquiesces to these consequences.

Section 14

An act of crime is committed by negligence by the person who foresees the possible consequences of his conduct, but carelessly trusts in their non-occurrence; as well as by the person who fails to foresee the possibility of the consequences, because he omits to pay the attention or exercise the circumspection that may be expected of him.

Section 15

The graver legal consequences attached to the result as a qualifying circumstance of the crime may be applied, if the perpetrator is burdened at least by negligence in respect of the result.

Title II

Attempt and Preparation

Section 16

The person, who commences the perpetration of an intentional crime, but does not finish it, shall be punishable for attempt.

Section 17

(1) The item of punishment of the finished crime shall be applied for the attempt.

(2) The punishment may be mitigated without limitation or even dispensed with, if the attempt has been perpetrated on an unsuitable subject or with an unsuitable instrument.

(3) The person, due to the voluntary desisting of whom the finishing of the crime has not taken place, furthermore, the person who voluntarily prevents the occurrence of the result, shall not be punishable for attempt.

(4) If in the case of subsections (2) and (3), the attempt in itself realizes another crime, the perpetrator shall be punishable for that crime.

Section 18

(1) If the law orders especially, that who provides for the perpetration of a crime the conditions required therefor or facilitating that, who invites, offers for, undertakes its perpetration, or agrees on joint perpetration, shall be punishable for preparation.

(2) That person shall not be punishable for preparation

a) due to the voluntary desisting of whom the commencement of the perpetration of the crime does not take place;

b) who withdraws his invitation, offer, undertaking with the aim of the prevention of the perpetration, or makes efforts so that the other contributors desist from the perpetration, provided that the commencement of the perpetration does not take place for any reason whatsoever;

c) who informs the authority about the preparation.

(3) In the cases of subsection (2), if the preparation is already another act of crime in itself, the perpetrator shall be punishable for that crime.

Title III

The Perpetrators

Section 19

Perpetrators are the perpetrator and the coprincipal perpetrators, the abettor and the accessory (accomplices).

Section 20

(1) Perpetrator is a person who realizes the legal facts of a crime.
(2) Coprincipals are the persons who jointly realize the legal facts of an intentional crime, in awareness of each other's activities.

Section 21

(1) Abettor is a person who intentionally persuades another person to perpetrate a crime.
(2) Accessory is, who intentionally grants assistance for the perpetration of a crime.
(3) The item of punishment established for the perpetrators shall also be applied for the accomplices.

Chapter III

Obstacles of Criminal Prosecution

Title I

Grounds for the Preclusion of Punishability

Section 22

Punishability shall be precluded by
a) infancy,
b) insane mental state,
c) constraint and menace,
d) error,
e) negligible degree of danger to society of the act,
f) justifiable defence,
g) extreme necessity (emergency)
h) absence of private motion,
i) other grounds defined in the law.

Infancy

Section 23

The person who has not yet completed his fourteenth year when perpetrating an act, shall not be punishable.

Insane Mental State

Section 24

(1) That person shall not be punishable, who perpetrates an act in such an insane state of mental functions - thus in particular lunacy, imbecility, dementia, cognitive or personality disorder -, which makes him unable to recognize the consequences of the act or to act in accordance with this recognition.

(2) The punishment may be mitigated without limitation if the insane state of mental function hinders the perpetrator in the recognition of the consequences of the act or in acting in accordance with this recognition.

Section 25

The provisions of Section 24 shall not apply to persons, who perpetrate acts in a drunken or stuporous state through their own fault.

Constraint and Menace

Section 26

(1) The person, who perpetrates an act under the influence of a constraint or menace which renders him incapable of acting according to his will, shall not be punishable.

(2) The punishment may be mitigated without limitation, if the constraint or menace restricts the perpetrator in acting according to his will.

Error

Section 27

(1) The perpetrator shall not be punishable for a fact, of which he was not aware on perpetration.

(2) The person, who commits an act in the erroneous hypothesis that it is not dangerous for society and who has reasonable ground for this hypothesis, shall not be punishable.

(3) Error shall not exclude punishability, if it is caused by negligence, and the law also punishes perpetration deriving from negligence.

Negligible Degree of the Danger for Society of the Act

Section 28

The person, whose act is dangerous for society on perpetration to such a negligible degree, that even the most lenient punishment applicable in accordance with the law is unnecessary, shall not be punishable.

Justified Defence

Section 29

(1) The person, whose act is necessary for the prevention of an unlawful attack against that person, his own goods, or those of other persons, or against the public interest, or of an unlawful attack menacing directly the above, shall not be punishable.

(2) That person shall not be punishable either, who exceeds the necessary measure of prevention because he is unable to recognize it due to fright or justifiable excitement.

(3) The punishment may be mitigated without limitation, if the perpetrator is restricted in recognizing the necessary degree of prevention by fright or justifiable excitement.

Extreme Necessity

Section 30

(1) The person who rescues his own person or goods or the person or goods of other people from a direct danger otherwise not preventable, or acts so in the defence of the public interest, shall not be punishable, provided that the occurrence of the danger is not imputable to him and his act causes a smaller injury than that for the prevention of which he made efforts.

(2) That person is not punishable either, who causes an injury of the same or greater extent than the one for the prevention of which he made efforts, because he is unable to recognize the magnitude of the injury due to fright or justifiable excitement.

(3) The punishment may be mitigated without limitation, if fright or justifiable excitement restricts the perpetrator in the recognition of the magnitude of the injury.

(4) No emergency may be established to the benefit of the person, whose professional duty is the undertaking of exposure to danger.

Absence of Private Motion

Section 31

(1) In the cases defined in the Act, an act of crime is only punishable on the basis of a private motion.

(2) The injured party shall be entitled to submit the private motion.

(3) If the injured party is limited in his disposing capacity, the private motion may also be submitted by his legal representative, and if it has no disposing capacity, it may be submitted exclusively by his legal representative. In these cases the guardianship authority shall also be entitled to submit the private motion.

(4) If the injured party, entitled to submit the private motion, dies, his relative shall be entitled to submit the private motion.

(5) The private motion submitted against any one of the perpetrators shall be effective for all the perpetrators.

(6) A private motion may not be withdrawn.

Title II

Grounds for the Termination of Punishability

Section 32

Punishability shall be terminated by

a) the death of the perpetrator,

b) prescription,

c) remission,

d) cessation or becoming negligible of the dangerousnes for society of the act,

e) other grounds defined in the Act.

Prescription of Punishability

Section 33

(1) Punishability shall be prescribed

a) in the case of a felony, which is punishable by life imprisonment, by the elapse of twenty years;

b) in case of any other crime, by the elapse of the period of time equal to the upper limit of the punishment, but not less than by the elapse of three years.

(2) The punishability of the following crimes shall not be prescribed:

a) war crimes defined in Sections 11 and 13 of Decree No. 81/1945. (II.5.) ME, enacted by Act VII of 1945 and amended and complemented by Decree No. 1440/1945. (V.1.) ME;

b) other crimes against humanity (Chapter XI);

c) cases of homicide qualifying more seriously [Paragraphs a)-h) of Subsection (2) of Section 166];

d) cases of kidnapping and of violence against a superior officer or service official, qualifying more seriously [Section 175/A, subsection (4), Section 355, subsection (5), paragraph *a)*];

e) cases of acts of terrorism, seizure of aircraft, any means of railway, water or road transport or any means of freight transport and mutiny qualifying more seriously, if the act causing death is perpetrated intentionally [Section 261, subsection (2), paragraph *a)*, Section 262, subsection (2), Section 352, subsection (3), paragraph *b)*]

Section 34

Initial day of the period of prescription is

a) in case of a finished crime the day, on which the legal facts are realized,

b) in case of attempt and preparation, the day when the act realizing them terminates,

c) in case of a crime which is realized exclusively by the omission of a duty, the day on which the perpetrator could yet satisfy his duty without the consequence established in the Criminal Code,

d) in the case of crimes which consist in the maintenance of an unlawful state, on the day, when this state ceases to exist.

Section 35

(1) Prescription shall be interrupted by the act of criminal proceedings effectuated by the authorities acting in criminal cases against the perpetrator due to the crime. The period of time of prescription shall restart on the day of interruption.

(2) If the criminal proceedings are suspended, the period of suspension shall not be included in the period of time of prescription. This provision may not be applied where criminal proceedings are suspended if the investigation fails to identify and locate the perpetrator or if the perpetrator has become mentally ill.

(3) When a criminal proceeding is postponed or suspended on the grounds of personal immunity, and by virtue of the fact that the immunity was not suspended by the body having powers to do so, or because such body did not consent to have the proceeding started or continued, the period of time of such delay shall not be included in the statute of limitations. This provision shall not apply to criminal cases under private prosecution, where the case is presented by the accuser.

(4) In case of probation (Section 72), the period of probation shall not be included in the period of prescription.

Cessation of the Dangerousness of the Act for Society

Section 36

The person, whose act is not dangerous for society any more or is dangerous only to such a negligible degree on adjudgment, that - also with respect to his person -, even the most lenient punishment applicable in accordance with the Act is unnecessary, shall not be punishable.

Chapter IV

Punishments and Measures

Title I

Punishments

Aim of Punishment

Section 37

The punishment is a legal prejudice defined in the Act for the perpetration of an act of crime. The aim of a punishment is the prevention - in the interest of the protection of society -, of either the perpetrator or any other person from committing an act of crime.

Types of Punishments

Section 38

(1) Principal punishments
1. imprisonment,
2. labour in the public interest,
3. fine.

(2) Supplementary punishments
1. prohibition from public affairs,
2. prohibition from profession,
3. prohibition from driving vehicles,
4. banishment,
5. expulsion,
6.
7. fine as supplementary punishment.

(3) The subsidiary punishments under Points 2-5 Subsection (2) above may be imposed independently, in lieu of any principal punishment (Section 88), if all other judicial provisions are satisfied.

Capital Punishment

Section 39

Imprisonment

Section 40

(1) The imprisonment may be a life imprisonment or an imprisonment lasting for a definite period of time.

(2) The shortest and the longest duration of a sentence for a specific term of imprisonment shall be two months and fifteen years, respectively; or twenty years in respect of cumulative or consolidated sentences and for crimes committed in affiliation with organized crime.

(3) Only persons over the age of twenty at the time of commission of the criminal act shall be sentenced to life imprisonment.

Section 41

(1) The imprisonment shall be executed in an institution for the execution of punishments, in the degrees of high security prison, prison or detention centre.

(2) The order of the execution of imprisonment, as well as the obligations and rights of the convicts are defined in a special legal rule.

(3) During the execution of imprisonment, those citizens' rights and obligations of the convict which are contrary to the aim of the punishment, thus particularly those which are also covered by the prohibition from public affairs, shall be suspended.

Section 42

(1) Life imprisonment shall be executed in a high security prison.

(2) Imprisonment of the duration of three years or of a longer period shall also be executed in a high security prison, if it has been inflicted for

a) a crime against the state or against humanity (Chapters X and XI),

b) 1. an act of terrorism (Section 261), seizure of aircraft, any means of railway, water or road transport or any means of freight transport (Section 262), criminal misuse of explosives and blasting-agents (Section 263), criminal misuse of firearms and ammunition [Subsections (1)-(3) of Section 263/A], arms smuggling (Section 263/B), partnership in a criminal organization (Section 263/C), criminal misuse of weapons prohibited by international treaty (Section 264/C,

2. homicide, kidnapping, trafficking in human beings, rape, sexual assault, sodomy, public endangerment, breach of obligation under international law and aggravated cases of robbery [Subsection (2) of Section 166, Subsections (2)-(4) of Section 175/A, Subsections (3)-(5) of Section 175/B, Subsections (2)-(3) of Section 197, Subsections (2)-(3) of Section 198, Subsections (2)-(3) of Section 200, Subsections (2)-(3) of Section 259, Subsection (3) of Section 261/A, Subsections (3)-(4) of Section 321],

3. aggravated cases of criminal misuse of narcotic drugs [Subsection (2) of Section 282, Subsections (2) and (3) of Section 282/A, Subsections (2) and (3) of Section 282/B],

c) military crimes also punishable with life imprisonment (Chapter XX).

(3) Any term of imprisonment for two years or longer shall be served in a penitentiary if the convict is a multiple recidivist or if sentenced for crimes committed in affiliation with organized crime. This provision may not be applied to repeat offenders.

Section 43

The imprisonment shall be executed in a prison - except for the case of Section 42 -, if

a) it has been inflicted for a felony,

b) it has been inflicted for a misdemeanour, and the convict is a recidivist.

Section 44

The imprisonment for a misdemeanour shall be executed in a detention centre, except for the case if the convict is a recidivist.

Section 45

(1) If the court applies imprisonment, it shall inflict incarceration in high security prison, prison, or detention centre.

(2) In view of the circumstances to be taken for basis when inflicting the punishment (Section 83) - especially the personality of the perpetrator and the motif for the crime -, an execution type one degree stricter or more lenient than prescribed may be determined.

Section 46

(1) In case of impeccable conduct displayed during the execution of the punishment, the court may order that the remainder of the punishment be executed in a degree which is one step more lenient; and if the convict disturbs repeatedly and seriously the order of the execution of punishment, the court may order that the remainder of the punishment be executed in a degree by one step stricter.

(2) In view of the changed conduct of the convict, the court may invalidate its decision taken on the basis of subsection (1).

Parole

Section 47

(1) The court may place a convict sentenced to imprisonment of a definite period on parole, if it may be reasonably supposed - in view especially of his impeccable conduct displayed during the execution of the punishment and of his readiness to conduct a law-abiding way of life - that the aim of the punishment may also be reached without further incarceration.

(2) Parole may only take place, if the convict has served

- at least four-fifth of his punishment executable in high security prison,
- at least three-forth of his punishment executable in prison,
- at least two-third of his punishment executable in a detention centre.

(3) If the sentence imposed is for less than three years imprisonment, in cases qualified for special consideration, the court may include a clause of eligibility for parole after one-half the sentence has been served.

(4) Such persons may not be let on parole

a) who have been sentenced to imprisonment for an intentional crime, which they perpetrated after they had been sentenced earlier to executable imprisonment, before the termination of the execution,

b) a prisoner who served less than two months of his term of imprisonment,

c)

d) persons sentenced for crimes committed in affiliation with organized crime,

e)

(5)

Section 47/A

(1) In the event that a sentence of life imprisonment is imposed, the verdict shall establish the earliest date of eligibility for parole, or shall preclude any eligibility for parole.

(2) If the court has not precluded eligibility for parole, the earliest date of release on parole shall be after serving a term of twenty years, or at least a term of thirty years if the life imprisonment was imposed for a criminal act that is punishable without a statute of limitation.

Section 47/B

(1) If, while serving a term of life imprisonment, a prisoner is sentenced to a specific term of executable imprisonment for a criminal act committed before being sentenced to life imprisonment, the court shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment.

(2) If a prisoner who is released on parole from life imprisonment is sentenced to a specific term of executable imprisonment for a criminal act committed before receiving such sentence of life imprisonment, the court shall revoke the parole and shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment.

(3) If, while serving a term of life imprisonment, a prisoner is sentenced to a specific term of executable imprisonment for a criminal act committed before receiving such sentence of life imprisonment, the court shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment or for a period of no less than five years and no more than twenty years.

(4) If a prisoner who is released on parole from life imprisonment is sentenced to a specific term of executable imprisonment for a criminal act committed while serving such sentence of life imprisonment, the court shall revoke the parole and shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment or for a period of no less than five years and no more than twenty years.

(5) If a prisoner who is released on parole from life imprisonment is sentenced to a specific term of executable imprisonment for a criminal act committed after being released on parole from such life imprisonment, the court shall revoke the parole and shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment or for a period of no less than five years and no more than twenty years.

Section 47/C

(1) Persons sentenced to life imprisonment shall be eligible for parole after serving the period of imprisonment determined by the court, and it can be presumed without reasonable doubt that the aim of the punishment may also be achieved without further incarceration.

(2) A person sentenced to life imprisonment may not be released on parole if he is sentenced to another term of life imprisonment. The second sentence of life imprisonment shall not be executed until the previous term of life imprisonment is served.

Section 48

(1) The duration of parole shall be the same as the remaining part of the term of imprisonment, but no less than one year; or no less than fifteen years in respect of life imprisonment.

(2) If the remaining part of imprisonment is shorter than one year, and its execution has not been ordered, the punishment shall be deemed to be served by the last day of the remaining part after the elapse of the parole.

(3) For the duration of parole, but at least for one year, the convict may be placed under the supervision of a parole officer.

(4) The court terminates the parole, if the convict is sentenced to executable imprisonment for a crime perpetrated during the time of parole. If the convict is sentenced to another punishment, or if he violates the rules of conduct, the court may terminate the parole.

(5) In case of the termination of parole, the time spent on parole shall not be included in the imprisonment.

Section 48/A

(1) If a prisoner is sentenced to more than one specific term of imprisonment which may not be consolidated, and if granted parole from any of such terms, the prisoner may not be released on the grounds of this parole while serving the other term(s) of imprisonment.

(2) If the court grants parole in connection with more than one prison term, the terms of such parole shall simultaneously apply to all such prison terms.

(3) In the case of Subsection (4) of Section 48, the conditions for revoking parole shall be assessed separately for each simultaneous parole term.

Labour in the Public Interest

Section 49

(1) A person sentenced to labor in the public interest is obligated to perform the work defined for him in the court sentence. The personal freedom of the convict may not be otherwise restricted.

(2) Only such work may be ordered as work in the public interest which the convict, in light of his health condition and education, is presumed to be capable of performing.

(3) Unless otherwise provided for by law, the convict shall perform the labor in the public interest at least on one day per week, on the weekly day of rest or on his day off, without remuneration.

(4) The shortest duration of labor in the public interest shall be one day while its longest duration shall be fifty days. One day of work in the public interest shall constitute six hours of work.

Section 50

(1) If the convict does not voluntarily satisfy his work obligation, imprisonment shall be substituted for labour in the public interest or for its remaining part. This imprisonment shall be executed in a detention centre.

(2) The imprisonment substituting labour in the public interest or the remaining part thereof shall be established in such a way that one day of labour in the public interest shall correspond to one day of imprisonment. In such cases the term of imprisonment may be less than two months.

The Fine

Section 51

(1) When imposing a fine, the number of the daily items of the fine shall be established in view of the material gain achieved or contemplated by the act, as well as the amount corresponding to one day's item, in accordance with the financial situation and income, and the everyday needs of the perpetrator.

(2) The minimum and the maximum amount of the fine shall equal to thirty days' and five hundred forty days' items, respectively. The amount of one day's item shall be no less than one hundred and no more than twenty thousand HUF.

Section 52

In case of non-payment, the fine shall be changed into imprisonment executable in a detention centre. The amount of one day's item shall be substituted by one day of imprisonment. In such cases the term of imprisonment may be less than two months.

Prohibition from Public Affairs

Section 53

The person who is sentenced to executable imprisonment for the perpetration of an intentional crime, and is unworthy of the right to participate in public affairs, shall be prohibited from the exercise thereof.

Section 54

(1) Persons prohibited from public affairs

a) may not participate in the election of the members of an organ of popular representation, in plebiscite, and in people's initiatives;

b) may not be official persons,

c) may not function in the body (committee) of organs of popular representation,

d) may not accept any office in social organizations, public corporations and public foundations,

e) may not reach a military rank,

f) may not be granted a domestic decoration and permission for the acceptance of a foreign decoration.

(2) By the becoming non-appealable of the sentence, a person prohibited from public affairs shall lose

a) each membership, position, office, or mandate, the granting of which is precluded by subsection (1),

b) his military rank, furthermore, his domestic decoration and the right to bear a foreign decoration.

Section 55

(1) The shortest duration of a prohibition from public affairs shall be one year, its longest duration shall be ten years.

(2) The duration of the prohibition from public affairs shall begin by the sentence becoming non-appealable. That period of time, during which the rights affected by the prohibition from public affairs are discontinued pursuant to Section 41, subsection (3), and the period of time, during which the convict withdraws

himself from the execution of the imprisonment shall not be included therein. If the parole is not terminated, the period sent on parole shall be included in the duration of the prohibition from public affairs.

Prohibition from Profession

Section 56

(1) Such person may be prohibited from his profession, who commits a crime

a) by the violation of the rules of a profession requiring special qualification, or

b) commits it intentionally, by using his profession.

(2) With respect to applying prohibition from profession as a secondary punishment, the following shall also qualify as profession: if the offender is a member or director of a body exercising general control of an organization; member of the board of directors or supervisory committee of a cooperative; the leading officer of a business association or member of its supervisory committee.

Section 57

(1) A restraint of profession may be permanent or for a specific period of time. A person who is unsuitable or unworthy for the profession in question may have the privilege restrained permanently. The specific term of restraint shall be one year minimum and ten years maximum.

(2) The provision relating to the calculation of the duration of prohibition from public affairs [Section 55, subsection (2)] shall be applied mutatis mutandis in the case of prohibition from a profession.

(3) When restraint of profession is imposed for a specific term, reinstatement in that profession - if it requires special qualification - may be rendered conditional upon the person in question providing sufficient proof of experience after the restraint is lifted. The court may exempt a person subject to permanent restraint of profession, if it was ordered ten years before and the person is found suitable or worthy to engage in that profession. No exemption shall be granted if the restraint was ordered in connection with a crime committed in affiliation with organized crime, and the court imposed the restraint permanently on the grounds of unworthiness.

Prohibition from Driving Vehicles

Section 58

(1) Such person my be prohibited from driving vehicles, who perpetrates a crime by the violation of the rules of vehicle driving subject to licence, or who uses a vehicle for the perpetration of criminal acts.

(2) The prohibition from driving vehicles may also relate to a vehicle of a definite type.

Section 59

(1) Prohibition from driving vehicles shall be of definitive effect or shall be of definite duration. Such person may be prohibited with definitive effect, who is unsuitable for driving vehicles. The shortest duration of prohibition of definite duration shall be one year, its longest duration shall be ten years.

(2) The provision relating to the calculation of the duration of prohibition from public affairs [Section 55, subsection (2)], as well as the provision relating to the verification of the skill required by a profession, and that relating to the exemption from definitive prohibition [Section 57, subsection (3)] shall be applied mutatis mutandis in case of prohibition from driving vehicles.

Banishment

Section 60

(1) In the cases defined in the Act, a person sentenced to imprisonment may be banished from one or more localities or from a definite part of the country, if his stay at these places endangers the public interest.

(2) The shortest duration of banishment shall be one year, its longest duration shall be five years. The provision relating to the calculation of prohibition from public affairs [Section 55, subsection (2)] shall be applied mutatis mutandis in the case of banishment.

Expulsion

Section 61

(1) Perpetrators of non-Hungarian citizenship, whose presence in the country is not desirable, shall be expelled from the territory of the Republic of Hungary. Persons expelled shall leave the territory of the country and may not return for the duration of the term of expulsion.

(2) Persons granted refugee status pursuant to other laws may not be expelled.

(3) An order of expulsion may be permanent or for a specific term. Permanent expulsion may be imposed against perpetrators whose presence in the country would significantly jeopardize public safety in view of the nature of the act and the connections of the perpetrator. The duration of expulsion for a specific term shall be no less than one year and no more than ten years.

(4) Expulsion shall take effect upon the judgment becoming definitive. The duration of imprisonment served by the prisoner shall not be included in the term of expulsion.

(5) Upon request, the court may release a person subject to permanent expulsion from the effect of such expulsion if such person is deemed worthy and if ten years have passed since the expulsion.

Confiscation of Property

Section 62

Section 63

Fine as Supplementary Punishment

Section 64

(1) The person who is sentenced to imprisonment of a definite duration and has appropriate earnings (income) or property

a) shall be sentenced to fine as supplementary punishment, if he perpetrates the crime for profit-making,

b) may be sentenced to fine as supplementary punishment, if he can be more efficiently restrained thereby from the perpetration of a new crime.

(2) The minimum and maximum amount of fines imposed as supplementary punishment shall be ten thousand and ten million HUF, respectively.

(3)

Section 65

(1) In case of non-payment, the fine as supplementary punishment shall be changed into imprisonment executable in a detention centre. If the principal punishment must be executed, its degree shall also be governing for the imprisonment substituting the fine as supplementary punishment.

(2) In respect of the conversion of a fine as supplementary punishment into imprisonment, one day imprisonment shall be calculated in lieu of an amount from one thousand to fifteen thousand HUF. A term of imprisonment in lieu of a fine as supplementary punishment shall be no less than one day and no more than two years.

Reasons Precluding the Execution of Punishment

Section 66

The execution of a punishment shall be precluded by
a) the death of the convict,
b) prescription,
c) remission,
d) other reasons defined in the Act.

Prescription of the Punishment

Section 67

(1) The principal punishment shall be prescribed by the elapse of
a) twenty years in case of imprisonment of fifteen years or a more serious punishment,
b) fifteen years in case of imprisonment of ten or more years,
c) ten years in case of imprisonment of five years,
d) five years in case of imprisonment of less then five years,
e) three years, in case of labour in the public the interest or a fine.

(2) The term of limitation of expulsion is
a) ten years if ordered for five years or more,
b) five years if ordered for less than five years.

(3) Fine as supplementary punishment shall be prescribed by the elapse of three years.

(4) A punishment of imprisonment of fifteen years or more severe punishment inflicted for war crimes defined in Sections 11 and 13 of Decree 81/1945. (II.5.) ME, enacted by Act VII of 1945 as amended and complemented by Decree No.1440/1945. (V.1.) ME, as well as punishment inflicted for other crimes against humanity (Chapter XI) shall not be prescribed.

Section 68

(1) The deadline of the prescription of the principal punishment shall commence on the day of the becoming non-appealable of the decision inflicting the punishment, while, if the execution of the punishment is suspended, on the day of the elapse of the probation. If the convict escapes during the execution of the imprisonment, the deadline of prescription shall restart with the day of the escape.

(2) The term of limitation of expulsion shall commence, if ordered in addition to a principle punishment, on the day when the principle punishment is concluded or when it is no longer executable, or shall commence on the operative date of the resolution in other cases.

(3) The deadline of the prescription of a fine as supplementary punishment shall commence on the day of the termination of the execution of the principal punishment or on the day of the cessation of its executability, and if the execution of the imprisonment is suspended, it shall commence on the day of the elapse of the probation.

(4) Prescription shall be interrupted by the measure taken against the convict with the aim of the execution of the punishment. The deadline of the prescription shall restart with the day of the interruption.

(5) In case of the application of a fine as supplementary punishment, any measure taken for the execution of either the principal punishment or the supplementary punishment shall interrupt the prescription of both punishments.

Preclusion of the Execution of Punishment in Case of Life Imprisonment

Section 69

In case of life imprisonment, imprisonment of definite duration and labour in the public interest may not be executed.

Title II

Measures

Types of Measures

Section 70

(1) Measures are the following
1. reprimand,
2. probation,
3. forced medical treatment,
4. forced cure of alcoholics,
5. confiscation,
6. forfeiture of assets,
7. supervision by probation officer
8. sanctions in connection with the criminal liability of legal persons.

(2) The measures listed in Points 1-3 of Subsection (1) may be applied independently, instead of a punishment, the measure indicated in Point 4 may be applied in addition to a punishment, the measure indicated in Points 5 and 6 may be applied independently and in addition to a punishment, the measure indicated in Point 7 may be applied in addition to a punishment or measure.

(3) The measures referred to in Point 8 of Subsection (1) shall be governed under specific other legislation.

Reprimand

Section 71

(1) That person shall be reprimanded, who is not punishable due to the negligible degree of the dangerousness for society of his act (Section 28) or its becoming negligible (Section 36).

(2) Reprimand may also be given to a person, who is not punishable due to the cessation of the dangerousness for society of his act (Section 36), or whose punishability has ceased to exist for another reason defined in the Act [Section 32, paragraph *e)*].

(3) By a reprimand, the authority expresses its disapproval, and invites the perpetrator to restrain himself in the future from the perpetration of a crime.

Probation

Section 72

(1) The court may suspend a sentence on probation if it is for an infraction or felony punishable by imprisonment of up to three years if there is substantial reason to believe that it will serve the purpose of rehabilitation.

(2)

(3)

(4) A multiple recidivist may not be put on probation.

(5) The duration of the period of probation may last from one year to three years; the duration shall be defined in years.

(6) The person put on probation may be put under the supervision of a probation officer. If the person put on probation is a recidivist, he shall be put under the supervision of a probation officer.

Section 73

(1) The period of probation may be extended once, by not more than one year, if the person put on probation violates the rules of conduct of supervision by probation officer.

(2) The probation shall be revoked and punishment shall be inflicted if the person released on probation grossly violates the rules of conduct of probation supervision, or if he is sentenced while on probation for a crime committed during or before the period of probation.

(3) Apart from the case of subsection (2), the punishability of the perpetrator shall be terminated by the elapse of the period of probation.

Forced Medical Treatment

Section 74

(1) In case of the perpetrator of a violent punishable act against a person, or of a punishable act causing public danger, forced medical treatment shall be ordered, if the perpetrator is not punishable because of his insane state of mental functions, and it is to be supposed, that he will perpetrate a similar act, provided that, in case of punishability, a punishment exceeding one year of imprisonment would have to be inflicted.

(2) Forced medical treatment shall be executed in a closed institution designated for this purpose.

(3) Forced medical treatment shall be terminated, if its necessity ceases to exist.

Forced Cure of Alcoholics

Section 75

The forced curing of a perpetrator may be ordered, if his crime is in connection with his way of life as an alcoholic, and he is sentenced to an executable imprisonment exceeding six months.

Section 76

Confiscation

Section 77

(1) An object

a) actually used or intended to be used as an instrument for the commission of a criminal act,

b) the possession of which constitutes an endangerment to public safety or is illegal,

c) which is created by way of a criminal act,

d) for which the criminal act was committed

shall be confiscated.

(2) Media products, in which a criminal act is realized, shall be confiscated.

(3) In the cases defined under Paragraphs *a)* and *d)* of Subsection (1) confiscation shall not be ordered if the object is not owned by the perpetrator, unless the owner was aware of the perpetration of the criminal act, unless confiscation is prescribed mandatory by international convention.

(4) Confiscation shall be ordered, even if the perpetrator is not punishable due to being a minor, to mental disorder or due to the negligible degree of danger that the act represents to society.

(5) No confiscation shall be ordered after the lapse of the statute of limitations for the punishment of the act, or beyond a period of five years.

(6) Confiscation of an object shall not be ordered if it is included in a forfeiture of assets.

(7) Confiscated objects shall devolve upon the state unless otherwise prescribed by law.

Section 77/A

(1) In the cases under Paragraphs *a)* and *d)* of Subsection (1) of Section 77, confiscation may be foregone in exceptional cases, if it would entail an unreasonable burden to the perpetrator or the owner, disproportionate to the gravity of the criminal act, provided the omission of confiscation is not precluded by any international obligation.

(2) Subsection (1) shall not apply in connection with crimes committed in affiliation with organized crime.

Forfeiture of Assets

Section 77/B

(1) The following shall be seized subject to forfeiture:

a) any financial gain or advantage resulting from criminal activities, obtained by the offender in the course of or in connection with a criminal act,

b) any financial gain or advantage obtained by an offender in connection with crimes committed in affiliation with organized crime,

c) any financial gain or advantage that was used to replace the financial gain or advantage obtained by the offender in the course of or in connection with a criminal act,

d) any property that was supplied or intended to be used to finance the means used for the commission of a crime.

e) any property embodying the subject of financial gain.

(2) Any financial gain or advantage resulting from criminal activities, obtained by the offender in the course of or in connection with a criminal act, also if it served the enrichment of another person, shall be seized subject to forfeiture. If such gain or advantage was obtained by a legal person, it shall be subject to forfeiture.

(3) In the event of death of the perpetrator or the person profiteering as specified in Subsection (2), or the legal person was transformed, the property transferred by succession shall be seized from the successor in title.

(4) In the case referred to in Paragraph *b)* of Subsection (1), all assets obtained by the perpetrator during his involvement in organized crime shall be subject to forfeiture until proven otherwise.

(5) The following property cannot be seized:

a) that of which is reserved to cover any civil claim awarded during the criminal proceeding,

b) that of which was obtained in good faith for consideration,

c) in the case referred to in Paragraph *b)* of Subsection (1), if the property is proven legitimate.

Section 77/C

(1) Forfeiture of assets shall be ordered for a specific sum

a) if the property is no longer accessible,

b) if the property to be seized subject to forfeiture under Section 77/B cannot be distinguished from other assets, or it would impose unreasonable difficulties,

c) in the case defined in Paragraph b) of Subsection (5) of Section 77/B.

(2) Forfeiture of assets shall be ordered, even if the perpetrator is not punishable due to being a minor, to mental disorder or due to the negligible degree of danger which the act represents to society.

(3) Seized assets shall become the property of the state unless prescribed by law to the contrary.

(4) For the purposes of Sections 77/B and 77/C, any profits, intangible assets, claims of any monetary value and any financial gain or advantage shall be deemed assets.

Strict Custody

Section 78 to 81

Supervision by Probation Officer

Section 82

(1) Supervision by a probation officer may take place, if the successful elapse of the parole (Section 48), or of the period of probation (Section 72, Section 89) requires the regular monitoring of the perpetrator. In case of putting on probation and suspension of the execution of imprisonment, the recidivist shall be under the supervision of a probation officer [Subsection (6) of Section 72, Section 89, subsection (6)].

(2)

(3) The duration of the supervision by a probation officer defined in subsection (1) shall be identical to the duration of parole or probation.

(4)

(5) A person under supervision by a probation officer shall keep the rules of conduct prescribed in the legal rule and the decision of the court, maintain regular contact with the probation officer and give him the information necessary for control.

(6) The rules of conduct shall prescribe obligations and prohibitions in the interest that the person under supervision work in accordance with his abilities, and pursue a law-abiding way of life. These are especially the obligations relating to work, utilization of earnings, periodical reporting, and possibly arising necessary medical treatment, and the prohibition of the arbitrary changing of dwelling and workplace, the visiting of definite places and contact with certain persons.

Chapter V

Infliction of Punishment Principles of

Infliction of Punishment Section 83

(1) Punishment, with due consideration of its intended objective (Section 37), shall be imposed within the framework provided for by law, as consistent with the danger to society represented by the nature of the criminal act and by the perpetrator, with the degree of culpability and with other aggravating and mitigating circumstances.

(2)

(3)

(4)

Section 84

Cumulative Punishment

Section 85

(1) In case of cumulation of crime (Section 12), one punishment shall be inflicted.

(2) The principal punishment shall be inflicted taking for basis the gravest from among the items of punishment of the crimes being in cumulation of crimes.

(3) If, in respect of multiple count of charges, the imposition of imprisonment for a specific term is prescribed by law in respect of at least two of such criminal acts, the upper limit of applicable punishment set forth in Subsection (2) shall be increased by one-half, but may not reach the total duration of the maximum sentences established for such criminal acts.

Section 85/A

(1) In the case of a waiver of right to trial (CP, Chapter XXV) the provisions of Subsections (1)-(2) of Section 85 shall be authoritative, whereby for multiple counts of criminal acts the primary punishment shall be imposed based on the highest sentence prescribed in Section 87/C for such crimes.

(2) In the case of waiver of right to trial (Chapter XXV of CP), if the law prescribes imprisonment for a specific term in respect of at least two of the crimes included in the multiple count of criminal acts, the maximum sentence prescribed in Section 87/C shall be increased by one-half, however it may not reach the sum total of the sentences which may be imposed for such crimes pursuant to Section 87/C.

Section 86

(1) In case of cumulation of crimes, any supplementary punishment applicable for any one of the crimes in cumulation may be inflicted.

(2) The supplementary punishment may not exceed the highest measure or duration defined in the Act in case of a cumulative punishment either.

The Mitigation of Punishment

Section 87

(1) A principal punishment more lenient than the item of the punishment may be inflicted, if its lowest measure is too rigourous with respect to the provisions of Section 83.

(2) Within the meaning of Subsection (1), if the sentence to be imposed for a criminal act is

a) ten years of imprisonment, it may be reduced to a minimum of five years of imprisonment;

b) five years of imprisonment, it may be reduced to a minimum of two years of imprisonment;

c) two years of imprisonment, it may reduced to a minimum of one year of imprisonment;

d) one year of imprisonment, it may reduced to a lesser term or community service, or a fine if the above sentence is deemed excessive in view of the personal circumstances of the perpetrator warranting special consideration;

e) less than one year of imprisonment, it may be reduced to community service or a fine.

(3) In respect of an attempted criminal act or aiding and abetting a criminal act, if the sentence to be imposed under Paragraphs *a)-d)* of Subsection (2) remains overly severe, the next sentencing category of Subsection (2) shall be applied.

(4) If the Act allows unlimited mitigation, the smallest measure of any type of punishment may be inflicted.

(5)

Section 87/A

Section 87/B

Sentencing in the Case of Waiver of Right to Trial

Section 87/C

In the case of waiver of right to trial (CP, Chapter XXV) the term of imprisonment may not exceed
a) three years in respect of crimes punishable by more than five but less than eight years of imprisonment,
b) two years in respect of crimes punishable by more than three but less than five years of imprisonment,
c) six months in respect of crimes punishable by imprisonment of up to three years.

Supplementary Punishment Applied in lieu of Principal Punishment

Section 88

A supplementary punishment may be applied in lieu of principal punishment, as an independent punishment, if the item of punishment of the crime is not more severe than three years imprisonment, and the aim of punishment may be achieved in this way. Only one supplementary punishment may be inflicted as an independent punishment.

Suspension of the Execution of a Punishment

Section 89

(1) The execution of an imprisonment not exceeding one year or of a fine may be suspended for probation, if it may be supposed on well-founded grounds - especially with regard to the personal circumstances of the perpetrator -, that the aim of the punishment may also be achieved without the execution thereof.

(2) In a case deserving special appreciation the execution of an imprisonment longer than one year but not exceeding two years may also be suspended.

(3) The period of probation of a fine shall be one year; imprisonment imposed for a misdemeanor offense may be suspended for a period of one to three years, while imprisonment imposed for a felony offense may be suspended for a period of two to five years probation. The period of probation shall be set forth in years and may not be less than the term of imprisonment imposed.

(4) If a perpetrator is sentenced several times to the punishment of the same type, suspended for probation, and the period of probation of no one of the punishments has elapsed, then the probation period of the previous punishment shall be extended up to the elapse of the period of probation of the latter punishment.

(5) If an imprisonment is executed on a perpetrator, for which the execution of a suspended punishment may not be ordered, the period of probation shall be extended by the duration of the imprisonment.

(6) Simultaneously with the suspension of the execution of imprisonment, the perpetrator may be put under the supervision of a probation officer. If the perpetrator is a recidivist, he shall be under the supervision of a probation officer.

Section 90

The execution of a punishment may not be suspended, if

a) an intentional crime has been committed before the termination of the execution of imprisonment or during the period of probation of its suspension.

b)

c) in connection with crimes committed in affiliation with organized crime,

d)

e)

Section 91

(1) A suspended punishment shall be executed, if

a) it is established during the period of probation, that the execution of the punishment has been suspended despite the precluding reason contained in Section 90,

b) the perpetrator is sentenced to executable imprisonment for a crime committed during the period of probation,

c) the perpetrator gravely violates the rules of conduct of supervision by a probation officer.

(2)

(3) A suspended fine shall also be executed, if the perpetrator is sentenced to suspended imprisonment, labour in the public interest or executable fine for a crime committed during the period of probation.

Section 91/A.

In the event that a suspension of punishment is granted for reasons of clemency, the provisions pertaining to the implementation of suspended punishment [Paragraphs b) and c) of Subsection (1) and Subsection (3) of Section 91] shall be duly applied when ordering the execution of such punishment.

Sum Total of Punishments

Section 92

(1) If the perpetrator is sentenced to more than one specific term of imprisonment, and if the perpetrator has committed all crimes prior to the first sentence becoming definitive, the punishments imposed in a final verdict shall be included in a single consolidated sentence.

(2)

(3) An imprisonment substituting a fine or labour in the public interest (Section 50, Section 52) may not be summed up to a sum total of punishments.

Section 93

The term of a single consolidated sentence shall be determined as if imposing a cumulative sentence. Nonetheless, the term of a consolidated sentence shall be at least equal to the most severe sentence, however it may not amount to the combined duration of all sentences.

Section 94

(1) In case of the summing up of imprisonments to be executed in different degrees, the sum total of punishments shall be executed in the most severe degree. However, if the duration of the sum total of punishments is three years or more, or, in case of a multiple recidivist, two or more years, the execution degree of the sum total of punishments shall be defined taking this into account.

(2) If the degree of execution to be established by the application of subsection (1) would constitute an iniquitous disadvantage for the convict, a degree one step more lenient may be established.

Section 95

Section 96

(1) Supplementary punishments may not be summed up, and similarly, an imprisonment substituting a fine may not be summed up either.

(2) From among the supplementary punishments of the same duration - with the exception of fine as supplementary punishment - that one shall be executed which is more disadvantageous for the convict. This shall also govern supplementary punishments applied in lieu of a principal punishment.

Provisions Relating to Special and Multiple Recidivists

Section 97

(1) In respect of special and multiple recidivists - unless the law otherwise provides - the upper limit of the item of punishment of a new act of crime shall increase by half in case of imprisonment, but it may not exceed fifteen years. In respect of cumulative sentences and in respect of waiver of right to trial, the term of punishment set forth in Subsection (2) of Section 85 and in Section 87/C, respectively, shall be increased by one-half.

(2) The punishment may be mitigated on the basis of Section 87, subsection (2) only in a case deserving special appreciation.

(3) The more severe legal consequences set forth in Subsection (1) shall not be applied if the Special Division of this Act prescribes sentencing for qualified recidivists to consider such as an aggravating circumstance.

Crimes Committed as an Activity of Organized Crime

Section 98

(1) Any person who has knowingly committed a criminal act in affiliation with organized crime (Point 8 of Section 137) shall be subject to double the punishment specified for the crime in question, however it shall not exceed twenty years. In respect of cumulative sentences and waiver of right to trial, the terms of punishment specified in Subsection (2) of Section 85 and in Section 87/C shall apply, respectively.

(2)

(3) Any person committing a crime in affiliation with organized crime shall be subject to expulsion as a subsidiary punishment.

(4) Upon conviction for a crime committed in affiliation with organized crime, the legal consequences prescribed in this Act for crimes committed in criminal conspiracy cannot be applied.

Inclusion of Preliminary Detention and House Arrest

Section 99

(1) The entire duration of preliminary detention shall be included in the final sentence, whether it is a term of imprisonment, community service, fine or fine as an ancillary punishment.

(2) For the purposes of inclusion, one day of preliminary detention shall correspond to one day of community service or to one day's worth of fine.

(3) For the inclusion of house arrest, one day of community service or one day's worth of fine shall correspond to one day, and one day of imprisonment shall, depending on the degree of security of the imprisonment, correspond to three to five days of house arrest as consistent with court decision.

(4) If any duration of house arrest remains after the inclusion under Subsection (3), it shall be counted as one day of imprisonment.

(5) Where the inclusion concerns a fine, the amount-per-day ratio shall be calculated according to the formula set out in Subsection (2) of Section 65.

Chapter VI

Exemption from the Disadvantages Attached to Previous Convictions

Effect of Exemption

Section 100

(1) Due to an exemption, a convict shall be exempted from the disadvantageous consequences which are attached by a legal rule to a conviction.

(2) A person exempted shall be deemed to be of clean criminal record, and he need not give account about a conviction regarding which he has been exempted.

(3) In case of the perpetration of a new act of crime, the exemption shall not extend to those disadvantageous consequences which are attached by this Act to a previous conviction.

Manner of Exemption

Section 101

The convict may be granted exemption

a) by the force of the law,

b) on the basis of a court decision,

c) through remission.

Legal Exemption

Section 102

(1) Exemption shall supervene by the force of the law

a) on the day of the becoming non-appealable of the sentence in case of labour in the public interest, fine and supplementary punishment applied in lieu of a principal punishment;

b) on the day of the elapse of the period of probation in case of a suspended imprisonment;

c) on the day of serving the punishment or the termination of its executability in case of an imprisonment inflicted due to a negligent misdemeanour;

d) by the elapse of three years following the serving of the punishment or the termination of its executability in case of imprisonment not exceeding one year inflicted for an intentional crime;

e) by the elapse of five years following the serving of the punishment or the termination of its executability of an imprisonment exceeding one year but not longer than five years, inflicted for an intentional crime;

f) by the elapse of ten years following the serving of the punishment or the termination of its executability, in case of an imprisonment of definite duration exceeding five years, inflicted for an intentional crime.

(2) In case of subsection (1), paragraph *b)* the exemption shall not supervene or it shall lose its effect, if the execution of the punishment is ordered. In such a case, the rules of non-suspended punishment shall govern the exemption.

(3)

Exemption by Court

Section 103

(1) The court may grant exemption to the convict sentenced to executable imprisonment for an intentional crime, if he is worthy of it, and half of the period defined in Section 102, subsection (1), paragraphs *d)*, *e)* or *f)* has already elapsed from having served the imprisonment or the termination of its executability.

(2) When considering worthiness, the way of life of the convict since having served the principal punishment shall be taken into account, furthermore whether he has remedied the injury caused by his act, if the latter was possible for him.

Section 104

(1) The court may grant the convict preliminary exemption, if it suspends the execution of imprisonment, and the convict is worthy of exemption.

(2) The preliminary exemption ceases to be in force, if the execution of the suspended punishment is ordered.

Unity of Exemption

Section 105

In case of the application of a supplementary punishment, a convict shall not be exempted from the disadvantageous consequences attached to previous convictions, and he may not be exempted, until the execution of the supplementary punishment has finished or its executability has terminated. This provision does not cover fine as supplementary punishment, if preliminary exemption by court is granted, or to prohibition from profession or driving vehicles.

Exemption by Remission

Section 106

The President of the Republic may grant exemption to a convict by remission even if this otherwise may not take place in accordance with this Act.

Chapter VII

Provisions Relating to Juveniles

The Juvenile

Section 107

(1) Juvenile is the person who has completed his fourteenth year when committing the crime, but has not yet completed his eighteenth year.

(2) The provisions of this Act shall apply to juveniles with the differences contained in this Chapter.

Application of Punishments and Measures

Section 108

(1) The aim of a punishment or measure applied against a juvenile is primarily that the juvenile develop in the right direction and become a useful member of society.

(2) A punishment shall be inflicted when the application of a measure is not expedient.

(3) A measure or punishment involving the withdrawal of freedom may only be applied, if the aim of the measure or punishment may not otherwise be achieved.

Punishments and Measures

Section 109

(1)

(2) Education in a reformatory institution as measure may also be applied against a juvenile.

Imprisonment

Section 110

(1) The shortest term of imprisonment to be imposed against juvenile offenders shall be one month for all types of criminal acts.

(2) The longest duration of the imprisonment that may be inflicted against a juvenile, who has completed his sixteenth year when committing the crime shall be

a) fifteen years, in case of a crime also punishable with life imprisonment;

b) ten years, in case of a crime punishable with imprisonment exceeding ten years.

(3) The longest duration of imprisonment that may be inflicted against a juvenile who has not yet completed his sixteenth year when committing a crime punishable with life imprisonment shall be ten years.

(4) Apart from the cases of subsections (2) and (3), the longest duration of imprisonment, that may be inflicted against a juvenile, shall be five years if the crime is punishable with imprisonment exceeding five years.

(5) When calculating the deadline of the prescription of punishability, and from the aspect of the provisions relating to recidivists, the duration defined in subsections (2) to (4) shall govern.

Section 111

(1) The imprisonment of a juvenile shall be executed in a penal institution for juveniles.

(2) The imprisonment shall be executed in a prison for juveniles, if

a) the juvenile is sentenced to imprisonment of two years or of a longer duration, for a felony,

b) the juvenile sentenced to imprisonment of one year or of a longer duration is a recidivist, or prior to the perpetration of an intentional crime he was sentenced to education in a reformatory institution for an intentional crime.

(3) Apart from the case of subsection (2), the imprisonment shall be executed in a detention centre for juveniles.

(4) If the convict has completed his twenty-first year when commencing the imprisonment, or completes it during execution, the court shall define the degree of the execution of imprisonment on the basis of Sections 42 to 44.

Parole

Section 112

(1) The juvenile may be released on parole from imprisonment, if

a) he has served at least three-fourth part of his sentence to be executed in a prison for juveniles,

b) he has served at least two-third part of his sentence to be executed in a detention centre for juveniles.

(2)

Labor in the Public Interest

Section 113

Labor in the public interest may only be imposed against juveniles over the age of eighteen at the time of sentencing.

The fine

Section 114

(1) A fine may be inflicted on a juvenile, if he has independent earnings (income) or appropriate property.
(2) The fine and the fine as supplementary punishment shall be changed into imprisonment in case of irrecoverability.

Prohibition from Public Affairs

Section 115

A juvenile may only be prohibited from public affairs in case of the infliction of imprisonment over one year.

Banishment

Section 116

The juvenile living in an appropriate family milieu may not be banished from the locality in which his family is living.

Probation

Section 117

(1) Against a juvenile probation may take place in case of any crime.
(2) The duration of probation may last from one year to two years; the duration shall be defined in years and months.
(3) The court shall order education in a reformatory institution or inflict punishment in case of Section 73, subsection (2).

Education in a Reformatory Institution

Section 118

(1) Education in a reformatory institution shall be ordered by the court, if the successful education of a juvenile requires his placement in an institution.
(2) The duration of education in a reformatory institution may last from one year to three years.
(3) The court may temporarily release the juvenile, who has served already at least one year in the reformatory institution, if he has served already half of the inflicted education in a reformatory institution, and it may be supposed on well-founded grounds that the aim of the measure may also be achieved without further education in a reformatory

institution. The duration of temporary release shall be equal to the remaining part of education in a reformatory institution, but at least one year.

(4) The court terminates the temporary release if the juvenile is sentenced to imprisonment for a crime committed during the temporary release, or his education in a reformatory institution is ordered. The court may terminate the temporary release, if the court inflicts another punishment or applies another measure against the juvenile, or if the juvenile violates the rules of supervision by a probation officer.

(5) In case of the termination of temporary release, the period spent in temporary release may not be included in the education in reformatory institution.

(6) The person who has completed his nineteenth year, shall be released from the reformatory institution.

Supervision by a Probation Officer

Section 119

A juvenile sentenced to suspended imprisonment, put on probation, released on parole, temporarily released from a reformatory institution, and a juvenile against whom indictment has been postponed, shall be under supervision by a probation officer.

Cumulative Punishment and Sum Total of Punishments

Section 120

(1) The cumulative punishment and the sum total of punishments may not exceed twenty years imprisonment in case of Section 110, subsection (2), paragraph *a)*, fifteen years in case of paragraph *b)*, subsection (3) and seven years and six months imprisonment in case of subsection (4).

(2) In case of the coalescence of education in a reformatory institution and imprisonment, the imprisonment shall be executed as sum total of punishments. The duration thereof may be extended by not more than one year, if this is required for achieving the aim defined in Section 108. However, the duration of the extension may not reach the remaining part of the education in reformatory institution.

(3)

Unified Measures

Section 120/A

(1) If the court has ordered several instances of education in reformatory institution against a juvenile, which have not yet been executed when ordering a unified measure, or which are being continuously executed, the court shall order education in reformatory institution against the juvenile, as a unified measure.

(2) The term of reformatory detention ordered as a collective measure shall be imposed at least for the term of the longest reformatory detention, but not to exceed the combined terms of reformatory detention ordered. The term of reformatory detention may not exceed three years even in such cases.

Inclusion of Previous Detention

Section 120/B

(1) The whole period of previous detention shall be included in the ordered education in reformatory institution.

(2) At the inclusion, one day of preliminary detention shall correspond to one day's education in reformatory institution.

Exemption from the Disadvantages Attached to Previous Convictions

Section 121

(1) A juvenile convict shall be exempted by the force of law

a) on the day of the becoming non-appealable of the sentence, if the execution of the inflicted imprisonment is suspended,

b) on the day of having served the punishment or the termination of its executability, if he was sentenced to imprisonment not exceeding one year for an intentional crime;

c) by the elapse of three years reckoned from having served the punishment or the termination of its executability, if he was sentenced to an executable imprisonment exceeding one year, but not longer than five years, for an intentional crime.

(2) The court may grant exemption for a juvenile upon a petition, after having served an imprisonment exceeding one year and inflicted for an intentional crime, if he is worthy of it.

(3) The exemption of a juvenile is not impeded by the fact that the execution of the fine as supplementary punishment has not yet finished, or its executability has not terminated.

Chapter VIII Provisions

Relating to Soldiers The

Perpetrators

Section 122

(1) For the purposes of this Act, members of the effective force of the Hungarian Armed Forces, professional and contracted members of the Border Guard, and the professional staff members of the police, the department of corrections and the civil national security services shall be deemed servicemen.

(2) The provisions of this Act shall apply to soldiers with the differences contained in this Chapter.

(3)

(4) A military act of crime may only be committed by a soldier as perpetrator.

Criminal Acts Committed Against a Soldier of Another State

Section 122/A

(1) The provisions of Chapter XX shall be applied to punish a soldier who has committed the criminal act defined therein

a) against a soldier of an allied army, or

b) against a soldier of another state when stationed in a foreign theater of operations and engaged in humanitarian activities, peacekeeping or humanitarian operations acting upon the request of the United Nations or another international organization, or during any other foreign service,

while engaged in joint maneuvers with such.

(2) For the purposes of Paragraph a) of Subsection (1) a soldier of an allied armed force shall mean a member of the police or civil defense service of the state of such allied armed force; and a soldier of another state and a member of the police or civil defense service of another state as well for the purposes of Paragraph b).

Section 122/B

The provisions of Chapter XX shall also be applied in respect of military personnel for having committed the criminal act defined therein while serving in the allied armed forces or while engaged in humanitarian activities, peace-keeping or in a humanitarian mission acting upon the request of the United Nations or another international organization.

Reasons Excluding Punishability

Section 123

(1) A soldier may not be punishable for his act executed upon order, except for the case, if he knew that he commits a crime by the execution of that order.

(2) The person giving the order shall be liable for the crime committed upon order as perpetrator.

(3)

Reason Terminating Punishability

Section 124

With the exception of the case set forth in Subsection (2) of Section 73, a perpetrator may not be punished for a military offense if one year has passed since being discharged from service.

Adjudgment of a Crime within Disciplinary Authority

Section 125

Application of Capital Punishment

Section 126

The Execution of Imprisonment in a Military Guardhouse

Section 127

(1) If the convicted person may be retained in service, servicemen shall serve the imprisonment imposed for a term of one year or less in a military prison in the case set forth in Section 44.

(2) If the service relationship of the convict has terminated, the punishment or its remaining part shall be executed in a detention centre.

Sum Total of Punishments

Section 128

The execution of an imprisonment inflicted as sum total of punishments shall be governed by Section 127.

Exclusion of the Application of Labour in the Public Interest

Section 129

Labour in public the interest may not be applied against a soldier during the existence of his service relationship.

Military Supplementary Punishments

Section 130

(1) Against a soldier, if he is not prohibited from public affairs, the following supplementary punishments may also be applied:

a) reduction to ranks,

b) termination of service relationship,

c) set-back in ranks

d) extension of waiting time.

(2) The supplementary punishments listed in subsection (1), paragraphs *a)* and *b)* may also be applied independently, in lieu of a principal punishment.

Reduction to the Ranks

Section 131

(1) By reduction to the ranks, a soldier loses his rank.

(2) Reduction to the ranks shall be applied, if the perpetrator became unworthy of a rank.

Termination of Service Relationship

Section 132

The termination of service relationship may be applied if the perpetrator is deemed unworthy of service.

Set-back in Rank

Section 133

(1) In case of set-back in rank, the soldier shall get into a rank one step lower than the one in which he was on the adjudgment of the crime.

(2) Set-back in rank shall be applied, if the crime involves injury to the reputation of the rank, but no reduction to the ranks is necessary.

(3) Simultaneously with the set-back in rank, the time to be passed in the lower rank shall be defined in a duration from one year to two years.

Extension of the Waiting Time

Section 134

(1) In case of the extension of waiting time, the waiting time prescribed for a soldier for promotion to the following rank shall be extended. The extension shall be defined in years; its duration may not exceed half of the waiting time prescribed for the rank.

(2) The waiting time shall be extended, if the soldier has to merit the promotion by spending a longer waiting time.

Probation

Section 135

Exemption from the Disadvantages Attached to Previous Convictions

Section 136

(1) The court may grant a convict preliminary exemption from the disadvantages attached to previous convictions, if it orders that the

imprisonment be executed in a military guardhouse. This exemption shall come about on the day of having served the punishment or of the termination of its executability.

(2) The application of a military supplementary punishment does not impede the exemption of the convict.

Chapter IX

Interpretative Provisions

Section 137

For the purposes of this Act

1. official persons are:

a) Members of Parliament;

b) the President of the Republic;

c) the Prime Minister;

d) members of the Government, political state secretaries;

e) constitutional judges, judges, prosecutors;

f) ombudsmen of citizens' rights and national and ethnic minority rights;

g) members of local government bodies;

h) notaries public and assistant notaries public;

i) independent court bailiffs and assistant court bailiffs;

j) persons serving at the constitutional court, the courts, prosecutors offices, state administration organs, local government organs, the State Audit Office, the Office of the President of the Republic, the Office of Parliament, whose activity forms part of the proper functioning of the organ;

k) persons at organs or bodies entrusted with public power, public administration duties on the basis of a legal rule, who fulfil tasks of public power, or state administration,

2. person performing public duties shall mean

a) employees of a postal service provider performing executor's or security services, persons performing executor's or security services for an economic organization operating public mass transportation vehicles, and other persons performing passenger carriage services on public roads,

b) soldiers of the Hungarian Armed Forces performing service duties,

c) persons enlisted in a civil defense organization and performing civil defense services,

d) members of the ambulance service,

e) defense attorneys or legal counsels acting in a court or other official proceeding,

f) health-care employees in the case set forth in the Act on Health Care, and other persons in work-related relationship with a health-care service provider,

g) teachers in the case set forth in the Act on Public Education,

h) fire fighters as a member of a state, municipal, voluntary or private fire brigade,

i) members of the civil self-defense organization created to protect life and property of the public within the sphere described in the Act on the Police, for the activities performed to improve public safety,

j) the pastor of a church registered according to the Act on the Freedom of Belief and Religion and on the Church,

k) any person holding an office under the Act on Child Protection and Custody Administration and under the Act on Social Services Administration and Social Welfare Benefits when such person is acting in an official capacity.

3. "foreign public official" shall mean

a) a person serving in the legislature, law enforcement, administrative body or criminal prosecution body of a foreign state,

b) a person serving in an international organization created under international convention, whose activities form part of the organization's activities,

c) a person elected to serve in the general assembly or body of an international organization created under international convention,

d) a member of an international court that is vested with jurisdiction over the territory or the citizens of the Republic of Hungary, and any person serving in such international court, whose activities form part of the court's activities,

4. *a)* "armed commission of a crime" shall mean when the perpetrator has a firearm or a destructive device in his possession while engaged in a criminal act; the provisions on armed commission shall also apply if the criminal act is committed using a replica or imitation of a firearm or destructive device,

b) "assault with a deadly weapon" shall mean when the perpetrator has a deadly weapon in his possession while engaged in a criminal act to suppress or subdue any resistance,

5. "damage" means the loss of value of one's property; "pecuniary injury" means damage to one's property and the loss of financial gain,

6. relative: relative in the direct line and his spouse, adoptive and foster-parents, adopted and foster-children, siblings, spouses, common-law spouses, and fiancés, relatives in direct line and siblings of the spouses, as well as the spouses of the siblings,

7. "criminal conspiracy" shall mean when two or more persons are engaged in criminal activities under arrangement, or they conspire to do so and attempt to commit a criminal act at least once, however, it is not considered a criminal organization,

8. "criminal organization" shall mean when a group of three or more persons collaborate to deliberately engage in an organized fashion in criminal acts, which are punishable with five years of imprisonment or more,

9. a crime is deemed to be committed in a business-like manner if the perpetrator is engaged in criminal activities of the same or similar character to generate profits on a regular basis,

10. "war" shall mean:

a) martial law, and armed actions intended to overturn constitutional order or to seize power and exclusive control, and a state of emergency declared in reaction to any violent act committed by force of arms or by armed groups which gravely endanger the lives and property of citizens on a mass scale [Subparagraphs *g)* and *h)* and the first and second indent of Subparagraph *i)* of Paragraph (3) of Article 19 of the Constitution],

b) in the case of the criminal acts specified in Title II of Chapter XI and in Chapter XX, deployment and use of the Hungarian Armed Forces abroad [Subparagraph *j)* of Paragraph (3) of Article 19 of the Constitution];

11. product is an industrial and agricultural product (produce), be it raw material, semi-finished product or ready goods; live-stock and means of production come under the same consideration as product, even if the latter is a real property,

12. broad publicity shall mean, among others, when a crime is committed through publication in the press, another mass media or by reproduction, or by the publication of electronic information in a telecommunications network,

13. a crime is perpetrated in group if at least three persons participate in the perpetration,

14. recidivist shall mean the perpetrator of a premeditated criminal act, if such person was previously sentenced to imprisonment without probation for a premeditated criminal act, and three years have not yet passed since having served such term of imprisonment or the termination of its executability until the perpetration of another criminal act,

15. special recidivist is the recidivist, who commits on both occasions the same crime or a crime of similar character,

16. habitual recidivist shall mean a person, who has been sentenced to imprisonment without probation as a recidivist prior to the perpetration of a premeditated criminal act, and three years have not yet passed from having served the last term of imprisonment or the termination of its executability until the perpetration of another criminal act punishable by imprisonment,

17. "economic organization" means the economic organizations listed under Paragraph c) of Section 685 of Act IV of 1959 on the Civil Code, as well as organizations which, according to the Civil Code, are subject to the provisions on economic organizations concerning the civil law relations of such organizations in connection with their economic activities.

18. "allied armed forces" shall mean the armed forces in alliance with the Republic of Hungary according to international treaties stipulating the obligation to provide mutual military assistance, as well as the military organizations and bodies created on the basis of such treaties,

19. humanitarian activities, peacekeeping or humanitarian operations in a foreign theater of operations shall have the meaning as defined in the Act on National Defense.

Section 138

Unless the law otherwise provides, for the purposes of this Act a menace is: holding out of the prospect of a grave disadvantage, which is suitable to induce serious fear in the menaced person.

Section 138/A

For the purposes of this Act the amount of value, damage, pecuniary injury, or the amount of reduction in tax, contribution or private insurance fund membership revenues shall be construed

a) minor, if more than ten thousand but less than two hundred thousand HUF,

b) considerable, if more than two hundred thousand but less than two million HUF,

c) substantial, if more than two million but less than fifty million HUF,

d) particularly considerable, if more than fifty million but less than five hundred million HUF,

e) particularly substantial, if more than five hundred million HUF.

Section 138/B

SPECIAL PART

Chapter X

Crimes Against the State

Violent Changing of the Constitutional Order

Section 139

(1) The person who commits an act which is immediately directed at changing the constitutional order of the Republic of Hungary with violence or menacing with violence - especially using armed force -, perpetrates a felony and is punishable with imprisonment from five to fifteen years, or with life imprisonment.

(2) The person who commits preparation directed at the violent change of the constitutional order, shall be punishable with imprisonment up to five years for a felony.

(3) That person shall not be punishable for violently changing the constitutional order, in consequence of whose voluntary desistance from the act the continuance of the crime fails, or who voluntarily prevents the continuance thereof.

Conspiracy Against the Constitutional Order

Section 139/A

(1) The person, who establishes or leads an organization, the aim of which is to bring about the change of the constitutional order of the Republic of Hungary with violence or by menacing with violence, commits a felony, and is punishable with imprisonment from two years to eight years; the person who participates in such an organization, shall be punishable with imprisonment from one year to five years.

(2) That person may not be punished for conspiracy against the constitutional order, due to whose voluntary desistance the conspiracy fails to continue, or who voluntarily prevents the continuance thereof.

Riot

Section 140

(1) The person who participates in a mass disturbance, the immediate aim of which is to impede in the exercise of its constitutional authority with violence or menacing with violence, or to constrain to a measure

a) Parliament,

b) the President of the Republic,

c) the Supreme Court

d) the Government,

perpetrates a felony and is punishable with imprisonment from two years to eight years; the organiser or leader of the mass disturbance shall be punishable with imprisonment from five years to fifteen years.

(2) The person who perpetrates preparation to a riot, shall be punishable for a felony with imprisonment from one year to five years.

(3) That participant shall not be punishable for riot, who leaves the mass disturbance voluntarily or upon the request of the authority before the commencement of violent acts.

Causing Damage

Section 141

Sabotage

Section 142

(1) The person who destroys, renders unusable or damages public utilities, production, public traffic or telecommunication plants or their equipment, public buildings or structures, stocks of products, or supplies or other items of property of similar importance due to their designated purpose, with the aim of the disturbance of the constitutional order of the Republic of Hungary, commits a felony and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to fifteen years or life imprisonment, if the sabotage entails an especially grave disadvantage.

(3) The person who commits preparation for sabotage, shall be punishable for a felony with imprisonment of up to three years.

Assault

Section 143

High Treason

Section 144

(1) A Hungarian citizen who establishes or maintains contact with a foreign government or foreign organization in order to injure the independence, territorial integrity or constitutional order of the Republic of Hungary, perpetrates a felony, and shall be punishable with imprisonment from five years to fifteen years.

(2) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if the high treason is committed

a) causing a grave disadvantage,

b) using state service or official mandate,

c) in war-time

d) by inviting or using foreign armed forces.

(3) The person who commits preparation directed at high treason, shall be punishable for a felony with imprisonment from one to five years, in war-time with imprisonment from two years to eight years.

Treachery

Section 145

A Hungarian citizen, who establishes or maintains contact with a foreign government or foreign organization abusing his state service or official mandate, and endangers thereby the independence, territorial integrity or constitutional order of the Republic of Hungary, commits a felony, and is punishable with imprisonment from two years to eight years, in war-time from five years to fifteen years.

Assisting the Enemy

Section 146

(1) The person who engages into contact with the enemy, offers assistance to it or causes disadvantage to the own or allied armed force in war-time, with the purpose of weakening the military force of the Republic of Hungary, commits a felony, and shall be punishable with imprisonment from ten years to fifteen years or with life imprisonment.

(2) The person who commits preparation for assisting the enemy, shall be punishable for a felony with imprisonment from two years to eight years.

Espionage

Section 147

(1) The person who performs intelligence activity for a foreign power or foreign organization against the Republic of Hungary, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The person who commits the espionage defined in subsection (1) by disclosing state secret shall be punishable with imprisonment from five years to fifteen years.

(3) The person, who commits preparation directed at espionage, shall be punishable for a felony with imprisonment of up to five years.

(4) That person may not be punished for offering himself or undertaking intelligence activity, who - before having displayed any other intelligence activity - reports his offer or undertaking to the authorities, and fully discloses his foreign contact.

Espionage Against Allied Armed Forces

Section 148

A person engaged in espionage against allied armed forces in the territory of the Republic of Hungary or in the territory of another nation which is in alliance with the Republic of Hungary by virtue of the international treaty for the obligation of mutual military assistance shall be punishable as described in Section 147.

Section 149

Omission of Reporting

Section 150

(1) The person who learns credibly that preparations are being made for the violent changing of the constitutional order, conspiracy against the constitutional order, riot, sabotage, high treason, treachery, assistance to the enemy, espionage, or such a crime has been committed undetected, and fails to report that to the authorities as soon as he can, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

(2) Relatives of the perpetrator shall not be punishable for the omission of reporting of the crimes listed in subsection (1).

Crimes Against other Socialist States

Section 151

Supplementary Punishments

Section 152

In case of the crimes defined in this Chapter banishment may also take place as supplementary punishment.

Chapter XI

Crimes Against Humanity

Title I

Crimes Against Peace

Incitement for War

Section 153

(1) The person who incites for war or otherwise displays war propaganda, commits a felony and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to fifteen years, if the crime is committed before a great publicity.

(3) The person who commits preparation for incitement for war, shall be punishable for a felony with imprisonment of up to three years.

Prohibition of Recruiting

Section 154

(1) Any attempt to recruit personnel in the territory of the Republic of Hungary for military service - other than for any allied forces -, paramilitary service in a foreign armed body, or any mediation of volunteers for such service shall be construed a felony and punishable by imprisonment between one to five years.

(2) Any Hungarian citizen who voluntarily joins or offers to join any foreign armed body - other than the allied forces - that is involved in an armed conflict (national or international), or who participates in training in such an armed body shall be punishable in accordance with Subsection (1).

Genocide

Section 155

(1) The person who - with the aim of the total or partial extermination of a national, ethnic, racial or religious group -

a) kills the members of the group,

b) causes serious bodily or mental injury to the members of the group because they belong to the group,

c) constrains the group into such conditions of life which menace the group or certain members thereof with death,

d) takes such a measure which is aimed at the impediment of births within the group,

e) displaces the children belonging to the group into another group

commits a felony and shall be punishable with imprisonment from ten to fifteen years or life imprisonment.

(2) The person who commits preparation for genocide, shall be punishable for a felony with imprisonment from two years to eight years.

Crime Against a National, Ethnic, Racial or Religious Group

Section 156

Apartheid

Section 157

(1) The person who - with the aim of the obtention and maintenance of domination by one racial group of people over another racial group of people and/or with the aim of the regular oppression of the other racial group -

a) kills the members of a racial group or groups,

b) constrains a racial group or groups to such conditions of life by which it strives for the total or partial physical annihilation of the groups

commits a felony and shall be punishable with imprisonment from ten to fifteen years or life imprisonment.

(2) The person who commits another crime of apartheid, shall be punishable for a felony from five to ten years.

(3) The punishment shall be imprisonment from ten to fifteen years or life imprisonment, if the criminal act of apartheid described in subsection (2) has given rise to serious consequences.

(4) For the purposes of subsections (2) and (3), the crime of apartheid shall mean the crime of apartheid defined in paragraphs a)/(ii), a)/(iii), c), d), e), and f) of Article II of the International Treaty on the Combat and Punishment of Crimes of Apartheid, adopted on 30 November 1973 by the General Assembly of the the United Nations Organisation in New York promulgated by Law-Decree No. 27 of 1976.

Title II War

Crimes

Violence Against the Civilian Population

Section 158

(1) The person who applies violence in an operational or occupied area against a civilian person or prisoner of war, displays inhuman treatment or otherwise gravely abuses his power, - unless a graver crime is realized - commits a felony and shall be punishable with imprisonment from five years to ten years.

(2) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if the crime defined in subsection (1) causes death.

(3) For the purposes of this Section, inhuman treatment is in particular

a) settlement of the civilian population of the occupying power in the occupied territory, or resettlement of the population of the occupied territory,

b) deprivation of the civilian population and prisoners of war from their right to being tried in a regular and impartial procedure,

c) unjustified delay in the repatriation of prisoners of war or civilian persons.

War-time Looting

Section 159

(1) The person who loots civilian goods in an operational or occupied territory, or causes grave detriment to the population by the enforcement of services or in another manner, - unless a graver crime is realized -, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if the crime is committed in an armed manner or in a group.

Sinful Warfare

Section 160

A military commander who, violating the rules of the international law of warfare

a) pursues war operation which causes serious damage in the life, health or goods of the civilian population, in internationally protected cultural goods, in facilities containing dangerous forces,

b) takes offensive against a locality without defence or a weapon-free zone,

commits a felony and shall be punishable with imprisonment from ten years to fifteen years, or life imprisonment.

Use of Weapons Prohibited by International Treaty

Section 160/A

(1) Any person who uses or orders the use of a weapon or instrument of war prohibited by international treaty in a theater of military operation or in an occupied territory against the enemy, civilians or prisoners of war commits a felony offense and shall be punishable with imprisonment between ten to fifteen years or life imprisonment.

(2) Any person who makes preparations for the use of a weapon prohibited by international treaty commits a felony offense and shall be punishable with imprisonment of up to five years.

(3) For the purposes of Subsections (1)-(2) the following shall be construed as weapons prohibited by international treaty:

a) asphyxiating, poisonous and other gases and bacteriological methods of warfare as set forth in the protocol signed at Geneva on 17 June 1925 on the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, as promulgated by Law-Decree 20 of 1955,

b) the following weapons listed in the protocols to the convention signed at Geneva on 15 October 1985 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, as promulgated by Law-Decree 2 of 1984:

1. weapons causing injury by fragments which cannot be detected by X-ray, as specified in Protocol I,

2. mines, remotely-delivered mines, anti-personnel mines, booby-traps and other devices specified in Points 1-5 of Article 2 of the Amended Protocol II, as promulgated by Act CXXXIII of 1997,

3. incendiary weapons specified in Point 1 of Article 1 of Protocol III,

4. blinding laser weapons specified in Article 1 of the Supplementary Protocol IV,

c) chemical weapons and chemical instruments of war specified in Points 1 and 7 of Article 2 of the convention signed at Paris on 13 January 1993 on Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as promulgated by Act CIV of 1997,

d) anti-personnel mines specified in Point 1 of Article 2 of the convention signed at Oslo on 18 September 1997 on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, as promulgated by Act X of 1998.

Battlefield Looting

Section 161

The person who loots the fallen, injured or sick people on the battlefield, commits a felony and shall be punishable with imprisonment from two years to eight years.

Infringement of Armistice

Section 162

(1) The person who infringes the conditions of armistice, commits a felony, and shall be punishable with imprisonment from one year to five years.

(2) The punishment shall be imprisonment from five years to ten years, if the infringement of the armistice leads to especially grave consequences.

Violence Against a War Emissary

Section 163

(1) The person who insults, illegally restrains the war emissary of the enemy or his companion, or otherwise applies violence against him, - unless a graver crime is realized -, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The person who kills a war emissary or his companion, shall be punishable with imprisonment from ten to fifteen years, or life imprisonment.

Misuse of the Red Cross

Section 164

That who in war-time misuses the sign of the red cross (red crescent, red lion and sun) or other signs serving a similar purpose and recognized internationally, or commits a violent act against a person or thing under the protection thereof, shall be punishable for a felony with imprisonment from one year to five years.

Other War Crimes

Section 165

A special legal rule (Decree No. 81/1945 (II.5.) ME, enacted by Act VII of 1945, amended and complemented by Decree No. 1440/1945 (V.1.) ME) shall provide for other war crimes.

Chapter XII

Crimes Against the Person

Title I

Crimes Against Life, Limb and Health

Homicide

Section 166

(1) The person who kills another person, commits a felony, and shall be punishable with imprisonment from five years to fifteen years.

(2) The punishment shall be imprisonment from ten years to fifteen years, or life imprisonment, if the homicide is committed

a) planned in advance,

b) for profit-making

c) for another base reason or purpose,

d) with special cruelty,

e) against a public official or a foreign public official during or because of his official proceedings, against a person performing public duties during the performance of such duties, or against a person providing assistance to or acting in defense of such persons performing official or public duties,

f) on more than one person,

g) endangering the life of many people,

h) as special recidivist.

i) against a person under the age of fourteen.

(3) Any preparation to commit homicide shall be construed a felony and punishable by imprisonment of up to five years.

(4) A person, who commits negligent homicide (manslaughter), shall be punishable with imprisonment between one to five years.

(5) From the aspect of special recidivism, crimes of similar character are

a) culpable voluntary manslaughter (Section 167), genocide [Paragraph a) of Subsection (1) of Section 155];

b) cases of kidnapping and violence against a superior or a service official qualifying as graver cases [Section 175/A, subsection (4), Section 355, subsection (5), paragraph *a)*];

c) cases of acts of terrorism, seizure of aircraft, any means of railway, water or road transport or any means of freight transport and riot, if committed while also causing death intentionally [Section 261, subsection (2), paragraph *a)*, Section 262, subsection (2), Section 352, subsection (3), paragraph *b)*].

Section 166/A

Homicide Committed with Diminished Responsibility

Section 167

The person who kills another person with diminished responsibility originating from an appreciable emotional reason, commits a felony and shall be punishable with imprisonment from two years to eight years.

Complicity in Suicide

Section 168

The person who persuades somebody else to commit suicide, or offers aid to the perpetration thereof, commits a felony and shall be punishable with imprisonment of up to five years, if the suicide is attempted or perpetrated.

Abortion

Section 169

(1) The person who effects an abortion on another person, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment between one to five years, if the abortion is committed

a) in a business-like manner,

b) without the consent of the woman,

c) causing grievous bodily harm or danger to life.

(3) The punishment shall be imprisonment from two years to eight years, if the abortion causes death.

(4) The woman who effects the abortion of her foetus or induces someone to abort it, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Battery

Section 170

(1) A person who injures the bodily integrity or health of another person, if the injury or illness heals within eight days, commits the misdemeanor of simple battery, and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) If the injury or illness caused by battery heals over eight days, the perpetrator commits the felony of aggravated battery, and shall be punishable with imprisonment of up to three years.

(3) If the battery is committed for a base reason or purpose, and if committed against a person defenseless or unable to express his will, the punishment shall be for a felony imprisonment of up to three years for simple battery, and imprisonment of one to five years in case of aggravated battery.

(4) A perpetrator commits a felony offense and shall be punishable with imprisonment between one to five years, if the battery causes permanent physical disability or a grave injury to health, or, if the aggravated battery is committed with express malice.

(5) The punishment shall be imprisonment from two years to eight years, if the battery causes danger to life or death.

(6) The person, who commits aggravated battery due to negligence, shall be punishable for misdemeanour with imprisonment of up to one year, labour in the public interest, or fine, in the case defined in subsection (4), with imprisonment of up to three years, in case of causing an injury posing danger to life, with imprisonment of up to five years.

(7) The perpetrator of the misdemeanour defined in subsection (1) shall only be punishable upon private motion.

Endangering within the Sphere of Occupation

Section 171

(1) The person who exposes by negligence the life, corporeal integrity or health of another person or persons by the violation of the rules of his occupation, or causes bodily harm, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be

a) imprisonment of up to three years, if the crime causes durable handicap, grave health injury or mass catastrophe,

b) imprisonment between one to five years, if the crime causes death,

c) imprisonment from two years to eight years, if the crime causes the death of more than one person, or fatal mass catastrophe.

(3) If the perpetrator brings about the immediate danger intentiously, he commits felony, and shall be punishable in case of subsection (1) with imprisonment of up to three years, in case of subsection (2) - taking into account the distinction made there - with imprisonment of up to five years, from two years to eight years, or from five years to ten years.

(4) For the purposes of this Section, rules relating to the use and handling of fire arms are also rules of occupation.

Failure to Provide Help

Section 172

(1) The person who fails to provide help that may be expected from him to an injured person, or to a person, whose life or bodily integrity is in imminent danger, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to three years for a felony, if the injured person dies, and his life could have been saved by the help.

(3) The punishment shall be imprisonment of up to three years, in case of subsection (2) imprisonment of up to five years, for felony, if the dangerous situation is brought about by the perpetrator, or if he is also otherwise obligated to help.

(4) The last concept of subsection (3) may not be applied against a person who is obligated to help on the basis of the highway code.

Failure to Provide Care

Section 173

The person who fails to perform his obligation of care vis-á-vis a person who cannot care for himself due to his condition or old age, and endangers thereby the life, corporeal integrity or health of the person reduced to care, commits a felony, and shall be punishable with imprisonment of up to three years.

Title II

MEDICAL PROCEDURES, THE ORDER OF MEDICAL RESEARCH AND CRIMINAL ACTS AGAINST THE RIGHT OF AUTONOMY CONCERNING MEDICAL PROCEDURES

Procedures on Human Genetic Structure

Section 173/A.

(1) Any person who performs a procedure on a human genetic structure, fetal genetic structure or the genetic structure of a human embryo for the purpose of changing the genetic structure thereof commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment between two to eight years if the procedure described in Subsection (1) results in permanent changes in the human genetic structure, fetal genetic structure or in the genetic structure of the human embryo.

(3) A person performing a procedure for a purpose specified in the Act on Health Care shall not be punishable for the acts described in Subsections (1)-(2).

Illegal Use of Human Gametes

Section 173/B.

(1) Any person who uses gametes from a cadaver or from a deceased fetus as part of a special procedure for the purpose of human reproduction as described in the Act on Health Care commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who makes preparations for the illegal use of human gametes commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

Altering the Gender of an Unborn Child

Section 173/C.

(1) Any person who performs a procedure for the purpose of altering the gender of unborn child commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) A person performing a procedure for a purpose specified in the Act on Health Care shall not be punishable for the act described in Subsection (1).

Violation of the Rules of Experimental Research on Humans

Section 173/D.

Any person who performs a medical experiment on humans without, or in deviation of the license prescribed in the Act on Health Care commits a felony offense and shall be punishable with imprisonment of up to five years.

Violation of the Rules of Experimental Research with Embryos or Gametes

Section 173/E.

(1) Any person who performs a medical experiment on human embryo or gamete without, or in deviation of the license prescribed in the Act on Health Care, or creates a human embryo for scientific purposes, commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who

a) transplants a human embryo into an animal,

b) inseminates a human gamete with an animal gamete, or vice versa,

c) implants a human embryo which was previously experimented with into a human body,

d) uses a human gamete which was previously used for experiment for human reproduction,

e) uses a non-human gamete or embryo for human insemination or for embryo implantation,

f) uses a human embryo to create several human embryos or animal embryos,

commits a felony offense and shall be punishable with imprisonment between two to eight years.

(3) Any person who makes preparations for the criminal acts described in Subsection (2) commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

Section 173/F.

(1) Any person who performs a scientific experiment on a human embryo for the purpose of manipulating the genetic structure of the embryo commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who

a) uses a human embryo to create a specimen with characteristics different from those developed by conception, or with additional characteristics,

b) separates the cells of a human embryo,

commits a felony offense and shall be punishable with imprisonment between two to eight years.

(3) Any person who makes preparations for the criminal acts described in Subsection (2) commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

(4) A person carrying out the acts described in Subsections (1)-(3) for a purpose specified in the Act on Health Care shall not be punishable for such acts.

Section 173/G.

(1) Any person who creates genetically equivalent human species during experimental research or during a medical procedure commits a felony offense and shall be punishable with imprisonment between five to ten years.

(2) Any person who makes preparations for the criminal act described in Subsection (2) commits a felony offense and shall be punishable with imprisonment of up to three years.

Violation of Right of Autonomy Concerning Medical Procedures

Section 173/H.

(1) Any person who, without the consent or permission of the entitled party, performs

a) a medical procedure in connection with the alteration of the human genetic structure or the genetic structure of an embryo, in connection with human reproduction or with altering the gender of an unborn child,

b) experimental research on humans with embryos or gametes,

c) a procedure to remove an organ or tissue for transplantation purposes, or organ or tissue transplant

which is subject to prior consent, permission and information disclosure, or who fails to disclose the information required by law, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) Any person who removes an organ or tissue from a cadaver in spite of a statement of prohibition shall be punishable as described in Subsection (1).

(3) Any person who negligently performs a medical procedure, medical research, organ or tissue removal or organ or tissue transplant which is subject to prior consent or permission, as described in Subsection (1), without the consent or permission of the entitled party, commits a misdemeanor offense and shall be punishable with imprisonment of up to

two years, community service work, or a fine.

(4) The perpetrator of the criminal acts described in Subsections (1)-(3) shall be subject to punishment on the basis of a private motion, unless, in connection with such act, he also commits a crime which is not punishable on the basis of a private motion. In respect of Subsection (2), a private motion may be filed by the person eligible for issuing the statement, as described in the Act on Health Care.

Illegal Use of a Human Body

Section 173/I.

(1) Any person who illegally acquires, sells or places on the market for pecuniary gain human genes, cells, gametes, embryos, organs, tissues, or a cadaver or part(s) of such, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment of up to five years if the crime described in Subsection (1) is committed by an employee of a medical institution during employment.

(3) In the case of Subsection (1) and Subsection (2) the punishment shall be imprisonment of up to five years or between two to eight years respectively, if the crime is committed

a) in a business-like manner, or

b) as part of a criminal conspiracy.

(4) Any person who makes preparations for the illegal use of a human body commits a misdemeanor offense and shall be punishable with imprisonment of up to one year, community service work, or a fine in the case of Subsection (1), or with imprisonment of up to two years, community service work, or a fine in the case of Subsection (2).

Title III

Crimes Against Freedom and Human Dignity

Constraint

Section 174

The person, who constrains another person with violence or menace to do, not to do, or to endure something, and thereby causes a considerable injury of interest, commits - unless another crime is realized - a felony, and shall be punishable with imprisonment of up to three years.

Violation of the Freedom of Conscience and Religion

Section 174/A

The person who

a) restricts another person in his freedom of conscience with violence or menace,

b) who impedes him in the free exercise of his religion with violence or menace,

commits a felony, and shall be punishable with imprisonment of up to three years.

Violence Against a Member of a National, Ethnic, Racial or Religious Group

Section 174/B

(1) The person who assaults somebody else because he belongs or is believed to belong to a national, ethnic, racial or religious group, or coerces him with violence or menace into doing or not doing or into enduring something, commits a felony and shall be punishable with imprisonment up to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the act of crime is committed

a) by force of arms,

b) in an armed manner,

c) causing a considerable injury of interest,

d) with the torment of the injured party,

e) in groups,

f) in criminal conspiracy.

Violation of Personal Freedom

Section 175

(1) Any person who deprives another person of his personal freedom, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) Any person who acquires another person through trafficking in human beings and maintains the status of deprival of the victim's personal freedom, and forces such victim into forced labor, commits a felony offense and shall be punishable with imprisonment between two to eight years,

(3) The punishment shall be imprisonment of up to five years in respect of Subsection (1) and imprisonment between five to ten years, in respect of Subsection (2) if the criminal act is committed

a) for a malicious motive or purpose,

b) by feigning official action,

c) by tormenting the aggrieved party,

d) causing a significant injury of interests,

e) against a person under the age of eighteen.

Kidnapping

Section 175/A

(1) The person who deprives another person of his freedom with violence, or with imminent menace against life or corporeal integrity, or by taking advantage of his condition of being unable to defend himself or to declare his will, and makes his release dependent on the performance of a demand, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to fifteen years, if the kidnapping is committed

a) as part of a criminal conspiracy;

b) in an armed manner.

c) against a public official or a foreign official.

(3) The punishment shall be imprisonment from five years to fifteen years, or life imprisonment, if the kidnapping is committed

a) causing an especially grave disadvantage;

b) causing death.

(4) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if the kidnapping also realizes intentional homicide.

(5) The person who commits preparations to kidnapping, shall be punishable for a felony with imprisonment of up to three years.

(6) The punishment of the person who voluntarily stops kidnapping, before grave consequences have originated therefrom, may be mitigated without limitation.

(7) The person who credibly learns, that the perpetration of kidnapping is prepared, and fails to inform the person concerned or the authorities about this as soon as he can do so, commits a felony, and shall be punishable with imprisonment of up to three years, if the kidnapping has at least been attempted.

Trafficking in Human Beings

Section 175/B

(1) Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, also the person who recruits, transports, houses, hides or appropriates people for such purposes for another party, is guilty of a felony punishable by imprisonment not to exceed three years.

(2) The punishment shall be imprisonment between one to five years if the criminal act is committed

a) to the detriment of a person under eighteen years of age,

b) to the detriment of a person kept in captivity,

c) to subject the victim to forced labor,

d) for the purpose of sodomy or sexual penetration,

e) for the unlawful use of the human body,

f) in criminal conspiracy, or

g) in a pattern of criminal profiteering.

(3) The punishment shall be imprisonment between two to eight years if the criminal act is committed

a) to the detriment of a person who is in the care, custody, supervision or treatment of the perpetrator, or

b) for the purposes specified in Paragraphs *c)-e)* of Subsection (2)

1. by force or by threat of force
2. by deception,
3. by tormenting the injured person.

(4) The punishment shall be imprisonment between five to ten years if the criminal act is committed

a) to the detriment of a person referred to in Paragraphs *a)* and *b)* of Subsection (2) and in Paragraph *a)* of Subsection (3), for the any of purposes defined under Paragraphs *c)-e)* of Subsection (2), and/or in the manner defined under Points 1-3 of Paragraph *b)* of Subsection (3), or

b) for the purpose of making illegal pornographic material.

(5) The punishment shall be imprisonment between five to fifteen years or life imprisonment if the criminal act is committed to the detriment of a person under twelve years of age

a) for any of the purposes defined under Paragraphs *c)-e)* of Subsection (2),

b) in the manner defined under Points 1-3 of Paragraph *b)* of Subsection (3), or

c) for the purpose of making illegal pornographic material.

(6) Any person who makes preparations for trafficking in human beings is guilty of misdemeanor punishable by imprisonment not to exceed two years.

Trespassing

Section 176

(1) A person who enters into or remains in, the home, other premises or fenced off place belonging to such places, of another person, by force, menace, or pretending official action, commits a misdemeanor, and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) The person, who enters into or remains in the flat, other premises or the fenced off place belonging to the above in spite of the will of the person dwelling there or disposing over that, or with deception

a) at night,

b) by force of arms,

c) in an armed manner,

d) in a group,

shall be punishable in accordance with subsection (1).

(3) The person who impedes another person in the way defined in subsections (1) and (2) to enter his flat, other premises or fenced off place belonging to the above, shall be punishable in accordance with subsection (1).

(4) The punishment shall be imprisonment of up to three years for a felony, if the act defined in subsection (1) is committed in the way described in subsection (2).

Violation of Privacy

Section 177

(1) The person who reveals a private secret learned by him as a result of his occupation or public mandate without good reason, commits a misdemeanour, and shall be punishable with fine.

(2) The punishment shall be imprisonment of up to one year, labour in the public interest, or fine, if the crime causes considerable injury of interest.

Misuse of Personal Data

Section 177/A

(1) Any person who, in violation of the statutory provisions governing the protection and processing of personal data,

a) is engaged in the unauthorized and inappropriate processing of personal data,

b) fails to notify the data subject as required by law,

c) fails to take measures concerning the security of data

and thereby inflicts significant injury to the interests of another person or persons is guilty of a misdemeanor punishable by up to one year's imprisonment, community service or a fine.

(2) The acts described under Subsection (1) shall be upgraded to felonies if they are committed by a public official in the course of discharging a public duty or in pursuit of unlawful financial gain or advantage.

(3) Any misuse of special personal data shall be treated as a felony punishable by up to three years' imprisonment.

Misuse of Public Information

Section 177/B

(1) Any person who, in violation of the statutory provisions governing access to public information,

a) fails to comply with the obligation to provide information,

b) falsifies or renders inaccessible any public information,

c) conveys or publishes any public information that is untrue or has been falsified,

is guilty of a misdemeanor punishable by up to two years' imprisonment, community service or a fine.

(2) The acts described under Subsection (1) shall be upgraded to felonies if they are committed for unlawful financial gain or advantage.

Violation of the Secrecy of Correspondence

Section 178

(1) Any person who opens or obtains a sealed parcel containing a communication which belongs to another person, for the purpose gaining knowledge of the contents thereof, or surrenders such to an unauthorized person for this purpose, as well as any person who taps a correspondence forwarded through telecommunication equipment, commits a misdemeanor offense and shall be punishable with a fine, if such act does not result in a criminal act of greater gravity.

(2) The punishment shall be imprisonment of up to one year, labour in the public interest, or fine, if the crime defined in subsection (1) is committed by using an occupation or public mandate.

(3) The punishment shall be

a) imprisonment of up to two years, if the crime defined in subsection (1) causes considerable injury of interest;

b) imprisonment of up to three years for a felony, if the crime defined in subsection (2) causes considerable injury of interest.

Illicit Possession of Private Information

Section 178/A

(1) Any person who, for the illicit possession of private information,

a) clandestinely searches the home or other property, or the confines attached to such, of another person,

b) monitors or records the events taking place in the home or other property, or the confines attached to such, of another person, by technical means,

c) opens or obtains the sealed parcel of correspondence of another person and records such by technical means,

d) captures correspondence forwarded by means of communication equipment or computer network to another person and records the contents of such by technical means,

commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who conveys or uses any private information obtained as described in Subsection (1) shall be punishable as set forth in Subsection (1).

(3) The punishment shall be imprisonment between two to eight years if the criminal act is committed

a) by feigning official action,

b) in a business-like manner,

c) as part of criminal conspiracy,

d) causing significant injury of interests.

Defamation

Section 179

(1) The person who states or rumours a fact suitable for impairing honour, or uses an expression directly referring to such a fact, about somebody, before somebody else, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to two years, if the defamation is committed

a) for a base reason or purpose,

b) before big publicity,

c) causing considerable injury of interest.

Slander

Section 180

(1) The person who, apart from the case of Section 179, uses an expression suitable for impairing honour or commits another act of such a type,

a) in connection with the job, performance of public mandate or in connection with the activity of public concern of the injured party,

b) before a great publicity

shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

(2) The person who commits slander with assault, shall be punishable in accordance with subsection (1).

Impiety

Section 181

The person, who outrages a dead person or his memory in the way defined in Section 179 or Section 180, shall commit a misdemeanour, and shall be punishable with the punishment defined there.

Evidencing of Reality

Section 182

(1) The perpetrator may not be punished for the crimes defined in Sections 179 to 181, if the fact suitable for impairing the honour turns out to be true.

(2) Evidencing of reality may take place, if the statement, rumouring of the fact or the use of an expression immediately referring thereto was justified by public interest or by the lawful interest of anybody.

Private Motion and Wish

Section 183

(1) The perpetrators of the crimes defined in Sections 176 and 177, as well as Sections 178 to 181, are punishable upon private motion.

(2) In case of Section 181, the private motion may be submitted by the relative and heir of the deceased.

(3) The defamation or slander committed to the injury of a person enjoying diplomatic or other personal immunity based on international law, is punishable upon the wish of the injured party declared through diplomatic channels.

Interpretative Provision

Section 183/A

For the purposes of Section 170 and Section 175/A, persons under the age of twelve shall be deemed as incapable of defense.

Chapter XIII

Traffic Crimes

Crime Against the Safety of Traffic

Section 184

(1) Any person who endangers the safety of railway, water or public road traffic by damaging or destroying a traffic route or corridor, a vehicle, traffic control equipment or the appurtenances thereof, by creating an obstacle, removing or changing a traffic sign, installing a misleading sign, using violence or threats against the driver of a vehicle in traffic or by acting in other similar manner is guilty of a felony and shall be punished by up to three years' imprisonment.

(2) The punishment shall be

a) imprisonment of up to five years, if the crime causes grievous bodily harm,

b) imprisonment from two years to eight years, if the crime causes durable handicap, serious injury to health or a mass catastrophe,

c) imprisonment from five years to ten years, if the crime causes death,

d) imprisonment from five years to fifteen years, if the crime causes a fatal mass catastrophe.

(3) The person who commits the crime defined in subsection (1) by negligence, shall be punishable for misdemeanour with imprisonment of up to one year, labour in the public interest, or fine, in the cases defined in subsection (2), with imprisonment of up to two years, three years, five years or from two years to eight years in accordance with the distinction made there.

(4) The punishment may be mitigated without limitation - in a case deserving special appreciation, even dispensed with - vis-à-vis the person who voluntarily terminates the danger before any damaging consequence has arisen therefrom.

Endangering of Railway, Air or Water Traffic

Section 185

(1) The person, who endangers life or limb of another person or persons by violating the rules of railway, air or water traffic, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be

a) imprisonment of up to five years, if the crime causes grievous bodily harm,

b) imprisonment from two years to eight years, if the crime causes durable handicap, a serious injury to health or a mass catastrophe,

c) imprisonment from five years to ten years, if the crime causes death,

d) imprisonment from five years to fifteen years, if the crime causes fatal mass catastrophe.

(3) The person who commits the crime defined in subsection (1) by negligence shall be punishable for misdemeanour with imprisonment of up to one year, labour in the public interest, or fine, in the cases defined in

subsection (2), in accordance with the distinction made there, with imprisonment of up to two years, up to three years, up to five years, or from two years to eight years.

(4) The punishment may be mitigated without limitation - in a case deserving special appreciation, even dispensed with - vis-à-vis the person who voluntarily terminates the danger before any damaging consequence has arisen therefrom.

Causing Danger on the Highways

Section 186

(1) The person who exposes to direct danger the life or limb of another person or persons by the violation of the rules of public road traffic, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be

a) imprisonment of up to five years, if the crime causes grievous bodily harm,

b) imprisonment from two years to eight years, if the crime causes durable handicap, a serious health injury or mass catastrophe,

c) imprisonment from five years to ten years, if the crime causes death,

d) imprisonment from five years to fifteen years, if the crime causes the death of more than one person or a fatal mass catastrophe.

Causing a Public Road Accident

Section 187

(1) The person who causes grievous bodily harm to another person or persons by the violation of the rules of public road traffic, by negligence, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be

a) imprisonment of up to three years, if the crime causes durable handicap, serous health injury or mass catastrophe,

b) imprisonment between one to five years, if the crime causes death,

c) imprisonment from two years to eight years, if the crime causes the death of more than two person or a fatal mass catastrophe.

Driving Under the Influence of Alcohol or Other Psychoactive Substances

Section 188

(1) Any person who drives a railway vehicle or aircraft, or a motorized vessel or water machinery, or a motor vehicle under the influence of alcohol or a substance having a detrimental effect on such person's driving ability, commits a misdemeanor offense and shall be punishable with imprisonment of up to one year, labor in the public interest or a fine.

(2) The punishment shall be for a felony

a) imprisonment of up to three years, if the crime causes grievous bodily harm,

b) imprisonment of up to five years, if the crime causes durable handicap, serious health injury or mass catastrophe,

c) imprisonment from two years to eight years, if the crime causes death,

d) imprisonment from five years to ten years, if the crime causes the death of more than one person, or a fatal mass catastrophe.

(3) Any person who induces the consequence described in Subsection (2) by driving a non-motorized vessel or water machinery, or non-motorized vehicle under the influence of alcohol or a substance having a detrimental effect on such person's driving ability, shall be punishable in accordance with the distinction set forth therein.

Prohibited Cession of Driving a Vehicle

Section 189

(1) The person who cedes the driving of railway vehicle or aircraft or machine-driven watercraft or floating machine or - on the public road - the driving of a machine-driven vehicle to a person in a state under the influence of alcoholic drink or unsuitable for driving for any other reason, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be for a felony

a) imprisonment of up to three years, if the crime causes durable handicap, serious health injury or mass catastrophe,

b) imprisonment of up to five years, if the crime causes death,

c) imprisonment from two years to eight years, if the crime causes the death of more than one person, or fatal mass catastrophe.

Hit and Run

Section 190

If the driver of a vehicle affected by a traffic accident fails to stop on the spot, or leaves the scene before ascertaining whether anybody got injured or is in need of assistance due to a danger menacing directly his life or limbs, - unless a graver crime is realized - commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Interpretative Provisions

Section 191

(1) The provisions established for the crimes committed on public roads shall also be applied, if the violation of the rules relating to vehicle driving on a public road causes injury or death not on a public road.

(2) For the purposes of Sections 185 to 187, the provisions pertaining to pedestrians and passengers may not be deemed to be traffic rules.

Chapter XIV

Crimes Against Marriage, Family, Youth and Sexual Morals

Title I

Crimes Against Marriage, Family and Youth

Bigamy

Section 192

The person who contracts a new marriage during the subsistence of his marriage, or who contracts marriage with a person living in marriage, commits a felony, and shall be punishable with imprisonment of up to three years.

Changing of Family Status

Section 193

(1) Any person who alters the family status of another person, thus in particular exchanges a child or smuggles one into another family, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment between one to five years, if the alteration of family status is perpetrated

a) by an employee of a medical or educational institution within the sphere of his occupation,

b) by a person responsible for the tutelage, guardianship or supervision of a person under the age of eighteen.

(3) If the criminal act is committed by an employee of a medical or educational institution due to negligence, such person shall be punishable for a misdemeanor offense with imprisonment of up to one year, labor in the public interest or a fine.

Changing of the Custody of a Minor

Section 194

The person who takes away a minor placed on the basis of an executable authority decision from the person with whom it has been placed by the authority, without the consent of the custodian, with the purpose of the durable changing of the custody, or keeps the minor concealed or in secret, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Endangering of a Minor

Section 195

(1) The person obliged to conduct the education, supervision of or care for a minor, who seriously violates his obligations arising from such duty, and thereby endangers the physical, intellectual or moral development of the minor, commits a felony and shall be punishable with imprisonment between one to five years.

(2) Unless a graver crime is realized, that major person shall be punishable in accordance with subsection (1), who induces or tries to induce a minor to the perpetration of a crime or to the pursuance of a dissolute way of life.

(3) Any person of legal age who has forced labor conducted by a minor commits a felony offense and shall be punishable with imprisonment between two to eight years.

Crimes with Illegal Pornographic Material

Section 195/A

(1) Any person having possession of pornographic images of a minor made by video, film or photographic equipment or by any other means is guilty of a felony punishable by imprisonment not to exceed three years.

(2) Any person who offers and/or conveys pornographic images of a minor made by video, film or photographic equipment or by any other means is guilty of a felony punishable by imprisonment not to exceed five years.

(3) Any person who produces pornographic images of a minor by video, film or photographic equipment or by any other means, and/or distributes or makes such pornographic images available to the public is guilty of a felony punishable by imprisonment between two to eight years.

(4) A person having a minor participating in a pornographic show shall be punished as set forth in Subsection (3).

(5) The person providing financial means and thus assisting in the commission of the crime defined in Subsections (3)-(4) shall be punished by imprisonment between two to eight years.

(6) For the purposes Subsections (1)-(4), pornographic picture or pornographic show is the act or display of sexuality in a gravely indecent manner of exposure specifically for arousing sexual demeanor.

Omission of Support

Section 196

(1) The person who fails to perform his obligation to support based on a legal rule and prescribed in an executable authority decision through his own fault, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(2)

(3) The punishment shall be imprisonment of up to three years for a felony, if the omission of the support exposes the entitled party to serious deprivation.

(4) The perpetrator shall not be punishable on the basis of subsections (1) and (2), and in case of subsection (3) his punishment may be mitigated without limitation, if he satisfies his obligation before the passing of the sentence of first instance.

Title II

Crimes Against Sexual Morals

Rape

Section 197

(1) A person who by violent action or direct menace against life or limb forces a woman to have sexual intercourse, or uses the incapacity of the woman for defense or for the manifestation of her will for sexual intercourse, commits a felony and shall be punishable with imprisonment between two to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if

a) the victim is under twelve years of age,

b) the victim is under the education, supervision, care or medical treatment of the perpetrator,

c) more than one person have sexual intercourse with the victim on the same occasion, knowing about each other's acts.

(3) The punishment shall be imprisonment between five to fifteen years if the provisions of Paragraph b) or c) of Subsection (2) also apply to rape committed against a victim under twelve years of age.

Assault Against Decency

Section 198

(1) A person who by violence or direct menace against life or limb forces another person to engage in sodomy or to the endurance thereof, or uses for sodomy the incapacity of another person for defense or for manifestation of will, commits a felony and shall be punishable with imprisonment between two to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if

a) the victim is under twelve years of age,

b) the victim is under the education, supervision, care or medical treatment of the perpetrator;

c) if several persons sodomize the victim on the same occasion, knowing about each other's act.

(3) The punishment shall be imprisonment between five to fifteen years if the provisions of Paragraph b) or c) of Subsection (2) also apply to the sexual assault committed against a victim under twelve years of age.

Fornication Against Nature

Section 199

Forceful Fornication Against Nature

Section 200

Seduction

Section 201

(1) The person who has sexual intercourse with a person who has not yet completed his fourteenth year, as well as the person who has completed his eighteenth year and engages in fornication with a person who has not yet exceeded his fourteenth year of age, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) That person who has completed his eighteenth year and strives to persuade a person who has not completed his fourteenth year, to have sexual intercourse or to fornicate with him, commits a felony and shall be punishable with imprisonment of up to three years.

(3) The punishment shall be imprisonment from two years to eight years, or from one year to five years, respectively, if the injured party of the crime defined in subsections (1) or (2) is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator.

Section 202

(1) The person who induces a person who has not yet completed his fourteenth year, to have sexual intercourse or to fornicate with another person, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) The person who has completed his eighteenth year and strives to persuade a person who has not yet completed his fourteenth year, to have sexual intercourse or to fornicate with another person, commits a felony, and shall be punishable with imprisonment of up to three years.

(3) The punishment shall be imprisonment from two years to eight years, or from one year to five years, respectively, if the injured party of the crime defined in subsections (1) or (2) is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator.

Incest

Section 203

(1) The person who has sexual intercourse or fornicates with his relative in direct line, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) The descendant shall not be punishable, if he has not yet completed his eighteenth year of age on perpetration of the act.

(3) A person who has sexual intercourse with his or her sibling shall be punishable for a misdemeanor offense with imprisonment of up to two years.

Prostitution

Section 204

Promotion of Prostitution

Section 205

(1) The person who makes available a building or another place for prostitution to another person, commits a felony and shall be punishable with imprisonment of up to three years.

(2) The person who maintains, heads a brothel, or makes available financial means to the functioning thereof, commits a felony and shall be punishable with imprisonment of up to five years.

(3) The punishment shall be imprisonment from two years to eight years, if

a) any person who has not yet completed his eighteenth year engages in prostitution in the brothel,

b)

(4) The person who persuades another person to engage in prostitution, shall be punishable in accordance with subsection (1).

Living on Earnings of Prostitution

Section 206

The person who lives wholly or in part on the earnings of a person engaging in prostitution, commits a felony, and shall be punishable with imprisonment of up to three years. Banishment may also take place as a supplementary punishment.

Pandering

Section 207

(1) The person who solicits another person for sexual intercourse or fornication for somebody else in order to make profit, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment from one year to five years, if the pandering is business-like.

(3) The punishment shall be imprisonment from two years to eight years, if the pandering is committed

a) to the injury of a relative of the perpetrator or of a person under his education, supervision or care or who has not yet completed his eighteenth year of age,

b) with deceipt, violence or direct menace against life or limbs.

c)

(4) The person who agrees on the perpetration of pandering defined in subsection (2) commits a felony and shall be punishable with imprisonment of up to three years.

Obscenity

Section 208

A person who exposes himself before another person in an indecent way for the satisfaction of his or her sexual desire, commits a misdemeanor, and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

Private Motion

Section 209

The crimes defined in Section 197, subsection (1), as well as Section 201, subsections (1) and (2) may only be punished on private motion, except for the case if crimes punishable not on private motion are committed in connection therewith.

Interpretative Provision

Section 210

For the purposes of Sections 197, 198 and Section 200, the person who has not yet completed his twelfth year of age shall be deemed as incapable of defence.

Section 210/A

(1) Prostitution is pursued by the person who has sexual intercourse or fornicates striving to make regular profit.

(2) For the purposes of this Title, fornication is: any gravely indecent act with the exception of sexual intercourse, which serves the stimulation or satisfaction of sexual desire.

Chapter XV

Crimes Against the Purity of State Administration, the Administration of Justice and Public Life

Title I

Crime Against the Order of the Elections, Plebiscite and Popular Initiative

Section 211

Any person who, in the course of election, plebiscite and popular initiative held under the Act on Election Procedures

a) obtains recommendation by virtue of using force, threat, fraud or financial advances in violation of the provisions of nomination procedures,

b) obtains signatures by virtue of using force, threat, fraud or financial advances in the interest of initiating a national referendum or popular initiative,

c) votes without entitlement,

d) signs without entitlement, indicates false data,

e) obstructs any voter from participating in the election or plebiscite by force, threat of force or deception, or makes any attempt to influence such person by offering financial benefits,

f) violates the secrecy of elections or of plebiscite,

g) falsifies the result of the elections, plebiscite or popular initiative,

commits a felony and shall be punishable with imprisonment of up to three years.

Title II Policing

Crimes

Abuse of the Right of Association

Section 212

212/A

The person who participates in the management of a social organization dissolved by the court, commits - unless a more serious criminal acts is realized - a misdemeanour, and shall be punishable with imprisonment up to one year, labour in the public interest or a fine.

Misdemeanour Against Press Policing

Section 213

The person who

a) manufactures or distributes an unlicensed or unregistered press product for the manufacturing or distribution of which a license or registration is required,

b) disseminates a press product whose sequestration or confiscation has been ordered, commits a misdemeanour and shall be punishable with fine.

Violation of Restriction of Entry and Stay

Section 214

Any foreign national who is subject to a restriction of entry and stay, and who enters the territory of the Republic of Hungary without permission is guilty of a misdemeanor punishable by imprisonment not to exceed one year.

Aiding in Illegal Residence

Section 214/A

(1) Any person who provides aid to a foreign national who is not a citizen of any Member State of the European Union to stay in the territory of any Member State of the European Union for financial gain is guilty of misdemeanor, unless it results in a more severe crime, punishable by up to two year's imprisonment, community service or a fine.

(2) Any person who provides aid, above and beyond what is contained in Subsection (1), to a foreign national to stay in the territory of the Republic of Hungary for financial gain shall be punishable in accordance with Subsection (1) unless it results in a more severe crime.

Damaging of Land Survey Signs

Section 215

The person who destroys, damages or removes a land survey sign, commits a misdemeanour and shall be punishable with fine.

Vandalism of Historic Monuments

Section 216

(1) Any person who vandalizes a historic monument which is in his possession, commits a felony offense and shall be punishable by imprisonment of up to three years.

(2) Any person who destroys a historic monument pursuant to Subsection (1) or causes irreparable damage to such, as a result of which such monument looses it character as a historic monument, shall be punishable by imprisonment of up to five years.

Vandalism of Cultural Goods

Section 216/A.

(1) Any person who vandalizes an object classified as a protected cultural good commits a felony offense and shall be punishable by imprisonment of up three years.

(2) Any person who destroys an object pursuant to Subsection (1) or causes irreparable damage to such shall be punishable by imprisonment of up to five years.

Illegal Use of Cultural Goods

Section 216/B.

(1) Any person who alienates objects which are considered cultural goods and belong to a protected collection or pieces belonging protected groups of objects or who fails to report changes in the ownership of protected objects which are considered cultural goods in the manner specified by law, commits a felony offense and shall be punishable by imprisonment of up to three years.

(2) Any person who, without an export permit, exports objects which are considered cultural goods and for which an export permit is required, or who exceeds the limits of an export permit shall punishable in accordance with the provisions of Subsection (1).

Unauthorized Crossing of the Frontier

Section 217

Man-smuggling

Section 218

(1) Any person who, for financial gain or advantage, provides aid to another person for crossing the state borders
a) without authorization,
b) in an unauthorized manner,
is guilty of a felony punishable by imprisonment not to exceed three years
(2) The punishment shall be imprisonment between one to five years for smuggling illegal aliens
a) for financial gain or advantage,
b) if it involves several persons.
(3) The punishment shall be imprisonment between two to eight years for smuggling illegal aliens
a) by tormenting the smuggled person,
b) in possession of firearms,
c) in a pattern of criminal profiteering.
(4) Any person involved in preparations for smuggling illegal aliens, as set forth in Subsections (1)-(3), shall be punishable for a misdemeanor offense with imprisonment of up to two years.
(5) Expulsion may also be imposed as supplementary punishment against persons engaged in the smuggling of illegal aliens.

Failure to Report

Section 219

Damaging of Frontier Sign

Section 220

The person who destroys, damages or removes a sign serving for the demarcation of state frontier, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Title III

Violation of State Secret and Service Secret

Violation of State Secret

Section 221

(1) The person
a) who obtains a state secret in an unauthorized manner,
b) uses without authorization, makes available for an incompetent person or makes unavailable for a competent person a state secret that came to his knowledge or into his possession,
commits a felony and shall be punishable with imprisonment from one year to five years.
(2) The punishment shall be

a) imprisonment from two years to eight years, if the violation of state secret is committed in respect of an especially important state secret or causing a great disadvantage

b) imprisonment from five years to fifteen years, if the state secret becomes available to an incompetent foreign person.

(3) The person who commits the violation of state secret by negligence shall be punishable for a misdemeanour with imprisonment of up to one year, in the cases of subsection (2) with imprisonment of up to two years or up to five years, in accordance with the distinction written there.

(4) The person, who perpetrates preparation for the violation of state secret defined in subsection (2), shall be punishable for a felony with imprisonment up to three years, or up to five years, in accordance with the distinction written there.

Violation of Service Secret

Section 222

(1) The person who

a) obtains without authorization a service secret,

b) uses without authorization or makes available for an incompetent person a service secret that came to his knowledge or into his possession

commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to three years for a felony, if the crime causes a grave disadvantage.

(3) The punishment shall be

a) imprisonment from one year to five years, if - as a consequence of the crime - a service secret,

b) imprisonment from two years to eight years, if - in consequence of the crime - a military service secret

becomes available to an incompetent foreign person.

Failure to Report the Violation of State Secret

Section 223

(1) The person who credibly learns that

a) the perpetration of violation of a state secret is prepared,

b) an intentional violation of state secret not yet detected has been committed,

and fails to report it to the authorities as soon as he can, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, with labour in the public interest, or fine.

(2) On the basis of subsection (1), relatives of the perpetrator shall not be punishable.

State Secret and Service Secret

Section 224

Title IV

Crimes Related to Office

Abuse of Authority

Section 225

The official person who, with the aim of causing unlawful disadvantage or obtaining unlawful advantage, breaches his official duty, transgresses his competence or otherwise misuses his official position, commits a felony, and shall be punishable with imprisonment of up to three years.

Maltreatment in Official Proceedings

Section 226

The official person who commits assault upon another person during his proceedings, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

Forced Interrogation

Section 227

The official person who - with the aim of forcing a confession or declaration - applies violence, menace, or other similar methods, commits a felony, and shall be punishable with imprisonment of up to five years.

Unauthorized Clandestine Gathering of Information

Section 227/A

(1) Any official person who performs clandestine gathering of information which is subject to authorization by a judge or by the Minister of Justice, or clandestine gathering of data during a criminal proceeding which is subject to authorization by a judge, or exceeds the scope of such authorization commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who, without proper entitlement, orders or authorizes clandestine gathering of information that is subject to authorization by a judge or by the Minister of Justice, or clandestine gathering of data during a criminal proceeding which is subject to authorization by a judge shall be punishable as set forth in Subsection (1).

(3) The punishment shall be imprisonment between two to eight years if the criminal act causes significant injury of interests.

Unlawful Detention

Section 228

(1) The official person who unlawfully deprives another person of his personal freedom, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the unlawful detention is committed

a) for a base reason or purpose,

b) with the torment of the injured party,

c) causing a grave consequence.

(3)

Violence of the Freedom of Association and of Assembly

Section 228/A

(1) The person who unlawfully impedes another person in the exercise of his right to association or assembly with violence or menace, commits a felony, and shall be punishable with imprisonment of up to three years.

(2)

Title V

Crimes Against Official Persons

Violence Against an Official Person

Section 229

(1) Any person who attempts to prevent a public official or a foreign public official in his lawful proceedings by force or by threat of force, or takes certain action, or assaults him during or because of his proceedings, is guilty of a felony punishable by imprisonment not to exceed three years.

(2) The punishment shall be imprisonment of up to five years, if the violence against an official person is committed in a group or in an armed manner.

(3) The organizer or head of the group defined in subsection (2) shall be punishable with imprisonment from two years to eight years.

(4) The person who participates in a group directed at the perpetration of violence against an official person, commits a misdemeanour and shall be punishable with imprisonment of up to two years, while the organizer and the head of the group shall be punishable for a felony with imprisonment of up to three years.

(5) The person who assaults a public official or a foreign public official because of his proceedings, shall be punished according to Subsections (1)-(4), even if the assaulted person is no longer a public official or foreign public official at the time the criminal act is committed.

(6) A participant in the group shall not be punishable on the basis of subsection (4), if he leaves the group voluntarily or upon the invitation of an authority.

Violence Against a Person Fulfilling a Public Duty

Section 230

The provisions set forth in Section 229 shall be applied for punishment in respect of a person who commits the act defined therein against a person performing public duties.

Violence Against a Person Supporting an Official Person

Section 231

The person shall be punishable in accordance with the provisions of Section 229, who perpetrates the act defined there against a person supporting or defending a person fulfilling an official or public duty.

Violence against a Person under International Protection

Section 232

(1) Any person who commits an act of assault against a person under international protection while in the domestic territory, deprives such person of his personal freedom, endangers his privacy or violates his personal freedom by, in particular, an assault on his office, private residence or means of transport is guilty of a felony and shall be punished by up to five years' imprisonment.

(2) Any person threatening to commit the crime specified in Subsection (1) is guilty of a felony and shall be punished by up to three years' imprisonment.

(3) For the purposes of this Act, a 'person under international protection' shall mean any foreign official granted diplomatic immunity by virtue of a treaty or some other form of privilege under international law.

Title VI

Crimes Against the Administration of Justice

Malicious Prosecution

Section 233

(1) The person who

a) falsely accuses another person before an authority with the perpetration of a crime,

b) makes known a forged evidence relating to a crime to the authority

commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment of up to five years, if criminal proceedings are instituted on the basis of the malicious prosecution.

(3) If the accused is sentenced on the basis of the malicious prosecution, the punishment shall be imprisonment from two years to eight years.

Section 234

The person who falsely accuses another person before an authority with the perpetration of a crime, because he does not know by negligence, that his statement of fact is untrue, or the evidence is false, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Section 235

The person who

a) falsely accuses another person with the perpetration of a minor offence before an investigating authority, the prosecutor, the court or an authority dealing with minor offences, or with the perpetration of a disciplinary misdemeanour before an investigating authority, prosecutor, court or the party exercising disciplinary authority,

b) makes known a forged evidence against another person to the authority designated in paragraph *a)*, relating to a minor offence or a disciplinary misdemeanour,

commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Section 236

(1) If proceedings have been instituted on the basis of malicious prosecution (basic affair), criminal proceedings for malicious prosecution may be instituted until the termination thereof only on the basis of a motion by the authority acting in the basic affair. Except for the case of such motion, the prescription of the malicious prosecution begins on the day of the termination of the basic affair.

(2) The punishment of the perpetrator of malicious prosecution may be mitigated without limitation, in a case deserving special appreciation, it may even be dispensed with, if he reveals the falsity of the accusation before the termination of the basic affair to the acting authority.

Misleading of Authority

Section 237

The person who makes an announcement at an authority, serving as basis for criminal proceedings, about which he knows that it is untrue - unless it is the case of Section 233 -, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Giving False Evidence

Section 238

(1) The witness who gives untruthful evidence before the court or another authority concerning an essential circumstance of an affair, or he is silent about reality, commits giving false evidence.

(2) The provisions relating to giving false evidence shall be applied to the person who

a) gives false expert opinion as an expert, or false information as special adviser,

b) falsely translates as an interpreter or a translator,

c) makes available a false document or a false material evidence in criminal or civil proceedings, apart from the case of Section 233, subsection (1), paragraph *b)*.

(3) The accused of the criminal proceedings shall not be punishable on the basis of subsection (2) paragraph *c)*.

(4) The punishment of giving false evidence committed in a criminal case shall be - for a felony - imprisonment of up to five years. If giving false evidence concerns a crime for which life imprisonment may also be inflicted, the punishment shall be imprisonment from two years to eight years.

(5) The punishment for giving false evidence committed in a civil case shall be for a felony imprisonment of up to three years, and if the subject-matter of case is an especially great pecuniary value or another especially important interest, the punishment shall be imprisonment of up to five years.

(6) The person who commits giving false evidence by negligence shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

Section 239

The person who commits giving false evidence in disciplinary, minor offence, arbitral tribunal proceedings, or the proceedings of other authorities, shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

Section 240

Until the affair, in which the giving of false evidence was committed (basic affair) is not finished, criminal proceedings for giving false evidence may only be instituted on the basis of the motion of the authority acting in the basic affair. Save for the case of such motion, the prescription of giving false evidence commences on the day of the termination of the basic affair.

Section 241

(1) That person shall not be punishable for giving false evidence

a) who would accuse himself or his relative with the perpetration of a crime in case of revealing reality,

b) who may deny giving evidence for any other reason, but was not admonished as regards this fact before being heard, or whose hearing is precluded by the law.

(2) The punishment may be mitigated without limitation, in a case deserving special appreciation even dispensed with, against a person who announces the falsity of the means of evidence provided by him to the acting authority before the non-appealable termination of the basic affair.

Subornation to Giving False Evidence

Section 242

The person who strives to persuade another person to give false evidence in criminal or civil proceedings, commits a misdemeanour, and shall be punishable with imprisonment of up to two years,

(1) Any person who attempts to persuade another person to give false testimony in a criminal case is guilty of a felony punishable by imprisonment not to exceed three years, or if committed in a civil proceeding the perpetrator is guilty of misdemeanor punishable by imprisonment not to exceed two years.

(2) Any person committing subornation of perjury in a disciplinary, infraction or arbitration case or any other judicial proceeding shall be punished by imprisonment not to exceed one year, work in community service or a fine.

Obstruction of Justice

Section 242/A

(1) Any person who attempts by force or threat of force to prevent another person in the free exercise of his lawful rights in a court or other judicial proceeding, or induces him to neglect his duties is guilty of obstruction of justice.

(2) When obstruction of justice is committed in connection with a criminal case, it is punishable by imprisonment not exceeding five years; if the criminal case involves a crime that carries a life sentence, the punishment shall be imprisonment between two to eight years.

(3) When obstruction of justice is committed in connection with a civil case or with a disciplinary, infraction or arbitration case or any other judicial proceeding, the punishment shall be imprisonment not exceeding three years, and if the subject matter of the case involves substantial value or some other great interest, the punishment shall be imprisonment not exceeding five years.

Non-disclosure of Exculpatory Circumstance

Section 243

(1) The person who fails to disclose a fact on which the acquittal of a person subject to criminal proceedings may depend, to the person, to his counsel or the authorities, commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person shall not be punishable on the basis of subsection (1)

a) who would accuse himself or his relative with the perpetration of a crime by disclosing the fact

b) whose hearing as a witness is precluded by the law.

Harbouring a Criminal

Section 244

(1) The person, who - without having agreed with the perpetrator of a crime before the perpetration -,

a) gives assistance to the perpetrator so that he escapes from the prosecution of the authority,

b) strives to frustrate the success of criminal proceedings,

c) co-operates in securing the advantage resulting from the crime,

commits a misdemeanour, and shall be punishable with imprisonment of up to one year.

(2) The person, who commits harbouring for profit-making, shall be punishable for a felony with imprisonment of up to three years.

(3) The punishment shall be for a felony imprisonment of up to five years, if the harbouring

a) is committed in connection with the violent changing of constitutional order, conspiracy against the constitutional order, riot, sabotage, high treason, treachery, assistance of the enemy, espionage, homicide [Section 166, subsections (1) and (2)], kidnapping, act of terrorism, seizure of aircraft, any means of railway, water or road transport or any means of freight transport or a military crime which is also punishable with life imprisonment,

b) is committed by an official person during his proceedings.

(4) Except for subsection (2) and subsection (3), paragraph *b)*, the person who commits the harbouring defined in subsection (1), paragraph *a)* in the interest of his relative, shall not be punishable.

Escape of Prisoner

Section 245

(1) Any person who escapes from the custody of the authority in the course of criminal proceedings or from imprisonment is guilty of a felony punishable by imprisonment not to exceed three years.

(2) Any inmate who is released from custody on the grounds of authorized interruption, leave, short leave or furlough, and fails to return in due time with the intention of evading further imprisonment is guilty of a misdemeanor punishable by imprisonment not to exceed one year, work in community service or a fine.

Riot of Prisoners

Section 246

(1) The prisoner who participates together with his fellow prisoners in an open disobediance gravely endangering the order of law enforcement, commits a felony, and shall be punishable with imprisonment from one year to five years.

(2)

a) The initiator, organiser or head of the riot of prisoners,

b) its participant, who applies violence against a person acting against the riot of prisoners

shall be punishable with imprisonment from two years to eight years.

(3) The riot of prisoners shall be punishable with imprisonment from five years to fifteen years, if the crime had particularly grave consequences.

(4) In case of subsection (1), the punishment of the person who stops opposition voluntarily or upon the appeal of the authority, may be mitigated without limitation.

(5) The person who perpetrates preparations for a riot of prisoners, shall be punishable for a felony with imprisonment of up to three years.

Abuse by Attorney-at-Law

Section 247

(1) The attorney-at-law who - with the aim of causing unlawful disadvantage to his client - violates his obligation arising from his profession, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment of up to five years, if the crime is committed for profit-making.

(3) For the purposes of this Section, attorneys-at-law are articled clerks and also any other persons entitled to legal representation due to their occupation.

Pettifoggery

Section 248

(1) Any person who unlawfully performs attorney, legal counsel or notary services in a pattern of criminal profiteering is guilty of a misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.

(2) Any person who commits pettifoggery by pretending to have proper authorization to engage in attorney, legal counsel or notary services is guilty of a felony and shall be punished by imprisonment not to exceed three years.

Breaking of Seals

Section 249

(1) The person who removes or damages the seal applied for confiscation, seizure or sequestration ordered in the course of an official proceeding, or opens the sealed-off premises serving for the custody of confiscated, seized or sequestered item, is guilty of a misdemeanor punishable by imprisonment not to exceed one year, work in community service or a fine.

(2) Any person who conceals a confiscated, seized or sequestered item from execution is guilty of a misdemeanor punishable by imprisonment not to exceed two years, work in community service, or fine.

(3) The person who commits the criminal act defined in Subsection (2) shall not be punished if he returns the item in question undamaged to the acting authority before the indictment is filed.

Obstruction of Judicial Execution

Section 249/A

(1) Any person who was fined for contempt in the course of judicial execution and continues the conduct for which the fine was imposed, or fails to comply with his obligation prescribed by law in connection with the execution proceeding, other than the obligation contained in the executable document, is guilty of a misdemeanor punishable by imprisonment not to exceed one year, work in community service or a fine.

(2) The perpetrator shall not be punished if he complies with his obligation in connection with the execution proceeding before the indictment is filed.

Obstruction of Justice in International Court

Section 249/B

The provisions of Sections 233, 234, 236-238, and Sections 240-244 shall apply when the acts defined therein are committed in the course of or in connection with proceedings of an international criminal court installed under international convention promulgated by an act, or under a statutory resolution adopted by the United Nations Security Council, or by the Court of the European Communities.

Title VII

Crimes Against the Purity of Public Life

Bribery

Section 250

(1) Any public official who requests an unlawful advantage in connection with his actions in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage, is guilty of a felony punishable by imprisonment between one to five years.

(2) The punishment shall be imprisonment between two to eight years if the crime is committed

a) by a public official in a high office, or by one entrusted to take measures in important affairs,

b) by another public official in an important matter of great importance.

(3) The perpetrator shall be punished by imprisonment between two to eight years, or between five to ten years in accordance with the distinction contained in Subsections (1) and (2), if he breaches his official duty in exchange for unlawful advantage, exceeds his competence or otherwise abuses his official position, or if he commits the act in criminal conspiracy or in a pattern of criminal profiteering.

Section 251

(1) Any employee or member of a budgetary agency, economic organization or non-governmental organization who requests an unlawful advantage in connection with his actions in an official capacity, accepts such advantage or a promise in exchange for violating his responsibilities or agrees with the party requesting or accepting the advantage is guilty of a misdemeanor punishable by up to two years' imprisonment.

(2) Any person who breaches his official duty in exchange for unlawful advantage is guilty of felony punishable by imprisonment between one to five years, or between two to eight years if the breach involves a matter of greater importance or if committed in criminal conspiracy or in a pattern of criminal profiteering.

Section 252

(1) Any employee or member who is authorized to act in the name and on behalf of a budgetary agency, economic organization or non-governmental organization, who requests an unlawful advantage in connection with his actions in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage, is guilty of a felony punishable by imprisonment between one to five years.

(2) Any person who breaches his official duty in exchange for unlawful advantage may be punished by imprisonment between two to eight years.

(3) The punishment shall be imprisonment between five to ten years

a) if the breach involves a matter of greater importance,

b) if committed in criminal conspiracy or in a pattern of criminal profiteering.

Section 253

(1) Any person who gives or promises unlawful advantage to a public official or to another person on account of such official's actions in an official capacity is guilty of a felony punishable by imprisonment not to exceed three years.

(2) The person committing bribery shall be punished for a felony by imprisonment between one to five years, if he gives or promises the advantage to a public official to induce him to breach his official duty, exceed his competence or otherwise abuse his official position.

(3) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished according to Subsection (1), if the member or employee of the business association commits the criminal act defined in Subsections (1) and (2) for the benefit of the business association, and the criminal act could have been prevented had he properly fulfilled his control or supervisory obligations.

(4) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished for misdemeanor by imprisonment not to exceed two years, work in community service or a fine, if the criminal act defined in Subsection (3) is committed involuntarily.

Section 254

(1) Any person who gives or promises unlawful advantage to an employee or member of a budgetary agency, economic organization or non-governmental organization, or to another person on account of such employee or member, to induce him to breach his duties is guilty of a misdemeanor punishable by imprisonment not to exceed two years.

(2) The punishment shall be imprisonment not to exceed three years if the unlawful advantage is given or promised to an employee or member who is authorized to act in the name and on behalf of a budgetary agency, economic organization or non-governmental organization.

Section 255

(1) Any person who gives unlawful advantage to another person, or to a third person on account of such person, to induce him to refrain from exercising his lawful rights in a court or other judicial proceeding, or to induce him to neglect his duties is guilty of felony and may be punished by imprisonment not to exceed three years.

(2) Any person who accepts unlawful advantage so as to refrain from exercising his lawful rights in a court or other judicial proceeding, or to neglect his duties shall be punished according to Subsection (1).

Section 255/A

(1) The perpetrator of a criminal act defined in Subsections (1) and (2) of Section 250, Subsection (1) of Section 251, Subsection (1) of Section 252, and Subsection (2) of Section 255 shall be exonerated from punishment if he confesses the act to the authorities first hand, surrenders the obtained unlawful financial advantage in any form to the authorities, and reveals the circumstances of the criminal act.

(2) The perpetrator of a criminal act defined in Section 253, Section 254, and Subsection (1) of Section 255 shall be exonerated from punishment if he confesses the act to the authorities first hand and reveals the circumstances of the criminal act.

Failure to Report Bribery

Section 255/B

(1) Any public official who has learned from credible sources of an act of bribery (Sections 250-255 of the Criminal Code) yet undetected, and he fails to report it to the authorities at the earliest possible time is guilty of misdemeanor and may be punished by imprisonment not to exceed two years, work in community service or a fine.

(2) The close relative of the perpetrator cannot be punished pursuant to Subsection (1).

Trafficking in Influence

Section 256

(1) Any person who - purporting to influence a public official - requests or accepts an unlawful advantage for himself or on behalf of another person is guilty of a felony punishable by imprisonment between one to five years.

(2) The punishment shall be imprisonment between two to eight years if the perpetrator

a) purports to or pretends that he is bribing a public official,

b) pretends to be a public official,

c) commits the crime in a pattern of criminal profiteering.

(3) Any person who commits the crime defined in Subsection (1)

a) in connection with an employee or member of an economic organization or non-governmental organization is guilty of misdemeanor and may be punished by imprisonment not to exceed two years,

b) in connection with an employee or member who is authorized to act in the name and on behalf of an economic organization or non-governmental organization is guilty of felony and may be punished by imprisonment not to exceed three years,.

(4) Any person who commits the crime defined in Subsection (3) in a pattern of criminal profiteering is guilty of a felony punishable by imprisonment not to exceed three years, or between one to five years, as consistent with the categories specified therein.

Persecution of a Conveyor of an Announcement of Public Concern

Section 257

Any person who takes any detrimental action against a person who has made an announcement of public concern is guilty of a misdemeanor and may be punished by imprisonment not to exceed two years, work in community service or a fine.

Confiscation

Section 258

Interpretative Provision

Section 258/A

For the purposes of this Title

1.

2. violation of duty shall also be the fulfilment of a duty bound to the granting of a favour.

Title VIII

CRIMES AGAINST THE PROPRIETY OF INTERNATIONAL AFFAIRS

Bribery in International Relations

Section 258/B

(1) Any person who gives or promises unlawful advantage to a public official of another country, or to a third person on account of such public official, in connection with his actions in an official capacity is guilty of a misdemeanor punishable by imprisonment not to exceed three years.

(2) The person committing bribery shall be punished by imprisonment between one to five years, if he gives or promises the unlawful advantage to a foreign public official to induce him to breach his official duty, exceed his competence or otherwise abuse his official position.

(3) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished according to Subsection (1), if the member or employee of the business association commits the criminal act defined in Subsections (1) and (2) for the benefit of the business association, and the criminal act could have been prevented had he properly fulfilled his control or supervisory obligations.

(4) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished for misdemeanor by imprisonment not to exceed two years, work in community service or a fine, if the criminal act defined in Subsection (3) is committed involuntarily.

Section 258/C

(1) Any person who gives or promises unlawful advantage to an employee or member of a foreign business association, or to another person on account of such employee or member, to induce him to breach his duties is guilty of a misdemeanor punishable by imprisonment not to exceed two years.

(2) The punishment shall be imprisonment not exceeding three years if the unlawful advantage is given or promised to an employee or member who is authorized to act in the name and on behalf of a foreign business association.

Section 258/D

(1) Any foreign public official who requests an unlawful advantage in connection with his actions in an official capacity, or accepts such advantage or a promise thereof, or agrees with the party requesting or accepting the advantage, is guilty of a felony and shall be punished by imprisonment between one to five years.

(2) The perpetrator shall be punished by imprisonment between two to eight years, if he breaches his official duty in exchange for unlawful advantage, exceeds his competence or otherwise abuses his official position, or if he commits the act in criminal conspiracy or in a pattern of criminal profiteering.

Profiteering with Influence in International Relations

Section 258/E

Any person who - purporting to influence a foreign public official - requests or accepts an unlawful advantage for himself or on behalf of another person is guilty of a felony punishable by imprisonment not to exceed five years.

Interpretative Provisions

Section 258/F

For the purposes of this Title

1.

2. foreign economic organization shall mean organizations functioning as an artificial person according to its personal law, which is entitled to perform economic activities in its prevailing organizational form.

Chapter XVI

Crimes against Law and Order

Title I

Crimes against Public Security

Causing Public Danger

Section 259

(1) The person who creates public danger by causing flood, by inducing the destructive effect of an explosive, radiating or other substance, energy or fire, or impedes the prevention of public danger or the mitigation of its consequences, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if the crime is committed

a) as part of a criminal conspiracy,

b) causes particularly considerable or greater pecuniary injury.

(3) The punishment shall be imprisonment between five to fifteen years, or life imprisonment if the causing of public danger results in the death of one or more persons.

(4) A person who causes public danger by negligence, shall be punishable for a misdemeanor offense by imprisonment of up to three years, or, if such offense causes particularly considerable or greater pecuniary injury, up to five years, or, if such offense results in the death of one or more persons, between two to eight years.

(5) The person who commits preparation for causing public danger, shall be punishable for a felony with imprisonment of up to three years.

(6) The punishment of the person who voluntarily terminates the public danger before any damaging consequence has arisen therefrom, may be mitigated without limitation.

Interference with the Functioning of Works of Public Concern

Section 260

(1) The person who considerably interferes with the functioning of works of public concern by damaging its equipment, cables or in any other way, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment between two to eight years, if the crime is committed as part of criminal conspiracy, or by imprisonment between five to fifteen years, if it causes particularly considerable or greater pecuniary injury.

(3) A person who commits the crime by negligence shall be punishable for a misdemeanor offense by imprisonment of up to three years, or, if it causes particularly considerable pecuniary injury or greater, by imprisonment of up to five years.

(4) For the purposes of this Section, public works are the public utilities, the public transportation works of public traffic, the telecommunication works, as well as plants producing war material, energy or basic material destined for utilization in production.

Acts of Terrorism

Section 261

(1) Any person who commits a violent crime against one of the persons referred to in Subsection (9) or commits a crime that endangers the public or involves the use of a firearm in order to

a) coerce a government agency, another state or an international body into doing, not doing or countenancing something,

b) intimidate the general public,

c) conspire to change or disrupt the constitutional, economic or social order of another state, or to disrupt the operation of an international organization,

is guilty of a felony punishable by ten to fifteen years' imprisonment or life imprisonment.

(2) Any person who seizes considerable assets or property for the purpose defined in Paragraph *a)* and makes demands to government agencies or non-governmental organizations in exchange for refraining from harming or injuring said assets and property or for returning them shall be punishable according to Subsection (1).

(3) The punishment of any person who

a) abandons commission of the criminal act defined under Subsections (1) and (2) before any grave consequences are able to materialize and

b) confesses his conduct to the authorities

in such a manner as to cooperate with the authorities to prevent or mitigate the consequences of such criminal act, apprehend other coactors, and prevent other criminal acts may be reduced in any extent.

(4) Any person engaged in plotting or making preparations for any of the criminal acts defined under Subsections (1) and (2) is guilty of a felony and shall be punished by five to ten years' imprisonment.

(5) Any person who instigates, suggests, offers, joins or collaborates in the commission of any of the criminal acts defined under Subsections (1) and (2) in a terrorist group or any person who is involved in aiding and abetting such criminal conduct by providing any of the means intended for use in such activities or by providing or raising funds to finance the activities or support the terrorist group in any other form is guilty of a felony and shall be punished by five to fifteen years' imprisonment.

(6) The perpetrator of a criminal act defined in Subsection (5) shall avoid punishment if he confesses the act to the authorities before they become aware of it and reveals the circumstances of the criminal act.

(7) Any person threatening to commit the crimes specified in Subsections (1) and (2) is guilty of a felony and shall be punished by two to eight years' imprisonment.

(8) Any person who is in possession of reliable information concerning plans for a terrorist act and fails to report it to the authorities at his earliest convenience is guilty of a felony and shall be punished by up to three years' imprisonment.

(9) For the purposes of this Section

a) 'violent crime against a person and crime of public endangerment that involves the use of firearms' shall mean homicide [Subsections (1) and (2) of Section 166], battery [Subsections (1)-(5) of Section 170], willful malpractice [Subsection (3) of Section 171], violation of personal freedom (Section 175), kidnapping (Section 175/A), crime against the safety of traffic [Subsections (1) and (2) of Section 184], endangering railway, air or water traffic [Subsections (1) and (2) of Section 185], violence against public officials (Section 229), violence against persons performing public duties (Section 230), violence against a supporter of a public official (Section 231), violence against a person under international protection (Section 232), public endangerment [Subsections (1)-(3) of Section 259], interference with public utilities [Subsections (1) and (2) of Section 260], seizure of an aircraft, any means of railway, water or road transport or any means of freight transport (Section 262), criminal misuse of explosives or explosive devices (Section 263), criminal misuse of firearms or ammunition [Subsections (1)-(3) of Section 263/A], arms smuggling (Section 263/B), criminal misuse of radioactive materials [Subsections (1)-(3) of Section 264], criminal misuse of weapons prohibited by treaty [Subsections (1)-(3) of Section 264/C], crimes against computer systems and computer data (Section 300/C), vandalism (Section 324) and robbery (Section 321),

b) 'terrorist group' shall mean a group consisting of three or more persons operating in accord for an extended period of time whose aim is to commit the crimes defined in Subsections (1) and (2).

Violation of a Duty Based on International Law

Section 261/A

(1) The person who violates an economic, commercial or financial prohibition pronounced on the basis of an international law obligation of the Republic of Hungary, if a separate Act orders the punishment of the violation of the prohibition, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the violation of an international law duty is committed

a) with violence;

b) in the quality of an official person.

(3) The punishment shall be imprisonment from five years to ten years, if the violation of an international law duty is committed

a) in connection with the trade of fire arms, ammunition, explosives, blasting-agent or an apparatus serving for the utilization thereof, or of any product designed for military utilization;

b) in an armed manner.

(4) The person who perpetrates the preparation of the violation of an international law duty, shall be punishable for a felony with imprisonment of up to three years.

(5) The person who credibly learns that the violation of an international law duty is prepared and fails to report that to the authorities as soon as he can, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

Seizure of Aircraft, any Means of Railway, Water or Road Transport or any Means of Freight Transport

Section 262

(1) Any person who seizes control of an aircraft, any means of railway, water or road transport or any means of freight transport by force or threat or by disabling another person by rendering him unconscious or incapable of self-defense is guilty of a felony and shall be punished by five to ten years' imprisonment.

(2) The punishment shall be ten to fifteen years' imprisonment or life imprisonment if the above-specified criminal conduct results in the death of one or more persons.

(3) Any person engaged in preparations for the seizure of an aircraft, any means of railway, water or road transport or any means of freight transport is guilty of a felony and shall be punished by two to eight years' imprisonment.

(4) The punishment of any person who abandons commission of a criminal act before any grave consequences are able to materialize may be reduced in any extent.

Misuse of Explosive or Blasting-agent

Section 263

(1) Any person who prepares, obtains, possesses or transfers to a person not entitled to possess explosives or blasting-agents, or equipment for the use of such, without authorization, commits a felony offense and shall be punishable with imprisonment between two to eight years.

(2) Any person who commits the act described in Subsection (1)

a) in a business-like manner,

b) as part of a criminal conspiracy,

shall be punishable with imprisonment between five to ten years.

(3) Any person who commits the act described in Subsection (1)

a)

b) as a qualified recidivist,

shall be punishable with imprisonment between five to fifteen years.

(4) In respect of qualified recidivism, the following shall be construed as crimes of similar nature:

a) criminal misuse of firearms and ammunition (Section 263/A), arms smuggling (Section 263/B), criminal misuse of weapons prohibited by international treaty (Section 264/C),

b) violent acts against members of national, ethnic, racial or religious groups, armed kidnapping and breaking and entering [Paragraph a) of Subsection (2) of Section 174/B, Paragraph b) of Subsection (2) of Section 175/A, Paragraph b) of Subsection (2) and Subsections (3)-(4) of Section 176], causing public danger [Subsection (1)-(3) of Section 259], aggravated cases of breaching international legal obligation [Subsection (3) of Section 261/A], criminal misuse of radioactive materials (Section 264),

c)

Misuse of Fire Arms or Ammunition

Section 263/A

(1) Any person who

a) prepares, obtains, possesses or distributes firearms or ammunition without a license,

b) exceeds the provisions of the license relating to the preparation, obtaining, possession of or trade in firearms or ammunition,

c) transfers his firearm or ammunition kept under license to a person who has no license;

commits a felony offense and shall be punishable with imprisonment between two to eight years.

(2) Any person who commits the act described in Subsection (1)

a) in a business-like manner,

b) as part of a criminal conspiracy,

shall be punishable with imprisonment between five to ten years.

(3) Any person who commits the act described in Subsection (1)

a)

b) as a qualified recidivist,

shall be punishable with imprisonment between five to ten years.

(4) Any person who

a) transfers a small quantity of ammunition kept for his licensed sidearm, hunting gun or sporting gun to a person with no license for such,

b) obtains or possesses a small quantity of ammunition for his hunting gun or sporting gun without proper authorization,

c) obtains or possesses a small quantity of ammunition supplied for his service sidearm or for a sidearm issued for training purposes for enlisted personnel serving in the armed forces, or transfers such ammunition to a person with no license or proper authorization for such,

commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

(5) In respect of qualified recidivism, the following shall be construed as crimes of similar nature:

a) criminal misuse of explosives and blasting-agents (Section 263), arms smuggling (Section 263/B), criminal misuse of weapons prohibited by international treaty (Section 264/C),

b) violent acts against members of national, ethnic, racial or religious groups, armed kidnapping and breaking and entering [Paragraph a) of Subsection (2) of Section 174/B, Paragraph b) of Subsection (2) of Section 175/A, Paragraph b) of Subsection (2) and Subsections (3)-(4) of Section 176], causing public danger [Subsection (1)-(3) of Section 259], aggravated cases of breaching international legal obligation [Subsection (3) of Section 261/A], criminal misuse of radioactive materials (Section 264),

c) criminal misuse of narcotic drugs, robbery, use of a vehicle without authority, escape and armed acts of violence against a superior or a law enforcement officer [Paragraph a) of Subsection (3) and Paragraphs b)-c) of Subsection (4) of Section 321, Subsection (3) of Section 327, Paragraph a) of Subsection (2) and Subsections (4)-(5) of Section 343, Paragraph a) of Subsection (2) of Section 355], and destruction of property by the use of explosives or blasting-agents [Paragraph c) of Subsection (4) of Section 324].

Gun-running

Section 263/B

(1) Any person who imports to, exports from or transports through the territory of Hungary firearms, ammunition explosive, blasting-agent or equipment serving for the use of such, without license, or by superseding the scope of the license, commits a felony offense and shall be punishable with imprisonment between five to ten years.

(2) The punishment shall be imprisonment between five to fifteen years if the criminal act described in Subsection (1) is committed

a) in a business-like manner,

b) as part of a criminal conspiracy.

(3) Any person who commits the act described in Subsection (1)

a)

b) as a qualified recidivist,

shall be punishable with imprisonment between ten to fifteen years or with life imprisonment.

(4) In respect of qualified recidivism, the following shall be construed as crimes of similar nature:

a) criminal misuse of explosives and blasting-agents (Section 263), criminal misuse of firearms or ammunition (Section 263/A), criminal misuse of weapons prohibited by international treaty (Section 264/C),

b) violent acts against members of national, ethnic, racial or religious groups, armed kidnapping and breaking and entering [Paragraph a) of Subsection (2) of Section 174/B, Paragraph b) of Subsection (2) of Section 175/A, Paragraph b) of Subsection (2) and Subsections (3)-(4) of Section 176], causing public danger [Subsection (1)-(3) of Section 259], aggravated cases of breaching international legal obligation [Subsection (3) of Section 261/A], criminal misuse of radioactive materials (Section 264),

c) criminal misuse of narcotic drugs, robbery, use of vehicle without authority, escape and armed acts of violence against a superior or a law enforcement officer [Paragraph a) of Subsection (3) and Paragraphs b)-c) of Subsection (4) of Section 321, Subsection (3) of Section 327, Paragraph a) of Subsection (2) and Subsections (4)-(5) of Section 343, Paragraph a) of Subsection (2) of Section 355], and destruction of property by the use of explosives or blasting-agents [Paragraph c) of Subsection (4) of Section 324].

(5) Any person involved in the preparation of arms smuggling shall be punishable for a felony offense with imprisonment of up to three years.

Partnership in a Criminal Organization

Section 263/C

(1) Any person who instigates, suggests or offers, or joins or collaborates to engage in criminal activities in an organization, or who provides the means intended to be used for such activities, or supports the activities of the criminal organization in any other manner is guilty of felony punishable by imprisonment not to exceed five years.

(2) Any person who confesses the criminal act to the authorities first hand and reveals the circumstances of commission shall be exonerated from punishment on the grounds of his partnership in a criminal organization.

Misuse of radioactive substance

Section 264

(1) The person who - without a licence - produces, obtains, keeps, distributes, processes or otherwise uses a radioactive substance or product dangerous to health or the environment, transfers it to a person not entitled to keep it, commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person who produces, stores, transports or places a radioactive substance by infringing an obligation prescribed in a legal rule, shall be punishable according to subsection (1).

(3) The person who commits the crime defined in subsections (1) and (2) as a part of criminal conspiracy shall be punishable with imprisonment from two years to eight years.

(4) The person who commits the acts described in subsection (2) through negligence shall be punishable for misdemeanour with imprisonment of up to two years.

Misuse of the Operation of Nuclear Facilities

Section 264/A

(1) The person who - without the licence defined in a legal rule or differently from the licence - operates a nuclear facility, commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person who commits the crime defined in subsection (1) as a part of criminal conspiracy shall be punishable with imprisonment from two years to eight years.

Misuse of the Application of Nuclear Energy

Section 264/B

(1) The person who - in order to obtain a licence defined in a legal rule for the utilization of nuclear energy - misleads the organ or person entitled to decision-making commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person who fails to perform his obligation of reporting in connection with the application of nuclear energy as prescribed in a legal rule, shall be punishable with imprisonment of up to three years.

Criminal Misuse of Weapons Prohibited by International Treaty

Section 264/C.

(1) Any person who develops, manufactures, obtains, uses or possesses weapons prohibited by international treaty, or transfers such to a person without the appropriate license, imports, exports or transports such through the territory of Hungary, or is engaged in the illicit trafficking of such, commits a felony offense and shall be punishable with imprisonment between five to fifteen years.

(2) Any person who constructs or operates a facility for the production of weapons prohibited by international treaty without being licensed as prescribed by law, or in derogation from the scope of such license, or converts an existing facility for the production of such weapons, or misleads the organization or person vested with authority in respect of the licensing of the operation of such facility as prescribed by law, shall be punishable as set forth in Subsection (1).

(3) Any person who commits the act described in Subsections (1)-(2)

a) as part of a criminal organization,

b) as a qualified recidivist,

shall be punishable with imprisonment between ten to fifteen years or with life imprisonment.

(4) Any person who commits the act described in Subsection (2) by negligence shall be punishable for a misdemeanor offense with imprisonment of up to two years

(5) For the purposes of Subsections (1)-(2) the weapons specified by the legal regulations listed under Subsection (3) of Section 160/A shall be construed as weapons prohibited by international treaty.

(6) In respect of qualified recidivism, the following shall be construed as crimes of similar nature:

a) criminal misuse of explosives and blasting-agents (Section 263), criminal misuse of firearms and ammunition (Section 263/A), arms smuggling (Section 263/B),

b) violent acts against members of national, ethnic, racial or religious groups, armed kidnapping and breaking and entering [Paragraph a) of Subsection (2) of Section 174/B, Paragraph b) of Subsection (2) of Section 175/A, Paragraph b) of Subsection (2) and Subsections (3)-(4) of Section 176], causing public danger [Subsection (1)-(3) of Section 259], aggravated cases of breaching international legal obligation [Subsection (3) of Section 261/A], criminal misuse of radioactive materials (Section 264),

c) criminal misuse of narcotic drugs, robbery, use of a vehicle without authority, escape and armed acts of violence against a superior or a law enforcement officer committed [Paragraph a) of Subsection (3) and Paragraphs b)-c) of Subsection (4) of Section 321, Subsection (3) of Section 327, Paragraph a) of Subsection (2) and Subsections (4)-(5) of Section 343, Paragraph a) of Subsection (2) of Section 355], and destruction of property by the use of explosives or blasting-agents [Paragraph c) of Subsection (4) of Section 324].

(7) Any person involved in the preparation for the criminal misuse of weapons prohibited by international treaty shall be punishable for a felony offense with imprisonment of up to five years.

Misuse of Poison

Section 265

The person who - without a licence - prepares, keeps, or distributes poison, or who omits to take the measures prescribed for impeding the misuse-like utilization of poisons or for excluding the jeopardizing of other persons, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Violation of liabilities relating to the keeping of dangerous dogs

Section 266

(1) Those

a) breeding, importing or exporting dangerous dogs to or from the territory of Hungary,

b) alienating or acquiring dangerous dogs by violating a rule of law,

c) violating liabilities contained in rules of law, relating to the castration of dangerous dogs,

d) violating security specifications contained in rules of law relating to the keeping of dangerous dogs, commit an offence and shall be punishable with a term of imprisonment of up to two years.

(2) Those keeping or training dangerous dogs to perform guarding and offensive tasks, and/or allowing dangerous dogs to perform such tasks, commit a crime and shall be punishable with a term of imprisonment of up to three years.

(3) For the purposes of subsections (1) and (2) dangerous dogs are dogs declared dangerous by law, by government-decree on the basis of a mandate received from law as well as by authority decree".

Organisation of prohibited animal fights

Section 266/A

(1) Any person involved in the organization of fights using vertebrate animals, or in betting on such animal fight, is guilty of a felony punishable by up to three years' imprisonment.

(2) Any person involved in breeding, training, keeping or trafficking of vertebrate animals for the purpose of fights is guilty of misdemeanor punishable by up to two years' imprisonment.

Cruelty to Animals

Section 266/B.

(1) Any person

a) who is engaged in the unjustified abuse or mistreatment of vertebrate animals resulting in permanent damage to the animal's health or in the animal's destruction,

b) who abandons, dispossess or expels a domesticated mammal or a dangerous animal raised in a human environment,

is guilty of misdemeanor punishable by up to two years' imprisonment, community service or a fine.

(2) Any person who is engaged in hunting or fishing using implements and methods forbidden by the Act on Hunting and in the Act on Fishing, respectively, shall be punishable in accordance with Subsection (1).

Organizing Prohibited Gambling

Section 267

The person who organizes prohibited gambling on a regular basis, or makes available premises for this purpose, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine. Banishment may also take place as supplementary punishment.

Title II

Crimes Against Public Peace

Incitement Against a Law or a Measure of Authority

Section 268

The person who - before great publicity - incites to general disobedience against an Act or another legal rule or the measure of an authority in a way suitable for disturbing public peace, commits a felony, and shall be punishable with imprisonment of up to three years.

Incitement Against a Community

Section 269

A person who incites to hatred before the general public against
a) the Hungarian nation,
b) any national, ethnic, racial group or certain groups of the population, shall be punishable for a felony offense with imprisonment up to three years.

Violation of National Symbol

Section 269/A

The person who - before great publicity - uses an expression outraging or humiliating the national anthem, the flag or the coat of arms of the Republic of Hungary, or commits any other similar act, unless a graver crime is realized, shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

Use of Symbols of Despotism

Section 269/B

(1) The person who
a) distributes;
b) uses before great publicity;
c) exhibits in public;
a swastika, the SS sign, an arrow-cross, sickle and hammer, a five-pointed red star or a symbol depicting the above, - unless a graver crime is realized - commits a misdemeanour, and shall be punishable with fine.

(2) The person, who commits the act defined in subsection (1) for the purposes of the dissemination of knowledge, education, science, or art, or with the purpose of information about the events of history or the present time, shall not be punishable.

(3) The provisions of subsections (1) and (2) do not extend to the official symbols of states in force.

(4)

Scare-mongering

Section 270

Any conduct of uttering or publishing a statement one knows to be false or with a reckless disregard for its truth or falsity in the place of some emergency by which to violate public order or disturb the public tranquility shall be construed a felony offense and shall be punishable by imprisonment of up to three years.

Menacing with Public Danger

Section 270/A

(1) A person who, in the presence of others, states such an untrue fact suitable for disturbing public peace, that there is a menace of the occurrence of an event involving public danger, commits a misdemeanor and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) The punishment for felony shall be imprisonment of up to three years, if the crime described in subsection (1) is committed by threatening with a radioactive substance.

(3) In the case of subsection (1), the punishment shall be imprisonment of up to three years, in case of subsection (2) imprisonment up to five years, if threatening with public danger has gravely disturbed the public peace.

Rowdyism

Section 271

(1) The person who displays such a ostensively anti-communal, violent conduct, which is suitable for inducing indignation or alarm in other people, - unless a graver crime is realized - commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(2) The punishment shall be for felony imprisonment of up to three years, if the rowdyism is committed

a) in group,

b) gravely disturbing public peace.

(3) Banishment may also take place as supplementary punishment.

Disorderly conduct

Section 271/A

(1) Any conduct of violent or intimidating resistance against the actions of security officers to maintain order in a public event, if it does not result in a more serious criminal act, shall be construed as a misdemeanor offense and shall be punishable with imprisonment of up to two years, work in community service, or a fine.

(2) The punishment shall be imprisonment of up to three years for disorderly conduct committed in groups or with any weapon.

(3) As auxiliary punishment, a permanent injunction may also be ordered.

(4) For the purposes of this Section 'public event' shall mean an event as defined in the Act On the Right of Assembly as well as cultural and sports events that are open to the public without discrimination.

Violation of Public Decency

Section 272

A person who gravely violates the regulations governing the distribution of sexual goods, commits a misdemeanor and shall be punishable with imprisonment of up to one year, labor in the public interest, or a fine.

Taking the Law into One's Own Hands

Section 273

(1) A person who with violence or threat, with the purpose of enforcing his lawful or allegedly lawful pecuniary demand, forces another person to do, not to do, or to endure something, commits a felony, and shall be punishable with imprisonment between one to five years.

(2) Taking the law into one's own hands shall not be realized, if the application of violence or menace is the authorized means of the enforcement of the demand.

Confiscation

Section 273/A

Title III

Crime Against Public Confidence

Forgery of Official Documents

Section 274

(1) The person who

a) prepares a forged official document or falsifies the contents of an official document,

b) uses a fake or forged official document or an official document issued under the name of somebody else,

c) co-operates in the inclusion of untrue data, facts or declarations in an official document regarding the existence, changing or termination of a right or obligation, commits a felony and shall be punishable with imprisonment of up to three years.

(2) The person who is engaged in the preparation for the forging of official documents as defined in Paragraphs *a)* or *b)* of Subsection (1) is guilty of misdemeanor punishable by imprisonment not to exceed one year, work in community service, or a fine.

(3) The person who performs the forging of official documents defined in subsection (1), paragraph *c)* by negligence, shall be punishable for a misdemeanour with fine.

Section 275

The official person who - abusing his official competence -
a) prepares a forged official document or falsifies the contents of an official document,
b) includes falsely an essential fact in an official document,
commits a felony, and shall be punishable with imprisonment of up to five years.

Forgery of a Private Document

Section 276

The person who uses a fake, forged private document or a private document with untrue contents for providing evidence for the existence, changing or termination of a right or obligation, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Abuse of Document

Section 277

(1) The person who unlawfully acquires an official document or a document which is not or not exclusively his own, from another person without the latter's consent, or destroys, damages or conceals the same, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.
(2) A person who perpetrates the act defined in Subsection (1) in respect of a private document in order to gain unlawful advantage or to cause unlawful disadvantage shall be punishable for misdemeanor offense by imprisonment of up to one year, labor in the public interest, or fine.

Counterfeiting of Individual Identification Marks

Section 277/A.

(1) Any person who
a) removes, or counterfeits in some other way, an individual identification mark,
b) acquires or uses an article whose individual identification mark is counterfeit or forged, or whose individual identification mark has been removed,
commits a felony offense and shall be punishable with imprisonment of up to three years.
(2) The punishment shall be imprisonment of up to five years if the crime described in Subsection (1) is committed
a) in a business-like manner, or
b) as part of a criminal conspiracy.
(3)

Supply of False Statistical Data

Section 278

The person who supplies untrue statistical data or gives untrue information in connection with data supply, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Title IV

Crimes Against Public Health

Misuse of Noxious Articles of Public Consumption

Section 279

(1) The person who prepares or keeps such article for public consumption with the purpose of distribution, which is noxious for health, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The person who distributes noxious articles for public consumption, commits a felony, and shall be punishable for imprisonment of up to three years.

(3) The person, who commits the crime defined in subsection (2) by negligence, shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

Damaging of the Environment

Section 280

(1) The person who damages the environment or any component thereof or displays - infringing his obligation stipulated in a legal rule or official decision - a conduct which is capable of damaging the environment or any element thereof commits a felony and shall be punishable with imprisonment of up to three years.

(2) The person who considerably pollutes the environment or any component of the environment or displays - infringing his obligation stipulated in a legal rule or official decision - a conduct capable of polluting the environment or any component thereof shall be punishable in accordance with subsection (1).

(3) The punishment shall be imprisonment of up to five years, if the crime described in subsection (1) causes considerable damage, or is capable of considerably damaging the environment or any component thereof.

(4) The punishment shall be imprisonment from two years to eight years, if the crime damages the environment or any component thereof to such an extent that the natural or earlier state of the environment or environmental component cannot be restored.

(5) The person who commits the damaging of the environment through negligence shall be punishable for misdemeanour in case of subsections (1) to (3) with imprisonment of up to two years, in case of subsection (4) with imprisonment of up to three years.

Damaging of Nature

Section 281

(1) Any person

a) who unlawfully obtains, possesses, distributes, imports, exports, is engaged in the trafficking of or destroys

1. a living organism,
2. a specie of a living organism in any form or stage of development,
3. a living organism created by the hybridizing of different species,
4. a progeny of a living organism,

falling under the scope of international treaty or placed under special protection,

b) or unlawfully and significantly alters

1. a nature preservation area,
2. the protected habitat of living organisms,
3. a protected cave,

commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment of up to five years, if

a) the damage inflicted to nature as set forth in Paragraph a) of Subsection (1) results in the mass destruction of living organisms,

b) the damage inflicted to the natural areas as set forth in Paragraph b) of Subsection (1) results in the irreversible damaging or destruction of the nature preservation area, the habitat of living organisms or the cave.

Unlawful Deposition of Waste Hazardous to the Environment

Section 281/A

The person who - without a licence defined in a legal rule or infringing the obligation stipulated in a legal rule or executable official decision - collects, stores, handles, deposits or transports any waste containing a substance capable of

a) endangering human life, physical safety, health,

b) polluting water, air, soil or causing permanent changes therein,

c) endangering animals or plants,

commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person who deposits - without a licence defined in the legal rule - any waste containing materials that are explosive, inflammable or radioactive, or dangerous for health and the environment, shall be punishable in accordance with subsection (1).

(3) The person who commits the crime defined in subsections (1) and (2) through negligence, shall be punishable for misdemeanour with imprisonment of up to two years.

Misuse of Narcotic Drugs

Section 282

(1) Any person who produces, manufactures, acquires, possesses, imports or exports narcotic drugs into or from Hungary or who transports such through the territory of Hungary is guilty of a felony and shall be punishable by up to five year's imprisonment.

(2) The punishment shall be

a) two to eight years' imprisonment if the criminal act is committed as a business operation or as part of a criminal conspiracy or by using a person who is addicted to drugs,

b) five to ten years' imprisonment if the criminal act is committed in respect of a substantial quantity of narcotic drugs.

(3) Any person who

a) is engaged in preparations for the commission of one of the crimes defined in Subsection (1),

b) produces, supplies, distributes, sells or imports materials, equipment and/or accessories for the production or manufacture of narcotic drugs or transports such items through the territory of the country

is guilty of a felony and shall be punished by up to three years' imprisonment, if such act does not result in a criminal act of greater gravity.

(4) Any person who supplies funding for the criminal acts defined in Subsections (1)-(3) shall be punishable as set forth therein.

(5) If the criminal act is committed in respect of a small quantity of narcotic drugs, the punishment shall be

a) up to two years' imprisonment for a misdemeanor in the case of Subsection (1),

b) up to three years' imprisonment for a felony in the case of Paragraph *a)* of Subsection (2).

Section 282/A

(1) Any person who offers or supplies narcotic drugs or is engaged in distributing, trafficking or dealing narcotic drugs is guilty of a felony and shall be punishable by two to eight year's imprisonment.

(2) The punishment shall be five to ten years' imprisonment if a criminal act

a) is committed as part of a criminal conspiracy or by using a person who is addicted to drugs,

b) is committed by a public official or a person performing public duties who is acting in such official capacity,

c) is committed in any facility of the Hungarian Armed Forces, law enforcement agencies or in penal or correctional facilities.

(3) The punishment shall be five to fifteen years' imprisonment or life imprisonment if the criminal act is committed in respect of a substantial quantity of narcotic drugs.

(4) Any person who

a) is engaged in preparations for the commission of the crime defined in Subsections (1) and (2) is guilty of a misdemeanor and shall be punished by up to three years' imprisonment,

b) is engaged in preparations for the commission of the crime defined in Subsection (3) is guilty of a felony and shall be punished by up to five years' imprisonment.

(5) Any person who supplies funding for the criminal acts defined in Subsections (1)-(4) shall be punished as set forth therein.

(6) If the criminal act is committed in respect of a small quantity of narcotic drugs, the punishment shall be

a) up to two years' imprisonment for a misdemeanor in the case of Subsection (1),

b) up to five years' imprisonment for a felony in the case of Subsection (2).

Section 282/B

(1) Any person over the age of eighteen who, by using a person under the age of eighteen, produces, manufactures, acquires, possesses, imports or exports narcotic drugs into or from Hungary or transports such through the territory of Hungary is guilty of a felony and shall be punishable by two to eight year's imprisonment.

(2) The punishment shall be five to ten years' imprisonment if

a) a person over the age of eighteen offers or supplies narcotic drugs to persons under the age of eighteen or is engaged in the distribution, trafficking or dealing of narcotic drugs by using a person under the age of eighteen,

b) a person offers or supplies narcotic drugs or is engaged in the distribution, trafficking or dealing of narcotic drugs inside or in the proximity of a building serving the purpose of education, public learning, child welfare, child protection or cultural and educational activities,

c) if the criminal act defined in Subsection (1) is committed in a criminal conspiracy.

(3) The punishment shall be five to fifteen years' imprisonment or life imprisonment if the criminal act

a) is committed in respect of a substantial quantity of narcotic drugs,

b) defined in Paragraph *a)* or *b)* of Subsection (2) is committed in a criminal conspiracy or if it is committed by a public official or a person performing public duties who is acting in such official capacity.

(4) Any person who is engaged in preparations for the commission of the crime defined in Subsections (1) and (2) is guilty of a felony and shall be punished by up to three years' imprisonment.

(5) Any person over the age of eighteen who offers assistance or tries to persuade a person under the age of eighteen to engage in the pathological indulgence in a substance or agent that has a narcotic effect but is not classified as a narcotic drug is guilty of a felony and shall be punished by up to three years' imprisonment.

(6) Any person who supplies funding for the criminal acts defined in Subsections (1)-(5) shall be punished as set forth therein.

(7) If the criminal act is committed in respect of a small quantity of narcotic drugs, the punishment shall be

a) up to two years' imprisonment for a misdemeanor in the case of Subsection (1),

b) up to five years' imprisonment for a felony in the case of Subsection (2) and Paragraph *b)* of Subsection (3).

Section 282/C

(1) Any drug-addicted person who produces, manufactures, acquires, possesses, imports or exports narcotic drugs into or from Hungary or transports such through the territory of Hungary is guilty of a misdemeanor and shall be punishable by up to two year's imprisonment.

(2) Any drug-addicted person who offers or supplies narcotic drugs or is engaged in the distribution, trafficking or dealing of narcotic drugs is guilty of a felony and shall be punishable by up to three year's imprisonment.

(3) The punishment shall be up to three years' imprisonment in the case of Subsection (1) and up to five years' imprisonment in the case of Subsection (2) if the criminal act is committed as a business operation or as part of a criminal conspiracy.

(4) The punishment shall be up to five years' imprisonment in the case of Subsection (1) and two to eight years' imprisonment in the case of Subsection (2) if the criminal act is committed with respect to a substantial quantity of narcotic drugs.

(5) If the criminal act is committed by a drug-addicted person in respect of a small quantity of narcotic drugs, the punishment shall be

a) up to one year's imprisonment, community service or a fine for a misdemeanor in the case of Subsection (1) or Subsection (2) ,

b) up to two years' imprisonment, community service or a fine for a misdemeanor in the case of Subsection (3).

Section 283

(1) No punishment shall apply on the grounds of misuse of narcotic drugs

a) if it involves a small quantity produced, manufactured, acquired or held for own consumption [Paragraph *a)* of Subsection (5) of Section 282],

b)-d)

e) if it involves a drug-addicted person who

1. produces, manufactures, acquires, possesses, imports or exports a small quantity of narcotic drugs into or from Hungary or transports such through the territory of Hungary for own consumption [Subsection (1) and Paragraph *a)* of Subsection (5) of Section 282/C], and

2.

f) if it involves a drug-addicted person who has committed another crime - that is punishable by up to two years' imprisonment -in connection with the criminal act defined under Paragraph *e)* 1,

provided the perpetrator in question is able to produce an official document before he is sentenced in the first instance to verify that he has been treated for drug addiction for at least six consecutive months or that he has participated in a drug addiction program or a preventive-consulting service.

(2)

Misuse of Materials Used for Making Narcotic Drugs

Section 283/A

(1) Any person who produces, manufactures, acquires, possesses, uses, sells, imports or exports into or from Hungary materials defined by legal regulation enacted for the implementation of a treaty as chemical substances used for the illicit production of narcotic drugs or transports such through the territory of Hungary as well as any person who, in violation of the law, supplies such material to any person, is guilty of a felony and shall be punishable by up to five year's imprisonment.

(2) Any person who has been providing assistance for the production of narcotic drugs shall be exonerated from punishment if he confesses the act to the authorities before they become aware of it; surrenders to the authorities the things manufactured, acquired, possessed, or imported; and cooperates with the authorities in finding other persons who are engaged in the production of narcotic drugs to whom any such material was supplied or by whom it was used, sold, carried through the country in transit or exported.

Criminal misuse of Performance-Improving Substances or Techniques

Section 283/B

Infringement of the Rules of Controlling Epidemics

Section 284

(1) The person who infringes the rules of quarantine, epidemiological supervision or control ordered for preventing the importation or dissemination of an infectious disease subject to quarantine obligation, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The person who infringes at the time of an epidemic the rules ordered for segregation, epidemiological supervision or control, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(3) The person who infringes the rules of quarantine, other restriction or supervision ordered for preventing the exportation and importation or dissemination of infectious animal diseases or dangerous pests destroying plants, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Charlatanry

Section 285

(1) The person who without a legal title engages in activities belonging to the sphere of medical practice for compensation or on a regular basis, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be for a felony imprisonment of up to three years, if the charlatanry is committed by feigning the entitlement to medical practice.

(3) For the purposes of this Section, entitled to medical practice is the person who has a medical degree acquired at a domestic university or acquired at a foreign university and registered (provided with a Clause of equivalence), or the foreign citizen, who may engage in medical activities without the registration of his degree on the basis of a permission of the Minister of Public Welfare, provided in all cases that he is not under the effect of prohibition from medical activities.

Confiscation

Section 286

In the case of criminal misuse of explosives or explosive devices (Section 263), criminal misuse of firearms or ammunition (Section 263/A), arms trafficking (Section 263/B), criminal misuse of radioactive substances (Section 264), criminal operation of a nuclear facility (Section 264/A), criminal misuse of weapons prohibited by international treaty (Section 264/C), criminal misuse of poison (Section 265), violation of obligations relating to the keeping of dangerous dogs (Section 266), organization of illegal animal fights (Section 266/A), cruelty to animals (Section 266/B), criminal misuse of harmful items for public consumption (Section 279), or criminal misuse of narcotic drugs (Sections 282-283) or with substances used for the production of narcotic drugs (Section 283/A), the provisions set forth in Subsection (1) of Section 77/A shall not be applied.

Interpretative Provision

Section 286/A

(1) For the purposes of Section 280

a) natural element: the earth, the air, the water, the biota (flora and fauna) and the man-made (artificial) environment, as well as the constituents of the aforementioned,

b) pollution: loading of the environment or any component thereof to an extent exceeding an emission standard established in a legal rule or official decision.

c) damaging: an activity under whose effect a change, pollution or utilization of the environment or any component thereof occurs to such an extent, that as a result the natural or previous state of the environment or environmental component can only be restored with intervention or cannot be restored at all, or any activity affecting the biota unfavourably.

(2)

(3) For the purposes of Section 283/A 'chemicals used for the illicit production of narcotic drugs' shall mean the materials defined in the legal regulation adopted for the implementation of Article 12 of the Vienna Treaty signed on 20 December 1988 under the aegis of the United Nations and promulgated by Act L of 1998 on combating the illicit trade in narcotic drugs and psychotropic substances, and governing the activities involving chemicals that are also suitable for the illicit production and manufacture of narcotic drugs and psychotropic substances.

Chapter XVII

Economic Crimes

Title I

Crimes Violating Economic Obligations and the Order of Economy

Infringement of an Obligation Relating to the Traffic of Internationally Controlled Products and Technology

Section 287

(1) The person who performs the traffic of internationally controlled products and technologies without an International Import Certificate, export licence or documents substituting the same, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The end-user shall also be punishable in accordance with subsection (1), who - infringing the Declaration of Final Addressee and Purchaser - uses the internationally controlled product or technology in difference from the International Import Certificate.

Acquisition of Unlawful Economic Advantage

Section 288

(1) Any person who obtains financial assistance

a) allocated by virtue of law from the central budget, or the budget of local authorities, or from appropriated government funds

b) provided by a foreign state or international organization for a specific purpose

or any other economic advantage by making an false affidavit to this extent, or by using a false, counterfeit or forged document or instrument is guilty of felony punishable by imprisonment not to exceed five years.

(2) The person who uses financial support for purposes other than what it was provided for, and fails to repay such support, and the person who makes a false statement, or uses false, counterfeit or forged documents or instruments for the purposes of accounting and reporting obligation prescribed in connection with the financial support, shall be punished according to Subsection (1).

Interpretative Provision

Section 288/A.

For the purposes of Section 288, financial assistance provided by a foreign state or international organization shall also cover the funds managed by Hungarian administrative agency or financial institution on behalf of the foreign state or international organization. Section 288 shall not apply to criminal acts involving assistance provided from funds managed by or on behalf of the European Communities and to payments made to funds managed by or on behalf of the European Communities.

Infringement of Accounting Regulations

Section 289

(1) The person who

a) infringes annual reporting, bookkeeping and auditing obligation,

b) the documentation system

prescribed in the Accounting Act or in the legal regulations adopted under its authorization, and thereby obstructs the transparency or inspection of his financial situation is guilty of a misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.

(2) Any private entrepreneur who violates his record keeping and documentation obligation prescribed by law, and thereby obstructs the transparency or inspection of his financial situation shall be punished according to Subsection (1).

(3) The punishment shall be imprisonment not exceeding three years if the act defined in Subsection (1)

a) results in an error corrupting the true and fair view in relation to the given financial year and distorts the amount of profit, equity capital or the balance sheet total, or

b) obstructs the transparency or inspection of financial situation in the given year.

(4) The punishment for felony shall be imprisonment not to exceed three years in the case of Subsection (1) or five years in the case of Subsection (3) if committed in a financial institution, insurance institution or investment firm.

Crime of Bankruptcy

Section 290

(1) The person, who - in case of insolvency which has occurred within the sphere of his economic activity -

a) conceals, keeps secret, damages, destroys, makes unusable any property serving as cover for his debt,

b) concludes a fictitious transaction, or recognizes a doubtful claim,

c) commences or continues a loss-generating business in a way contrary to the requirements of reasonable management,

d) diminishes actually or fictitiously his property in a way contrary to the requirements of reasonable economy,

and thereby frustrates partially or wholly the satisfaction of his creditors, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the action defined in subsection (1) had grave consequences in economic life.

(3) The person who frustrates partly or wholly the satisfaction of his creditors by bringing about his becoming insolvent or the fiction thereof with one of the conducts described in subsection (1), commits a felony, and shall be punishable with imprisonment of up to five years.

(4) The punishment shall be imprisonment from two years to eight years, if the act defined in subsection (3) has grave consequences in economic life.

(5) The person who - following the ordering of liquidation -, fails in his obligation of reporting, preparation of inventory or other obligation to provide information prescribed in a legal rule, and frustrates thereby partly or wholly the result of liquidation, commits a crime, and shall be punishable with imprisonment of up to three years.

(6) The act defined in subsections (1) to (5) shall be punishable, if the bankruptcy proceedings or liquidation proceedings have been instituted, or if the bankruptcy proceedings could not be instituted the liquidation proceedings were omitted due to the failure of the obligatory request.

Unlawful Preference of a Creditor

Section 291

(1) The person who - in the knowledge of his insolvency - gives unlawful preference to one of his creditors to the detriment of the other creditors, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

(2) The act defined in subsection (1) shall be punishable, if the bankruptcy proceedings or liquidation proceedings have been instituted, or the bankruptcy proceedings could not be instituted the liquidation proceedings were omitted due to the failure of the obligatory request.

Interpretative Provision

Section 291/A

(1) The crime defined in Sections 290 and 291 is committed by the person as a perpetrator, who is entitled to dispose over the assets or a part thereof of an economic organization (debtor), even in case if the insolvency, the diminution of property exists in respect of the economic organization (debtor), and the perpetrator frustrates the satisfaction of a creditor of the economic organization (debtor).

(2) Subsection (1) shall also be applied, if the legal transaction serving as basis for the disposal of the property is invalid.

Marketing of Product of Bad Quality

Section 292

(1) A person who sells, transfers for use or places on the market poor quality products as though they were good quality or takes measures for the performance of such actions, commits a felony and shall be punishable with imprisonment of up to three years.

(2) A person who commits the crime out of negligence, shall be punishable for a misdemeanor with imprisonment of up to one year, labor in the public interest, or a fine.

(3) A person making preparations for the sale, transfer for use or placement on the market of poor quality products defined in Subsection (1), commits a misdemeanor and shall be punishable with imprisonment of up to one year, labor in the public interest, or a fine.

Section 293

A person, who violates the rules governing the establishment of the quality of a product, and thereby makes it possible for such product to be sold, transferred for use or placed on the market as being of a quality better than they actually are, commits a felony, and shall be punishable with imprisonment of up to three years.

Section 294

(1) The product subject to a national standard applicable compulsorily is of poor quality, if it fails to meet even the lowest quality requirements defined in the standard.

(2) Apart from the case defined in subsection (1), that product shall be of bad quality, which cannot be used for its designated purpose, or its usability has been considerably diminished.

False Attestation of Quality

Section 295

(1) The person who attests untrue data for the quality of goods of considerable quantity or value in a document attesting quality, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The person, who commits the act by negligence, shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

False Marking of Goods

Section 296

Any person who produces a product with distinctive appearance, packaging, labeling or name, from which a competitor or his product having distinctive features can be recognized, and who does so without the consent of such competitor, or who acquires such product for the purpose of placing it on the market, commits a felony offense and shall be punishable with imprisonment of up to three years.

Deception of Consumer

Section 296/A

(1) Any person who, in respect of any essential feature of a product, publicly states false facts, or true facts in a deceptive way, or provides deceptive information on any essential feature of the product for the purpose of rendering such more desirable, commits a misdemeanor offense and shall be punishable with imprisonment of up to two years, labor in the public interest or a fine.

(2) For the purposes of subsection (1), the following shall constitute the essential features of goods: their composition, usability, impact on health and the environment, as well as their treatment, origin, whether they meet legal prescriptions, the national standards or the customary requirements for the goods, as well as where the utilization of the goods requires the satisfaction of conditions essentially differing from the customary ones.

(3) For the purposes of subsection (1), the opportunity for winning, or any other advantageous outcome promised for the purchase of the goods, shall also constitute an essential feature of the goods.

Withdrawal of the Cover of Debt

Section 297

(1) The person who withdraws property serving as cover for a debt resulting from economic activities, and frustrates thereby partly of wholly the settlement of the debt, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The perpetrator shall not be punishable, if the debt is settled until the submission of the indictment.

Credit Fraud

Section 297/A

The person who uses a document with untrue contents in the interest of the favourable adjudgment of the extension, termination, of credits to be extended for the exercise of his economic activities or of the changing of the conditions of credit, commits a felony, and shall be punishable with imprisonment of up to three years.

Foreign Trade Activities without Licence

Section 298

The person, who engages in foreign trade activities subject to licence without licence, or exports or imports goods without licence for exportation or importation, commits a felony, and shall be punishable with imprisonment of up to three years.

Illegal Conduct by Senior Employees of Business Associations and Cooperatives

Section 298/A

A senior employee of a business association or cooperative, or a member vested with management authority who deceives any member of the company in respect of the wealth of the company or cooperative commits a misdemeanor offense and shall be punished with imprisonment up to two years, community service or a fine, if such act does not result in a more serious criminal act.

Curtailment of Registered Capital or Primary Capital

Section 298/B

The senior officer of a company limited by shares or of a limited liability company, who withdraws partly or wholly the registered capital or primary capital, commits a felony, and shall be punishable with imprisonment of up to three years.

Indication of Untrue Value

Section 298/C

(1) Any person who partakes in the act of indicating the value of a non-cash contribution (non-cash deposit) provided to a business association at an amount higher than the value prevailing at the time when provided in the articles of association of such association, or, if the value of a non-cash contribution was established by an auditor, at an amount higher than established by the auditor, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) Any person who partakes in the act of indicating the value of a non-cash contribution (non-cash deposit) provided to a business association, or the value of assets belonging to the sub-systems of the state budget, or owned by the state or by a local government, in the articles of association at an amount lower than the value established by the auditor shall also be punishable as set forth in Subsection (1).

Unauthorized Financial Service Activities

Section 298/D

A person who performs financial services or complementary financial services without the license prescribed by law, commits a felony and shall be punishable with imprisonment between one to five years.

Unauthorized Investment Service Activities

Section 298/E

A person who performs investment services or complementary investment services without the license prescribed by law, commits a felony and shall be punishable with imprisonment between one to five years.

Unauthorized Insurance Activity

Section 298/F

The person who carries out insurance activities without the licence prescribed in a legal rule, commits a misdemeanour and shall be punishable with imprisonment of up to two years, labour in the public interest, or a fine.

Failure to Supply Economic Data

Section 299

The person who fails to report data, rights or facts to be registered in authentic records connected with economic activities, or fails to report the change in such data, rights or facts, - if the obligation of reporting is prescribed in a legal rule -, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

Insider Trading in Securities

Section 299/A

(1) The person who concludes a securities transaction for the acquisition of an advantage by utilizing insider's information, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The person who entrusts another person for the acquisition of advantage, in view of the insider's information possessed by him, to conclude a securities transaction for the securities affected by the insider's information, shall also be punishable in accordance with subsection (1).

(3) For the purposes of subsections (1) and (2), insider's information is: such - not yet published - information related to the financial, economic or legal situation of the issuer of the securities affected by public offering, as well as of the person who has undertaken suretyship or guarantee for the liability embodied in the security publicly distributed, furthermore of the distributor of securities, which is suitable for the essential influencing of the value, price of the securities, if becoming public.

Fraud Regarding Capital Investment

Section 299/B

The person who - by the communication or rumouring of untrue data or the concealing of data concerning the financial situation of an economic organization - induces other persons to make capital investment or the increase of the investment, commits a felony, and shall be punishable with imprisonment of up to three years.

Organization of a Pyramid Game

Section 299/C

The person who organizes a game based on the collection and distribution of the money of others in a predetermined form and way, which also contains an element of risk, in which the participants joining in a chain-like manner pay cash to, or perform another service for the participants preceding them in the chain, directly or through the organizer, commits a felony and shall be punishable with imprisonment of up to three years.

Infringement of Business Secret

Section 300

(1) The person, who acquires, uses or publishes unlawfully a business secret for profit-making or causing disadvantage to another person, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) For the purposes of Subsection (1), any fact, information, solution or datum connected to economic activities, which, if published, acquired or used by unauthorized persons, would injure or jeopardize the rightful financial, economic or market interests of the entitled party, provided that such party has taken the necessary measures in order to maintain the confidentiality of such, shall be deemed as a business secret.

Infringement of Bank Secret

Section 300/A

(1) The person obliged to keep bank secret, who makes available for an incompetent person data qualifying as bank secret, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest or fine.

(2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed

a) for acquiring unlawful advantage;

b) causing disadvantage to the financial institution or to another party.

Section 300/B

No punishment shall apply on the grounds of breach of a business or bank secret against any person

a) who conveys information in fulfilling the duties prescribed in a separate act governing the publication of public information and information to be made available in the public interest, or

b) who conveys information subject to the reporting obligation prescribed in the Act on the Prevention of Money Laundering or who initiates such action, even if the report he filed in good faith has proved to be unfounded.

Criminal Conduct for Breaching Computer Systems and Computer Data

Section 300/C

(1) Any person who gains unauthorized entry to a computer system or network by compromising or defrauding the integrity of the computer protection system or device, or overrides or infringes his user privileges, is guilty of misdemeanor punishable by imprisonment not to exceed one year, work in community service or a fine.

(2) Any person who

a) without permission alters, damages or deletes data stored, processed or transmitted in a computer system or network or denies access to the legitimate users,

b) without permission adds, transmits, alters, damages, deletes any data, or uses any other means to disrupt use of the computer system or network is guilty of misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.

(3) Any person who, for financial gain or advantage,

a) alters, damages or deletes data stored, processed or transmitted in a computer system or network or denies access to the legitimate users,

b) adds, transmits, alters, damages, deletes data or uses any other means to disrupt use of the computer system or network

is guilty of felony punishable by imprisonment not to exceed three years.

(4) The punishment for the criminal act defined in Subsection (3) shall be

a) imprisonment between one to five years if it causes considerable damage,

b) imprisonment between two to eight years if it causes substantial damage,

c) imprisonment between five to ten years if it causes particularly substantial damage.

Violation of Securities Secrecy

Section 300/D

(1) A person required to keep securities secrets who provides access to data declared securities secrets for third persons, commits a misdemeanor and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) The punishment for felony shall be three years imprisonment, if the crime was committed

a) for illegally gaining an advantage,

b) by causing disadvantage to an investment service provider, stock exchange or clearing house, or to another person.

(3) No punishment shall apply on the grounds of revealing a securities secret against a person

a) who conveys information in fulfilling the duties prescribed in a separate act governing the publication of public information and information to be made available in the public interest, or

b) who conveys information subject to the reporting obligation prescribed in the Act on the Prevention of Money Laundering or who initiates such action, even if the report he filed in good faith has proved to be unfounded.

Compromising or Defrauding the Integrity of the Computer Protection System or Device

Section 300/E

(1) Any person who, for the commission of the criminal activities defined in Section 300/C,

a) creates,

b) obtains,

c) distributes or trades, or otherwise makes available

computer software, passwords, entry codes, or other data with which to gain access to a computer system or network is guilty of misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.

(2) Any person who, for the commission of the criminal activities defined in Section 300/C, conveys his economic, technical and/or organizational expertise to another person for the creation of computer software, passwords, entry codes, or other data with which to gain access to a computer system or network shall be punished according to Subsection (1).

(3) In the case of Paragraph *a)* of Subsection (1), any person who confesses to the authorities his involvement in the creation of any computer software, password, entry code, or other data with which to gain access to a computer system or entire computer network before the authorities learned of such activities through their own efforts, and if the person surrenders such produced things to the authorities and assists in the efforts to identify the other persons involved, shall be exonerated from punishment.

Interpretative Provision

Section 300/F

For the purposes of Sections 300/C and 300/E, 'computer system' means a device or a collection of devices intended for the automatic processing, handling, storage and transmission of data.

Profiteering

Section 301

(1) A person who requests, stipulates or accepts a price higher than the official price or the price otherwise fixed obligatorily for him for goods, commits a misdemeanor, and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) The punishment shall be for a felony imprisonment of up to five years, if the profiteering is committed

a) in a business-like manner,

b) as part of a criminal conspiracy,

c) for a considerable quantity of goods,

d) for achieving a considerable measure of profit.

(3)

(4) The person who commits the crime by negligence, shall be punishable for a misdemeanour with fine.

Section 302

Profiteering in accordance with Subsection (1) of Section 301 shall also be committed, if a price corresponding to the official price of goods of better quality than the actual quality is requested, stipulated or accepted for the goods.

Money Laundering

Section 303

(1) Any person who uses items obtained by the commission of criminal activities punishable by imprisonment in his business activities and/or performs any financial or bank transaction in connection with the item in order to conceal its true origin is guilty of felony punishable by imprisonment not to exceed five years.

(2) The punishment shall be imprisonment between two to eight years if money laundering

a) is committed in a pattern of criminal profiteering,

b) involves a substantial or greater amount of money,

c) is committed by an officer or employee of a financial institution, investment firm, investment fund manager, clearing house, insurance institution, or an institution engaged in gambling operations,

d) is committed by a public official,

e) is committed by an attorney-at-law.

(3) Any person who collaborates in the commission of money laundering is guilty of misdemeanor punishable by imprisonment not to exceed two years.

(4) The person who voluntarily reports to the authorities or initiates such a report shall not be punished for money laundering, provided that the act has not yet been revealed, or it has been revealed only partially.

(5) The term 'item' referred to in Subsection (1) shall also cover instruments embodying rights to some financial means and dematerialized securities, that allow access to the value stored in such instrument in itself to the bearer, or to the holder of the securities account in respect of dematerialized securities.

Section 303/A

(1) Any person who uses an item obtained from criminal activities committed by others

a) in his business activities, and/or

b) performs any financial or bank transaction in connection with the item,

and is negligently unaware of the true origin of the item is guilty of misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.

(2) The punishment shall be imprisonment for misdemeanor not exceeding three years if the act defined in Subsection (1)

a) involves a substantial or greater amount of money,

b) is committed by an officer or employee of a financial institution, investment firm, investment fund manager, clearing house, insurance institution, or an institution engaged in gambling operations,

c) is committed by a public official.

Non-performance of Reporting Obligation in Connection with Money Laundering

Section 303/B

(1) Any person who fails to comply with the reporting obligation by the Act on the Prevention and Combating of Money Laundering is guilty of felony punishable by imprisonment not to exceed three years.

(2) Any person who negligently fails to comply with the reporting obligation referred to in Subsection (1) is guilty of misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.

Title II

Counterfeiting of Money and Stamp

Counterfeiting of Money Section 304

(1) Any person who

a) copies or forges money with the purpose of distribution,

b) obtains counterfeit or forged money with the purpose of distribution, exports or imports such money or transports it through the territory of the country,

c) distributes counterfeit or forged money,

is guilty of a felony punishable by imprisonment between two to eight years.

(2) The punishment shall be imprisonment between five to ten years if the counterfeiting

a) involves a substantial or greater amount of money,

b) is committed in criminal conspiracy.

(3) The punishment shall be imprisonment up to five years if the object of counterfeiting is coinage, or if the quantity or value involved is trivial or even less substantial.

(4) Any person who is makes preparations for counterfeiting money is guilty of misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.

Aiding in Counterfeiting Operations

Section 304/A

Any person who creates, obtains, keeps possession of, distributes or deals with any material, instrument, equipment or computer software intended to be used for counterfeiting money is guilty of misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.

Section 305

For the purposes of Section 304

a) any alteration of money withdrawn from circulation to create an impression as if it was still in circulation shall be considered imitation of money,

b) the application or removal of a sign serving as indication that the money is valid only in a definite country, furthermore the diminution of the precious metal content of the money, shall also be considered as counterfeiting of money.

Disbursement of Counterfeit Money

Section 306

(1) The person who distributes counterfeit or forged money acquired lawfully as genuine or unforged, commits a misdemeanour and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment for a felony shall be imprisonment not exceeding three years, if the crime involves a substantial or greater amount of money.

Counterfeiting of Stamps

Section 307

(1) The person who - with the aim of distribution or utilization

a) imitates or forges a stamp,

b) obtains a counterfeit or forged stamp,

is guilty of felony, and shall be punishable with imprisonment of up to three years.

(2) Any person who distributes or utilizes counterfeit, forged or used stamps as genuine or unused shall also be punishable in accordance with Subsection (1).

(3) The punishment shall be imprisonment of up to five years, if the counterfeiting of stamps

a) involves a substantial or greater amount of money,

b) is committed in a criminal conspiracy.

(4) The punishment shall be for a misdemeanor imprisonment of up to one year, labor in the public interest, or fine, if the quantity or value involved in the counterfeiting of stamps is trivial or even less substantial.

Section 308

(1) For the purposes of Section 307, distribution shall also mean distribution for the collection of stamps, and counterfeiting shall also mean the unlawful changing of a stamp serving the purposes of collection.

(2) Foreign stamps are granted protection identical with that of domestic ones.

Title III

Financial Crimes

Crime in Respect of Foreign Exchange

Section 309

Tax and Social Security Fraud

Section 310

(1) A person, who untruthfully states or conceals any fact (data) relevant for the establishment of tax obligation, social security contribution, accident insurance contribution, health insurance contribution, pension contribution or private pension fund membership fees before the authorities, or the private pension fund in respect of such fees, and thereby or by other fraudulent conduct diminishes tax revenues, the amount of revenues from social security contributions, accident insurance contributions, from health insurance contributions, pension contributions or of private pension funds from membership fees, commits a misdemeanor and shall be punishable by imprisonment of up to two years, labor in the public interest, or a fine.

(2) The punishment shall be imprisonment of up to three years for a felony, if the amount of tax revenue, revenue from social security contribution, accident insurance contribution, health insurance contribution, pension contribution or the revenues of private pension funds from membership fees is reduced by a considerable degree as a consequence of the crime.

(3) The punishment shall be imprisonment between one to five years, if the amount of tax revenues, revenues from social security contribution, accident insurance contribution, from health insurance contribution, from pension contribution or the revenues of private pension funds from membership fees is reduced by a substantial degree as a consequence of the crime.

(4) The punishment shall be imprisonment between two to eight years, if

a) the amount of tax revenues, revenues from social security contribution, accident insurance contribution, from health insurance contribution, from pension contribution or the revenues of private pension funds from membership fees is reduced by a particularly considerable or higher degree as a consequence of the crime,

b)

(5) A person shall be punishable in accordance with Subsections (1)-(4), who defrauds the authority with the purpose of the non-payment of an established tax, social security contribution, accident insurance contribution, health insurance contribution, pension contribution or membership fees to a private pension fund, if he thereby considerably delays or impedes the collection of the tax, social security contribution, accident insurance contribution, health insurance contribution, pension contribution or private pension fund membership fees.

(6) The perpetrator of the crime described in Subsection (1) above shall not be punishable if settling his tax debt, social security contribution, accident insurance contribution, health insurance contribution, pension contribution debts or membership fees owed to a private pension fund prior to indictment.

Violation of Payment Obligation to the Labor Market Fund

Section 310/A

(1) A person who untruthfully states or conceals any fact (data) relevant from the aspect of the establishment of employer's or employee's contribution payable into the Labor Market Fund, or of the rehabilitation or vocational training contribution, before the authorities, and thereby or by any other fraudulent conduct diminishes the revenues from the employer's or employee's contribution or the rehabilitation or vocational training contribution, commits a misdemeanor offense, and shall be punishable by imprisonment of up to one year, labor in the public interest, or fine.

(2) The punishment shall be imprisonment of up to three years for a felony, if the amount of revenues from employer's or employee's contribution, or from rehabilitation or vocational training contribution is reduced by a considerable degree as a consequence of the crime.

(3) The punishment shall be imprisonment of up to five years, if the amount of revenues from employer's or employee's contribution, or of the rehabilitation or vocational training contribution is reduced by a particularly considerable or higher degree as a consequence of the crime.

(4) A person shall be punishable in accordance with Subsections (1)-(3), who defrauds the authority with the purpose of the non-payment of an established employer's or employee's contribution, or of the rehabilitation or vocational training contribution, if he thereby considerably delays or impedes the collection of the employer's or employee's contribution.

(5) The perpetrator of the crime described in Subsection (1) above shall not be punishable if settling his employer's or employee's contribution debt, or of the rehabilitation or vocational training contribution debt prior to indictment.

Infringement of the Obligation of Payment of Social Security, Health Insurance, or Pension Contribution

Section 310/B

(1) An employer who fails to pay the health insurance or pension contribution or the private pension fund membership fee deducted from the payroll of the insured for reasons within his control, commits a misdemeanor offense and shall be punishable by imprisonment of up to one year, labor in the public interest, or a fine.

(2) An employer or other organ, private entrepreneur, business association or partnership, who (which) fails to pay the social security contribution, accident insurance contribution, health insurance or pension contribution for reasons within his (its) control shall be punishable in accordance with Subsection (1).

(3) The punishment shall be imprisonment of up to three years for a felony, if the unpaid social security contribution, accident insurance contribution, health insurance or pension contribution, or private pension fund membership fee is of considerable amount, or imprisonment of up to five years, if the unpaid social security contribution, accident insurance contribution, health insurance or pension contribution, or private pension fund membership fee constitutes a particularly considerable or higher amount.

(4) The perpetrator shall not be punishable if settling his debt of employer's or employee's contribution debt, social security contribution, accident insurance contribution, health insurance or pension contribution, or private pension fund membership fee prior to indictment.

(5) If the party subject to payment obligation is not a natural person, the crime defined in Subsections (1)-(3) may be committed as perpetrator by the person responsible by authorization to perform the payment of such contributions.

Misuse of Excise

Section 311

(1) Any person who manufactures, obtains, stores, sells or trades any excise goods in the absence of the criteria specified in the Act on Excise Taxes and Special Regulations on the Marketing of Excise Goods or in other legislation enacted by authorization of this Act, or without an official permit, and thereby causes less significant losses in excise tax revenues, commits a misdemeanor offense and shall be punishable with imprisonment of up to two years, work in community service, or a fine.

(2) Punishment shall be imprisonment of up to three years if

a) the criminal conduct results in more significant losses in tax revenues, and/or

b) the unlawful conduct specified in Subsection (1) is committed as a business operation.
(3) Punishment shall be imprisonment of one to five years if
a) the criminal conduct results in significant losses in tax revenues, and/or
b) the unlawful conduct specified in Paragraph *a)* of Subsection (2) is committed as a business operation.
(4) Punishment shall be imprisonment of two to eight years if
a) the criminal conduct results in substantial losses in tax revenues, and/or
b) the unlawful conduct specified in Paragraph *a)* of Subsection (3) is committed as a business operation.
(5) Punishment shall be imprisonment of five to ten years if
a) the criminal conduct results in more substantial losses in tax revenues, and/or
b) the unlawful conduct specified in Paragraph *a)* of Subsection (4) is committed as a business operation.

Illegal Trafficking of Excise Goods

Section 311/A.

(1) Any person who receives, stores, uses, places on the market or trades any excise goods under tax evasion commits a misdemeanor offense and shall be punishable with imprisonment of up to two years, work in community service, or a fine.
(2) Punishment shall be imprisonment of up to three years if
a) the excise goods involved in the criminal conduct are of significant value,
b) the unlawful conduct specified in Subsection (1) is committed as a business operation.
(3) Punishment shall be imprisonment of one to five years if
a) the excise goods involved in the criminal conduct are of substantial value,
b) the unlawful conduct specified in Subsection (2) is committed as a business operation.
(4) Punishment shall be imprisonment of two to eight years if
a) the excise goods involved in the criminal conduct are of more substantial value,
b) the unlawful conduct specified in Paragraph *a)* of Subsection (3) is committed as a business operation.
(5)
(6) For the purposes of this Section the value of excise goods shall be determined based on the value of excise goods manufactured legitimately.

Conspiracy

Section 311/B.

(1) Any person who manufactures, obtains, stores or sells any equipment, device, instrument and/or material designed to produce or manufacture excise goods as specified in the Act on Excise Taxes and Special Regulations on the Marketing of Excise Goods or in other legislation enacted by authorization of this Act, without authorization or through any violation of law, and/or who manufactures, obtains or stores any excise seal or tax seal for marketing commits a misdemeanor offense and shall be punishable with imprisonment of up to two years, work in community service, or a fine.
(2) Punishment shall be imprisonment of up to three years if
a) the unlawful conduct is committed as a business operation.
b) the quantity of the material and/or excise seal involved in the criminal conduct is significant, or
c) the value of the tax seal involved in the criminal conduct is of significant or greater value.

Smuggling and Receiving of Smuggled Goods

Section 312

(1) The person who

a) withholds dutiable goods from customs inspection, or makes an untrue declaration before the authorities in respect of the circumstances relevant from the aspect of setting customs duty or customs bond (smuggling),

b) acquires, conceals, or co-operates in the alienation of, smuggled dutiable goods for pecuniary profit (receiving smuggled goods),

commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or a fine.

(2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed

a) in a business-like manner,

b) as part of a criminal conspiracy,

c) in respect of dutiable goods of considerable value,

d) in respect of an object considered a cultural good.

(3) The punishment shall be imprisonment of up to five years, if the crime is committed

a) for dutiable goods of especially high value,

b) in a business-like manner or as part of a criminal conspiracy for dutiable goods of considerable value.

(4) The punishment shall be imprisonment between two to eight years, if the crime is committed

a) in respect of dutiable goods of particularly substantial value,

b) in a business-like manner or as part of a criminal conspiracy in respect of dutiable goods of particularly considerable value,

c)

(5) For the purposes of Subsections (1)-(4)

a) customs goods shall be understood as the non-Community goods referred to in Article 4 (8) of Council Regulation 2913/92/EEC of 12 October 1992 establishing the Community Customs Code;

b) customs charges shall be understood as the customs debt referred to in Article 4 (9) of Council Regulation 2913/92/EEC of 12 October 1992 establishing the Community Customs Code, and the non-Community taxes and dues referred to in Point 12 of Subsection (3) of Section 1 of Act CXXVI of 2003 on the Implementation of Community Customs Laws.

Use of Bank Card Without Sufficient Funds to Cover

Section 312/A

Misuse of Cheque

Section 313

Forgery of Bills of Exchange

Section 313/A

Forgery of Non-cash Payment Instruments

Section 313/B

(1) Any person who, with the purpose of utilization, falsifies a non-cash payment instrument or manufactures a counterfeit non-cash payment instrument is guilty of a misdemeanor and shall be punished by up to two years' imprisonment, community service or a fine.

(2) Any person who is engaged in the forgery of a non-cash payment instrument in respect of a card issued by a business entity for use in paying for its goods and services shall be liable to punishment in accordance with Subsection (1).

(3) Any person involved in preparing for the forgery of non-cash payment instruments is guilty of a misdemeanor and shall be punished with a fine.

Non-cash Payment Instrument Fraud

Section 313/C

(1) Any person who

a) uses a counterfeit or forged non-cash payment instrument for unlawful gain,

b) uses a non-cash payment instrument without proper authorization,

c) accepts payment with a counterfeit or forged non-cash payment instrument or one that is used without proper authorization,

and thereby causes damage is guilty of non-cash payment instrument fraud.

(2) The punishment for a misdemeanor shall be up to two years' imprisonment, community service or a fine if the damage caused by the non-cash payment instrument fraud is insignificant or if the amount of damage caused by the non-cash payment instrument fraud is below the criminal value limit and it is committed

a) as part of a criminal conspiracy,

b) as part of a business operation.

(3) The punishment for a felony shall be up to three years' imprisonment if

a) the non-cash payment instrument fraud results in major damage,

b) the non-cash payment instrument fraud causes minor damage and was committed in the manner defined in Paragraphs *a)* or *b)* of Subsection (2).

(4) The punishment shall be up to five years' imprisonment if

a) the non-cash payment instrument fraud results in considerable damage,

b) the non-cash payment instrument fraud causes major damage and is committed in the manner defined in Paragraphs *a)* or *b)* of Subsection (2).

(5) The punishment shall be two to eight years' imprisonment if

a) the non-cash payment instrument fraud results in particularly great damage,

b) the non-cash payment instrument fraud causes considerable damage and is committed in the manner defined in Paragraphs *a)* or *b)* of Subsection (2).

(6) The punishment shall be five to ten years' imprisonment if

a) the non-cash payment instrument fraud results in particularly considerable damage,

b) the non-cash payment instrument fraud causes particularly great damage and is committed in the manner defined in Paragraphs *a)* or *b)* of Subsection (2).

(7) Any person who

a) unlawfully obtains a non-cash payment instrument that is not his own or that is not exclusively his own from another person, without the consent of such person,

b) supplies, obtains, exports or imports a forged or falsified non-cash payment instrument or a non-cash payment instrument that has been obtained in the manner specified in Paragraph *a)*,

if there is no other criminal act involved, is guilty of a misdemeanor and shall be punished by up to one year's imprisonment, community service or a fine.

(8) A person who is engaged in a non-cash payment instrument fraud in respect of a card issued by a business entity for use in paying for its goods and services shall be punished in accordance with Subsections (2)-(7).

Aiding in the Forgery of Non-cash Payment Instrument

Section 313/D

Any person who produces, obtains, possesses, supplies or deals with materials, devices, equipment or computer programs to be used to forge non-cash payment instruments is guilty of a misdemeanor and shall be punished by up to one year's imprisonment, community service or a fine.

Section 313/E

For the purposes of Sections 313/B-313/D, 'non-cash payment instrument' shall mean the non-cash payment instruments defined in specific other legislation, traveler's checks and bills of exchange, provided they contain protective measures against duplication, forgery and unauthorized use. Non-cash payment instruments issued in other countries shall receive the same protection as those issued in the domestic territory.

Title IV Miscellaneous

Provisions

Violation of the Financial Interest of the European Communities

Section 314

(1) Any person who violates the financial interest of the European Communities in connection with

a) assistance provided from funds managed by or on behalf of the European Communities,

b) payments made to funds managed by or on behalf of the European Communities,

by making a false affidavit to this extent, or by using a false, counterfeit or forged document or instrument, or who fails to comply with the prescribed obligation to provide information or the information provided is insufficient or misleading, is guilty of felony punishable by imprisonment not to exceed five years.

(2) The punishment defined in Subsection (1) shall apply if the perpetrator uses

a) the assistance referred to in Paragraph *a)* of Subsection (1), or

b) the payment allowance referred to in Paragraph *b)* of Subsection (1)

for purposes other than authorized.

(3) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished according to Subsection (1), if the member or employee of the business association commits the criminal act defined in Subsections (1) and (2) for the benefit of the business association, and the criminal act could have been prevented had he properly fulfilled his control or supervisory obligations.

(4) The director of a business association, or a member or employee with authority to exercise control or supervision shall be punished for misdemeanor by imprisonment not to exceed two years, work in community service or a fine, if the criminal act defined in Subsection (3) is committed involuntarily.

Interpretative Provision

Section 315

(1) For the purposes of this Chapter, goods shall also mean industrial services or other services of economic nature, and price shall also mean any compensation of pecuniary value due for the goods (services).

(2)

Chapter XVIII

Crimes Against Property

Theft

Section 316

(1) The person who takes away an alien thing from somebody else in order to unlawfully appropriate it, commits theft.

(2) The punishment shall be for a misdemeanour imprisonment of up to two years, labour in the public interest, or fine, if the theft is committed in respect of a smaller value or the theft committed in respect of the value of a minor offence is committed

a) as part of a criminal conspiracy,

b) at the scene of a public danger,

c) in a business-like manner,

d) with violence against a thing,

e)

f) entering premises or a fenced place belonging thereto with deception or without the knowledge and consent of the entitled party (user),

g) with the use of a false or stolen key,

h) to the detriment of a party who is sharing the use of a flat or similar premises with the perpetrator,

i) through pickpocketing,

j) exploiting the state of being incapable of preventing the crime of another person.

(3)

(4) The punishment shall be for a felony imprisonment of up to three years, if

a) the theft is committed in respect of a greater value,

b) the theft involves a lesser value and

1. it is committed in the manner defined in Paragraphs *a)-d)* of Subsection (2),
2. involves cultural goods,
3. involves religious objects or consecrated objects used for religious rights, taken from a place considered consecrated grounds,
4. involves objects placed in memory of or with the dead in cemeteries and other burial sites.

(5) The punishment shall be imprisonment from one year to five years, if

a) the theft if committed in respect of a considerable value,

b) the theft committed in respect of a greater value is committed in the manner defined in subsection (2), paragraph *a)* to *d)*.

6) The punishment shall be imprisonment from two years to eight years, if

a) the theft is committed in respect of an especially high value,

b) the theft committed in respect of a considerable value is committed in the manner defined in subsection (2), paragraphs *a)* to *d),*

c)

(7) The punishment shall be imprisonment between two to eight years for the crime of theft if committed

a) in respect of particularly substantial value,

b) in respect of a particularly considerable amount in the manner described in Paragraphs a)-d) of Subsection (2) above,

c)

Embezzlement

Section 317

(1) The person who unlawfully appropriates or disposes of as its own over an alien thing entrusted to him, commits embezzlement.

(2) The punishment shall be for a misdemeanour imprisonment of up to two years, labour in the public interest, or fine, if the embezzlement is committed in respect of a smaller value, or the embezzlement committed in respect of the value of minor offence is committed

a) as part of a criminal conspiracy,

b) at the scene of public danger,

c) in a business-like manner.

d)

(3)

(4) The punishment shall be for a felony imprisonment of up to three years, if

a) the embezzlement is committed for a greater value,

b) the embezzlement committed in respect of a smaller value is committed in the manner defined in subsection (2), paragraphs *a)* to *c),*

c) the embezzlement is committed in respect of an object qualified as part of cultural heritage.

(5) The punishment shall be imprisonment from one year to five years, if

a) the embezzlement is committed for a considerable value,

b) the embezzlement committed for a larger value is committed in the manner defined in subsection (2), paragraphs *a)* to *c)*.

(6) The punishment shall be imprisonment from two years to eight years, if

a) the embezzlement is committed for an especially high value,

b) the embezzlement committed for a considerable value is committed in the manner defined in subsection (2), paragraphs *a)* to *c)*.

(7) The punishment shall be imprisonment between five to ten years for the crime of embezzlement if committed

a) in respect of particularly substantial value,

b) in respect of particularly considerable amount in the manner described in Paragraphs a)-c) of Subsection (2) above.

Fraud

Section 318

(1) The person who - for unlawful profit-making - leads somebody into error or keeps in error and causes damage thereby, commits fraud.

(2) The punishment shall be for a misdemeanour imprisonment of up to two years, labour in the public interest, or fine, if the fraud causes a smaller damage, or the fraud not exceeding the value limit for minor offence is committed

a) as part of a criminal conspiracy,

b) on the scene of public danger,

c) in a business-like manner.

d)

(3)

(4) The punishment shall be for a felony imprisonment of up to three years, if

a) the fraud causes a greater damage,

b) the fraud causing a smaller damage is committed in the manner defined in subsection (2), paragraphs *a)* to *c)*.

(5) The punishment shall be imprisonment from one year to five years, if

a) the fraud causes considerable damage,

b) the fraud causing greater damage is committed in the manner defined in subsection (2), paragraphs *a)* to *c)*.

(6) The punishment shall be imprisonment from two years to eight years, if

a) the fraud causes an especially great damage,

b) the fraud causing a considerable damage is committed in the manner defined in subsection (2), paragraphs *a)* to *c),*

c)

(7) The punishment shall be imprisonment between five to ten years for the crime of fraud if committed

a) causing particularly substantial damage,

b) causing particularly considerable damage in the manner described in Paragraphs a)-c) of Subsection (2) above,
c)

Fraudulent Breach of Trust

Section 319

(1) The person who has been entrusted with the administration of alien property, and causes pecuniary disadvantage by breaching his obligation resulting therefrom, commits fraudulent breach of trust.

(2) The punishment shall be for misdemeanour imprisonment of up to one year, labour in the public interest or fine, if the fraudulent breach of trust causes a smaller pecuniary disadvantage.

(3) The punishment shall be for a felony

a) imprisonment of up to three years, if the fraudulent breach of trust causes a greater pecuniary disadvantage,

b) imprisonment from one year to five years, if the fraudulent breach of trust causes a considerable pecuniary disadvantage,

c) imprisonment from two years to eight years, if the fraudulent breach of trust causes an especially great pecuniary disadvantage.

d) imprisonment between five to ten years for a felony, if the crime of fraudulent breach of trust results in particularly substantial damage.

Negligent Administration

Section 320

(1) The person who has been entrusted with the administration or supervision of an alien property, the administration or supervision of which is based on law, and causes pecuniary disadvantage by negligence by infringing or neglecting his obligation resulting therefrom, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to three years, if the act of negligent administration causes particularly considerable or greater pecuniary injury.

Robbery

Section 321

(1) The person, who takes away an alien thing for unlawful appropriation from another person in such a way that he applies for this purpose violence or direct menace against life or limbs against somebody or puts somebody into an unconscious state or state of incapability for defence, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) It is also a robbery, if a thief caught in the act applies violence or direct menace against life or limbs for keeping the thing.

(3) The punishment shall be imprisonment from five years to ten years, if the robbery is committed

a) in an armed manner,

b) in respect of a considerable value,

c) as part of a criminal conspiracy, or in group.

d) against a public official or a foreign public official while acting in his official capacity, or against a person performing public duties in the course of such proceedings.

(4) The punishment shall be imprisonment between five to fifteen years if the robbery

a) involves a substantial or greater amount of money,

b) involves considerable value and is committed against a public official or a foreign public official while acting in his official capacity, or against a person performing public duties in the course of such proceedings, and/or it involves considerable value and is committed with arms, or in criminal conspiracy or in a group,

c) is committed with arms or in a group, against a public official or a foreign public official while acting in his official capacity, or against a person performing public duties in the course of such proceedings.

Robbery through Inebriation or Intimidation

Section 322

(1) The person, who takes away an alien thing for unlawful appropriation

a) from another person in such a manner, that he inebriates him for this purpose,

b) takes away from a person under the influence of violence or of direct menace against life or limbs applied by him in the course of the perpetration of another crime,

commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the plundering is committed

a) in respect of a considerable value,

b) as part of a criminal conspiracy, or in group

(3) The punishment shall be imprisonment between five to ten years for the crime of plundering if committed

a) in respect of particularly considerable or greater value,

b) in respect of substantial value, as part of a criminal organization or in groups.

Blackmailing

Section 323

(1) The person who with violence or threat, for unlawful gain, forces another person to do, not to do or to endure something, and thereby causes damage, commits a felony, and shall be punishable with imprisonment between one to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the blackmailing is committed

a) as part of a criminal conspiracy,

b) with menace against life or limbs or another similarly grave menace,

c) as an official person by using this character, or by feigning official commitment or quality.

(3)

Deterioration

Section 324

(1) The person who causes damage by the destruction or deterioration of an alien property item, commits deterioration.

(2) The punishment shall be for a misdemeanour imprisonment of up to one year, labour in the public interest, or fine, if

a) the deterioration causes a smaller damage,

b) the deterioration not exceeding the value limit of a minor offence is committed as part of a criminal conspiracy.

(3) The person shall be punishable for a felony with imprisonment of up to three years, who

a) causes a greater damage,

b) 1. an object considered a cultural good, an archeological site or a historical monument,

2. religious objects or consecrated buildings or objects used for religious rights,

3. graves, burial sites or objects placed in memory of the dead in cemeteries and other burial sites,

is guilty of a felony punishable by imprisonment not to exceed three years.

(4) The punishment shall be imprisonment between one to five years, if the deterioration or vandalism

a) causes considerable damage,

b) 1. an object considered a cultural good, an archeological site or a historical monument,

2. religious objects or consecrated buildings or objects used for religious rights,

3. graves, burial sites or objects placed in memory of the dead in cemeteries and other burial sites,

is guilty of a felony punishable by imprisonment between one to five years.

c) is committed using explosives or blasting agents.

(5) The punishment shall be imprisonment from two years to eight years, if the deterioration causes especially great damage.

(6) The punishment shall be imprisonment between five to ten years if the crime of vandalism results in particularly substantial damage.

Unlawful Appropriation

Section 325

(1) The person who appropriates an alien thing found by him, or fails to deliver it to the authorities or to the person who lost it, furthermore, who appropriates an alien thing, which got to him by chance or by error, or does not return it within eight days, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to two years if such conversion is committed in respect of objects considered cultural goods.

Receiving of Stolen Goods

Section 326

(1) The person who - for pecuniary profit-making - obtains, conceals or co-operates in the alienation of, a thing originating from theft, embezzlement, fraud, fraudulent breach of trust, robbery, robbery through inebriation or intimidation, blackmailing, unlawful appropriation or receiving of stolen goods, commits receiving of stolen goods.

(2) The punishment shall be for a misdemeanour imprisonment of up to two years, labour in the public interest or fine, if receiving of stolen goods is committed

a) in respect of a smaller value,

b) in respect of a value established for minor offence, in a business-like manner.

(3) The punishment shall be for a felony imprisonment of up to three years, if receiving of stolen goods is committed in respect of a greater value or for an object considered a cultural good.

(4) The punishment shall be imprisonment from one year to five years, if receiving of stolen goods is committed

a) in respect of a considerable value,

b) in respect of a greater value in a business-like manner.

(5) The punishment shall be imprisonment between two to eight years for the crime of receiving stolen goods is committed

a) in respect of particularly considerable value,

b) in respect of substantial value in a business-like manner.

(6) The punishment shall be imprisonment between five to ten years, if receiving of stolen goods is committed

a) for a particularly substantial value,

b) for a particularly considerable value in a business-like manner,

c)

Use of a Vehicle Without Authority

Section 327

(1) A person who takes away from another person a motor vehicle not belonging to him in order to use such without authorization, or uses a vehicle thus taken away or entrusted to him without authorization, commits a felony and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be for a felony imprisonment of up to five years, if the crime is committed

a) with violence or direct threat against life or limb,

b) as part of a criminal conspiracy.

(3) The punishment shall be for a felony imprisonment between two to eight years if the crime defined in Paragraph a) of Subsection (2) was committed with a weapon or as part of criminal conspiracy.

Defrauding of Buyers

Section 328

(1) The person who - in the course of direct distribution of goods for consumers - pursues an activity defrauding the buyers

a) with false measuring or calculation;

b)

c) with the deterioration of the quality of goods,

unless a graver crime is realized, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The person shall also be punishable in accordance with subsection (1), who commits the acts listed there in the course of a service of economic nature to the detriment of the customers.

(3) The person who commits the defrauding of buyers in a business-like manner, commits a felony, and shall be punishable with imprisonment of up to three years.

Usurpation

Section 329

(1) A person who

a) connotes as his own the intellectual product of another person and thereby causes financial injury to the right-holder of record,

b) misusing his position, office or membership at an economic organization makes the utilization of an intellectual product of another person, or the enforcement of rights associated therewith, conditional upon being given a share from the fee received for, or from the profits or proceeds generated by such product,

commits a felony and shall be punishable by imprisonment of up to three years.

(2) For the purposes of this Section 'intellectual works' means literary, scientific and artistic works, inventions, product designs, product prototypes, topography of microelectronic semiconductors, and other innovations.

Infringement of Copyright and Certain Rights Related to Copyright

Section 329/A

(1) A person who infringes a right of the author of a literary, scientific or artistic creation attached to such work, a right of a performing artist attached to his performance, a right of a producer of a sound recording attached to his sound recording, a right of a radio or television organization attached to its program, or a right of the maker of motion picture or database attached to such work, for the purpose of financial gain or advantage and/or thereby causing financial

injury, is guilty of a misdemeanor punishable by imprisonment not to exceed two years, work in community service or a fine.

(2) The punishment shall be imprisonment not exceeding three years for a felony, if the infringement of copyright or certain rights related to copyright

a) causes substantial financial injury,

b) is committed in a pattern of criminal profiteering.

(3) The punishment shall be

a) imprisonment not exceeding five years, if the infringement of copyright or certain rights related to copyright results in particularly considerable financial injury,

b) imprisonment between two to eight years, if the infringement of copyright or certain rights related to copyright results in particularly substantial financial injury.

(4) Any person who commits an infringement of copyright or certain rights related to copyright by negligence is guilty of misdemeanor punishable by imprisonment not to exceed one year, work in community service, or a fine.

Compromising or Defrauding the Integrity of Technological Measures for the Protection of Copyright and Certain Rights Related to Copyright

Section 329/B.

(1) Any person who

a) manufactures or fabricates,

b) supplies, distributes or deals

with any instrument, product, equipment and/or accessory for compromising the technological measures defined in the Act on Copyright instituted for the protection of copyright and certain rights related to copyright is guilty of a misdemeanor punishable by imprisonment not to exceed two years, work in community service, or a fine.

(2) Any person who conveys economic, technical and/or organizational expertise to another person for the purpose of and as necessary for the defrauding of technological measures instituted for the protection of copyright and certain rights related to copyright shall be punished according to Subsection (1) above.

(3) The punishment shall be imprisonment not exceeding three years for a felony, if the act of defrauding the technological measures instituted for the protection of copyright and certain rights related to copyright is committed in a pattern of criminal profiteering.

(4) A person implicated in the offense described in Paragraph *a)* of Subsection (1) above shall not be punished if he voluntarily confesses to the authorities his involvement in the manufacture or production of any instrument, product, equipment and/or accessory intended for compromising the technological measures instituted for the protection of copyright and certain rights related to copyright prior to the authorities gaining knowledge of such, and if he surrenders such manufactured and fabricated objects to the authorities, and if he provides information concerning any other individuals participating in manufacture or production.

Falsifying Data Related to Copyright Management

Section 329/C.

Any person who, for financial gain or advantage, unlawfully removes or falsifies any data or information - defined as such in the Act on Copyright - and published in connection with the use of a work or performance of another person that is protected by copyright or certain rights related to copyright, is guilty of a misdemeanor punishable by imprisonment not to exceed two years, work in community service, or a fine.

Violation of Industrial Design Rights

Section 329/D.

(1) A person who violates the right of the holder of a patent, protected product design or product prototype, patented topography, trade mark or geographical indication by imitating or copying the patented article, and thereby causing financial injury, is guilty of a misdemeanor punishable by imprisonment not to exceed two years, work in community service, or a fine.

(2) The punishment offense shall be imprisonment of up to three years for a felony, if the violation of industrial design rights

a) causes substantial financial injury,

b) is committed in a business-like manner.

(3) The punishment shall be

a) imprisonment of up to five years, if the violation of industrial design rights results in particularly considerable financial injury,

b) imprisonment between two to eight years, if the violation of industrial design rights results in particularly substantial financial injury.

Infringement of Credit

Section 330

The person who withdraws wholly or partially the cover of a credit, or frustrates in any other manner the satisfaction of a creditor from the cover, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

Withdrawal of the Cover of Debt

Section 330/A

Private Motion

Section 331

For the following acts of crime causing damage in personal property: theft, embezzlement, fraud, fraudulent breach of trust, deterioration, unlawful appropriation, receiving of stolen goods, and arbitrary taking away of vehicle, the perpetrator shall only be punishable upon private motion, if the injured party is his relative.

Active Repentance

Section 332

The punishment may be mitigated without limitation - in a case deserving special appreciation even dispensed with - if the perpetrator of theft, embezzlement, fraud, fraudulent breach of trust, deterioration, receiving of stolen goods, unlawful appropriation or arbitrary taking away of vehicle reports the act - before its being detected - to the authorities or to the injured party, and refunds the damage or does everything that may be expected of him in order to refund the damage.

Interpretative Provisions

Section 333

For the purposes of this Chapter

1. the term "object" shall also refer to electricity and other forms of energy to be used in the economy, as well as to documents embodying pecuniary right and uncertificated securities which in themselves ensure disposal over the pecuniary value or right attested therein, or, in respect of uncertificated securities, to the beneficiary of the securities account,

2.

3.

4. crimes of similar character from the aspect of special recidivism are crimes against property.

Section 333/A

This Chapter shall apply when conscription is reintroduced in a state of preventive defense emergency or martial law.

Chapter XIX

Crimes Against Military Defence Obligation

Infringement of Obligation of Joining up

Section 334

(1) Where a person who is liable to military service fails to report for service when drafted, this shall be construed a felony and punishable by imprisonment of up to five years.

(2) Any person who commits the crime by negligence shall be punishable for a misdemeanor by imprisonment of up to three years.

Evasion of Military Service

Section 335

(1) The person liable to military service who - with the aim of evading military service - fails to meet his obligation of reporting for service, shall be punishable for felony by imprisonment between five to ten years.

(2) The person liable to military service who, with the aim referred to in Subsection (1)

a) mutilates his body, inflicts damage to his health or exhibits any misleading demeanor,

b) leaves without permission for abroad or remains abroad for any extended period of time,

is punishable by imprisonment between five to fifteen years.

Refusal of Military Service

Section 336

The person liable to military service who refuses military service shall be punishable for felony by imprisonment between five to fifteen years.

Evasion of Civil Service

Section 336/A

(1) Any person who has been authorized to perform civil service and who fails to appear when summoned shall be punishable for felony by imprisonment of up to five years.

(2) Where a person referred to in Subsection (1) who, with the intention of evading civil service once and for all:

a) fails to report or appear when summoned, mutilates his body, inflicts damage to his health or exhibits any misleading demeanor, this person shall be punishable by imprisonment between one to five years;

b) leaves without permission for abroad or remains abroad for any extended period of time, this person shall be punishable by imprisonment between two to eight years.

(3) Any person who commits the criminal act set out in Subsection (1) with the intention of temporarily evading civil service shall be punishable for felony offense by imprisonment of up to three years, or between one to five years if the duration of evasion exceeds six days.

Refusal of Civil Service

Section 336/B

Any person who has been authorized to perform civil service and who refuses to perform civil service shall be punishable by imprisonment between one to five years.

Section 336/C

Omission of Obligation of Reporting

Section 337

The person liable to military service who fails to appear when summoned shall be punishable for felony offense by imprisonment of up to three years.

Impeding the Performance of Military Service Obligation

Section 338

(1) Any person engaged in a conduct aiming to prevent a person liable to military service from performing his obligation described in Section 334, Section 336/A, Section 336/B and Section 337 shall be punishable for felony offense according to what is contained in these Sections.

(2) Any person engaged in a conduct aiming to assist a person liable to military service to evade military service in the manner defined in Section 335, shall be punishable in accordance with the distinction laid down in that Section.

Infringement of Obligation of Civil Defence

Section 339

(1) Any person who fails to perform his civil defense service obligations shall be punishable for felony offense by imprisonment of up to three years.

(2) The punishment shall be imprisonment between one to five years if the crime results in a serious danger.

(3) Any person who perpetrates the crime defined in Subsection (2) by negligence shall be punishable for misdemeanor offense by imprisonment of up to three years.

Infringement of Military Defence Obligation to Work

Section 340

The person obliged to military defence work, who gravely infringes this obligation by non-attendance or in any other manner, commits a felony and shall be punishable with imprisonment of up to three years.

Infringement of Obligation to Provide Service

Section 341

Any person who seriously infringes or evades his military defense obligation consisting in providing economic or material service shall be punishable for felony offense by imprisonment of up to five years.

Active Repentance

Section 342

The punishment may be mitigated without limitation, if the perpetrator of the crime defined in this Chapter voluntarily meets his omitted obligation.

Chapter XX

Military Crimes

Title I

Service Crimes

Desertion

Section 343

(1) The person who - with the aim of withdrawing himself from the performance of his military service -, arbitrarily leaves his place of service or remains absent therefrom, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the desertion is committed

a) in an armed manner,

b) in group,

c) in the course of the performance of an important service or by using the service,

d) with the application of violence against a person.

(3) The person who deserts abroad, shall be punishable with imprisonment from five years to fifteen years.

(4) The person who deserts abroad in the manner defined in subsection (2), paragraphs *a)* to *c)*, or commits desertion in war-time, shall be punishable with imprisonment from ten years to fifteen years or with life imprisonment.

(5) The person who commits preparation for desertion as defined in subsection (2) or subsection (3), shall be punishable for a felony with imprisonment from one year to five years, in war-time from five years to ten years.

(6)

(7) The punishment of the perpetrator of desertion may be mitigated without limitation, if he voluntarily presents himself to the authorities.

Omission of Reporting

Section 344

The person who credibly learns that perpetration of desertion abroad is prepared or such a crime not yet detected has been committed, and fails to report that as soon as he can, commits a felony and shall be punishable with imprisonment of up to three years. The relative of the perpetrator shall not be punishable for omitting the reporting.

Arbitrary Leave

Section 345

(1) The person who arbitrarily leaves his service post or remains absent therefrom, and his absence exceeds forty-eight hours, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, in war-time for a felony with imprisonment from one year to five years.

(2) If the duration of arbitrary absence exceeds nine days, the punishment shall be for a felony imprisonment of up to three years, in war-time imprisonment from two years to eight years.

Evasion from Service

Section 346

(1) The person who - with the aim of withdrawing himself from the performance of his military service - mutilates his body, injures his health or displays a misleading conduct, shall be punishable with imprisonment from one year to five years, in war-time with imprisonment from ten years to fifteen years or with life imprisonment.

(2) The person who commits the crime defined in subsection (1) for temporarily withdrawing himself from the performance of his military service, shall be punishable for misdemeanour with imprisonment of up to one year, in war-time for a felony with imprisonment from one year to five years.

(3) If the duration of temporary withdrawal exceeds six days, the punishment shall be for a felony imprisonment of up to three years, in war-time imprisonment from two years to eight years.

Refusal of Service

Section 347

The person who refuses to perform his military service, commits a felony and shall be punishable with imprisonment from one year to five years, in war-time with imprisonment from ten years to fifteen years, or life imprisonment.

Breach of Duty in Service

Section 348

(1) The person who falls asleep, consumes alcoholic drink, leaves his post or otherwise gravely infringes an order concerning the performance of service in guard, duty post, or other preparedness duty, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to five years, in war-time imprisonment from two years to eight years, if the crime involves the danger of considerable disadvantage for the service.

(3) The punishment shall be for a felony imprisonment from ten years to fifteen years or life imprisonment, if the crime is committed in a combat situation and an especially great disadvantage results therefrom.

(4) The person who commits the crime by negligence, shall be punishable in case of subsection (2) for a misdemeanour in accordance with the distinction made there, with imprisonment of up to one year or up to three years, in case of subsection (3) with imprisonment of up to five years.

Evasion from Performing a Service Task

Section 349

(1) The person who withdraws himself from an important service duty with deception or absence, or makes himself incapable of the performance thereof, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to three years, in war-time from one year to five years, if the crime involves the danger of considerable disadvantage for the service.

Infringement of the Obligation of Reporting

Section 350

(1) The person who fails to make a report in an important service matter in due time, or makes an untrue report, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to three years, in war-time imprisonment from one year to five years, if a considerable disadvantage results from the crime for the service.

Abuse of Authority in Service

Section 351

(1) The person who - in order to cause unlawful disadvantage or to obtain unlawful advantage - abuses his authority or position in service, unless a graver crime is realized, commits a misdemeanour and shall be punishable with imprisonment of up to two years.

(2) The punishment shall be for a felony imprisonment of up to five years, if a considerable disadvantage results from the crime.

Title II

Insubordination

Mutiny

Section 352

(1) The person who participates in an open insubordination in group directed against the order of service and discipline, which considerably disturbs the performance of service duties, commits a felony and shall be punishable with imprisonment from two years to eight years.

(2) *a)* The initiator, organizer and head of the mutiny,

b) its participants, if they apply violence against a superior or a party acting against the mutiny

shall be punishable with imprisonment from five years to fifteen years.

(3) *a)* The initiator, organizer and head of the mutiny, if the mutiny involves especially grave consequences,

b) the participants, if their acts committed in the course of the mutiny cause death, or otherwise involve especially grave consequences, shall be punishable with imprisonment from ten years to fifteen years, or life imprisonment.

(4) In war-time the punishment shall be in case of subsection (1) imprisonment from five years to fifteen years, in case of subsection (2), and in combat situation also in case of subsection (1) imprisonment from ten years to fifteen years, or life imprisonment.

(5) In case of subsection (1), the punishment of the person, who terminates mutiny before it has graver consequences, or after having been ordered thereto, may be mitigated without limitation.

(6) The person who commits preparation to mutiny, shall be punishable for a felony with imprisonment from one year to five years, in war-time with imprisonment from two years to eight years.

Omission of Impeding Mutiny

Section 353

The person who fails to impede, as best he can, a mutiny or its preparation which has come to his knowledge or does not report it without delay, commits a felony and shall be punishable with imprisonment of up to three years.

Disobedience to Orders

Section 354

(1) The person who does not perform an order, commits a misdemeanour and shall be punishable with imprisonment of up to one year, in case of perpetration in group for a felony with imprisonment of up to three years.

(2) The punishment shall be for a felony imprisonment of up to five years, in war-time from two years to eight years, if the disobedience

a) is done in the presence of other subordinates either with the express refusal of the performance of the order or in any other insolent manner,

b) involves the danger of considerable disadvantage for service or discipline.

(3) The person who does not perform a combat order in war, shall be punishable with imprisonment from ten years to fifteen years, or with life imprisonment.

(4) The person, who commits the crime by negligence, shall be punishable for a misdemeanour in case of subsection (2), paragraph *b)* with imprisonment of up to one year, in war-time up to three years, in case of subsection (3) with imprisonment of up to five years.

Violence Against a Superior or Service Personnel in Authority

Section 355

(1) The person who applies violence against

a) a superior,

b) a person in a position senior to his, a guard or other service personnel in authority during or because of the latter's performance of their service, menaces therewith or displays active resistance, commits a felony and shall be punishable with imprisonment of up to three years, in war-time from one year to five years.

(2) The punishment shall be imprisonment of up to five years, in war-time from two years to eight years, if

a) the crime is committed in arms or in group,

b) the crime is a simultaneous disobedience to an order,

c) the crime involves grievous bodily harm or the danger of considerable disadvantage for the service or discipline.

(3) The punishment shall be imprisonment from two years to eight years, in war-time from five years to ten years, if the crime causes durable handicap, a grievous deterioration of health or danger to life.

(4) The punishment shall be imprisonment from five years to fifteen years, if the crime causes the death of the injured party.

(5) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if

a) the crime also realizes intentional homicide,

b) the crime is committed in a combat situation.

(6) The provisions of this Section shall also apply, if the crime is committed against a person voluntarily defending a person defined in subsection (1) or against a person doing the above under command.

Infringement of Service Authority

Section 356

(1) The person who infringes the authority

a) of a superior

b) of a person in a position senior to his, a guard or other service personnel in authority performing duty

in front of somebody else or in a conspicuously gross manner, commits a misdemeanour, and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed in front of several soldiers or otherwise in public.

Incitement

Section 357

(1) The person who incites discontent among soldiers with the superior, an order or in general the order of service or discipline, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to three years, if

a) the incitement is committed in the course of the performance of service,

b) the incitement entails considerable disadvantage for the service or discipline.

Title III Crimes of

Superiors Insult of

Subordinate

Section 358

(1) The person who insults his subordinate in his human dignity in front of somebody else or in a conspicuously gross manner, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed

a) for a base reason,

b) causing grievous bodily or psychic torment,

c) to the injury of several subordinates.

(3) The punishment shall be imprisonment from one year to five years, if the crime causes grievous bodily harm or considerable disadvantage to the service.

Abuse of the Power of a Superior

Section 359

The person who abusing his power as a superior

a) inflicts a disciplinary punishment on his subaltern,

b) restricts him in the exercise of his right to complaint,

c) curtails his remuneration, or financially burdens him,

d) utilizes him for a private purpose,

e) accords to him a more favourable or disadvantageous treatment in comparison with the others,

commits a misdemeanour and shall be punishable with imprisonment of up to one year.

Omission of Superior's Care

Section 360

(1) The person who infringes his superior's obligation by omitting a measure required for the material provision of his subordinate or for protecting him from some menacing danger or for rescuing him, unless a graver crime is realized, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to five years, in war-time from two years to eight years, if the crime involves considerable disadvantage for the service or discipline.

(3) The person who commits the crime defined in subsection (2) by negligence, shall be punishable for a misdemeanour - in accordance with the distinction made there - with imprisonment of up to one year, or up to three years.

Omission of Taking Measures by a Superior

Section 361

(1) The person who infringing his obligation as a superior, omits to take the necessary measures

a) for impeding the infringement of duty or crime of a subordinate, or for calling him to account,

b) for surmounting any disturbance menacing the order of service, the discipline or public security, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) If the crime involves considerable disadvantage for the service, the discipline or public security, the punishment shall be for a felony imprisonment of up to five years, in war-time from two years to eight years.

(3) The person who commits the crime defined in subsection (2) by negligence, shall be punishable for a misdemeanour - in accordance with the distinction made there - with imprisonment of up to one year or up to three years.

Omission of Control

Section 362

(1) The person who infringes his duty as a superior by failing to control the performance of the service of his subordinates, and this involves a considerable disadvantage for the service or discipline, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) If the crime involves especially great disadvantage for the service or discipline, the punishment shall be for a felony imprisonment of up to five years, in war-time from two years to eight years.

(3) The person who commits the crime defined in subsection (2) by negligence, shall be punishable for a misdemeanour - in accordance with the distinction made there - with imprisonment of up to one year or up to three years.

Title IV

Crimes Endangering Ability for Combat

Endangering of Combat Readiness

Section 363

(1) The person who directly endangers the combat readiness of a military unit by infringing his service duty through

a) failing to provide for the required armaments, fighting outfit or other war material, or the protection of their stocks,

b) destroying, rendering unusable or otherwise withdrawing from its designated purpose important armaments, fighting outfit, or other important war material,

commits a felony and shall be punishable with imprisonment from one year to five years, in war-time from two years to eight years.

(2) If the crime involves especially great disadvantage for the service, the punishment shall be imprisonment from two years to eight years, in war-time imprisonment from ten years to fifteen years, or life imprisonment.

(3) The person who commits the crime by negligence, shall be punishable for misdemeanour in case of subsection (1) - in accordance with the distinction made there - with imprisonment of up to one year or up to three years, in the case of subsection (2) - in accordance with the distinction made there - with imprisonment of up to three years or up to five years.

Infringement of Commander's Obligations

Section 364

The person who in a combat situation, by the infringement of his commander's obligations

a) surrenders the subordinate soldiers to the enemy or allows them to be captured,

b) destroys without compelling necessity an important battle position, equipment, combat material or any other war material entrusted to him, or yields it to the enemy in a usable state,

c) does not display the resistance against the enemy of which he is capable

commits a felony and shall be punishable with imprisonment from ten to fifteen years, or life imprisonment.

Evasion from the Performance of Combat Obligation

Section 365

The person who in a war evades from the performance of his combat obligation
a) by arbitrarily leaving his service post, hiding or fleeing,
b) by intentionally causing inability to fight, or with deceptive conduct,
c) by discarding his fighting equipment, by its deterioration or the omission of its application,
d) by voluntarily surrendering himself to the enemy,
e) by another grave infringement of his service obligations,
commits a felony and shall be punishable with imprisonment from ten years to fifteen years or life imprisonment.

Undermining of Fighting Spirit

Section 366

(1) The person who in war-time incites discontent among the soldiers, prompts defeatism or disseminates scaring news, commits a felony and shall be punishable with imprisonment from one year to five years.
(2) The punishment shall be imprisonment from five years to fifteen years, if the crime
a) causes discontent or other infringement of duty on the part of the soldiers,
b) involves another important disadvantage for the service.

Interpretative Provision

Section 367

For the purposes of this Section, military service shall mean the service performed by the persons indicated in Section 122, subsection (1).

Section 368

For the purposes of this Chapter combat situation shall also mean when the military units of the Hungarian Armed Forces are deployed in a foreign country.