

THE CROATIAN PARLIAMENT

2498

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby issue the

DECISION

PROMULGATING THE CRIMINAL CODE

I hereby promulgate the Criminal Code, passed by the Croatian Parliament at its session on 21 October 2011.

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No.: 71-05-03/1-11-2

Zagreb, 26 October 2011

The President of the Republic of Croatia
Ivo Josipović, m. p.

CRIMINAL CODE

GENERAL PART

TITLE I

BASIC PROVISIONS

Basis and Limits of Criminal-Law Enforcement

Article 1

Criminal offences and criminal-law sanctions shall be prescribed only for such conduct whereby personal freedoms and rights of man as well as other rights and social values guaranteed and protected by the Constitution of the Republic of Croatia and international law are violated or jeopardised in such a manner that it would not be possible to achieve their protection without criminal-law enforcement.

Principle of Legality

Article 2

No one shall be punished on account of any act which prior to its commission did not constitute a criminal offence under national or international law nor shall a penalty or any other criminal-law sanction be imposed that was not prescribed by law at the time the criminal offence was committed.

Jurisdiction *Ratione Temporis* and Principle of *Lex Mitior*

Article 3

(1) The law in force at the time the criminal offence is committed shall be applied to the perpetrator.

(2) If the law is amended one or more times after the criminal offence is committed but before a judgment having the force of *res judicata* is passed, the most lenient law for the perpetrator shall be applied.

(3) Where in cases referred to in paragraph 2 of this Article the name or description of a criminal offence is modified, the court shall examine whether there is legal continuity by subsuming the factual situation in question under the statutory definition of the corresponding criminal offence from the new Code. Where it establishes that legal continuity exists, it shall apply the Code that is more lenient with respect to the perpetrator. There shall be no criminal offence where there is no legal continuity.

(4) If the law is amended in the course of the commission of the criminal offence, the law in force at the time of the completion of the criminal offence shall be applied.

(5) A law intended to be in force only for a determinate time shall be continued to be applied to criminal offences committed while it was in force even after it ceases to be in force, unless otherwise provided by law.

Principle of Culpability

Article 4

No one shall be punished unless found culpable of the committed criminal offence.

Principle of Confiscation of the Proceeds of a Criminal Offence

Article 5

No one shall retain the proceeds acquired from an unlawful act.

TITLE II

APPLICATION OF THE CRIMINAL LEGISLATION OF THE REPUBLIC OF CROATIA

Application of the General Part of the Criminal Code

Article 6

The provisions of the General Part of this Code shall apply to criminal offences provided for by this Code and other statutes.

Application of the Criminal Legislation to Young Persons

Article 7

(1) Criminal legislation shall not be applied to a child who, at the time of the commission of the criminal offence, has not turned fourteen years of age.

(2) This Code shall apply to a person who at the time of the commission of a criminal offence has turned fourteen years of age but is younger than twenty one, unless a special statute provides otherwise.

Time of the Criminal Offence

Article 8

(1) A criminal offence is deemed to have been committed at the time when the perpetrator acted or should have acted, irrespective of the time when the consequence which is a material element of a criminal offence occurs.

(2) Where the perpetrator's activity consists of several temporally isolated acts, the criminal offence is deemed to have been committed on the day of the last act, while in the case of an act lasting over a period of time, it is deemed to have been committed on the day of the cessation of the continuing act.

Place of the Criminal Offence

Article 9

(1) A criminal offence is deemed to have been committed in every place where the perpetrator acted or should have acted and in which the consequence which is the material element of a criminal offence, fully or partially occurs or should have occurred according to the intention of the perpetrator.

(2) In the case of secondary participation, a criminal offence is deemed to have been committed in the place specified in paragraph 1 of this Article and also in every place where the secondary participant acted or should have acted or where according to his or her intention the consequence which is the material element of a criminal offence should have occurred.

Criminal Offences Committed in the Territory of the Republic of Croatia

Article 10

The criminal legislation of the Republic of Croatia shall apply to anyone who commits a criminal offence in its territory.

Criminal Offences Committed Aboard a Croatian Vessel or Aircraft

Article 11

The criminal legislation of the Republic of Croatia shall also apply to anyone who commits a criminal offence aboard a Croatian vessel or aircraft, regardless of the location of the vessel or the aircraft at the time the criminal offence was committed.

Particularities Concerning the Institution of Criminal Proceedings for Criminal Offences Committed within the Territory of the Republic of Croatia, Aboard its Vessel or Aircraft

Article 12

(1) Where, in the case of application of the criminal legislation of the Republic of Croatia pursuant to the provisions of Articles 10 and 11 of this Code, criminal proceedings in a foreign country have ended with a judgment having the force of *res judicata*, criminal proceedings in the Republic of Croatia shall be instituted upon authorisation from the Attorney General.

(2) Criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia pursuant to the provisions of Articles 10 and 11 of this Code shall not be instituted against the perpetrator of a criminal offence which, besides in the territory of the Republic of Croatia, was also committed in the territory of a signatory state to the Convention implementing the Schengen Agreement, where the criminal proceedings for this criminal offence have ended with a judgment having the force of *res judicata*.

Criminal Offences Committed Abroad against a Domestic Legal Interest

Article 13

The criminal legislation of the Republic of Croatia shall apply to anyone who, outside its territory, commits:

1. a criminal offence against the Republic of Croatia referred to in Title XXXII of this Code,
2. the criminal offence of counterfeiting money, securities and value signs of the Republic of Croatia referred to in Articles 274, 275 and 276 of this Code,
3. a criminal offence against a Croatian state official or a civil servant relating to his or her office,
4. a criminal offence of false testimony referred to in Article 305 of this Code if the false testimony was given in proceedings before Croatian competent authorities,
5. a criminal offences against the right to vote referred to in Title XXXI of this Code,
6. a criminal offence referred to in Articles 193, 194, 196, 197 and 198 of this Code when committed in the ecological and fisheries protection zone, epicontinental belt or in open sea.

Criminal Offences Committed Outside the Territory of the Republic of Croatia by its Nationals

Article 14

(1) The criminal legislation of the Republic of Croatia shall be applied to its national or a person who has his or her permanent residence in its territory who outside the territory of the Republic of Croatia commits a criminal offence other than those specified in the provisions of Articles 13 and 16 of this Code, if the act is a criminal offence at the locality of its commission.

(2) The provision of paragraph 1 of this Article shall also apply to cases where the perpetrator acquires Croatian nationality after having committed the criminal offence.

(3) In cases referred to in paragraphs 1 and 2 of this Article, with respect to criminal offences established in Article 115, paragraphs 3 and 4, and Articles 116, 153, 154, 158, 161, 162, 163, 164, 166 and 169 of this Code and other criminal offences for which this is provided by international treaties to which the Republic of Croatia is a party, the criminal legislation of the Republic of Croatia shall apply even if the act is not a criminal offence at the locality of its commission.

(4) Where a Croatian national participates in peacekeeping operations or other international activities outside of the territory of the Republic of Croatia and commits in such operations or activities a criminal offence, the application of the legislation of the Republic of Croatia shall be governed by the provisions of this Code, unless otherwise provided by an international treaty to which the Republic of Croatia is a party.

Criminal Offences Committed Outside the Territory of the Republic of Croatia against its Nationals

Article 15

(1) The criminal legislation of the Republic of Croatia shall apply to an alien who outside the territory of the Republic of Croatia perpetrates a criminal offence other than those specified in the provisions of Articles 13 and 16 of this Code against a Croatian national, a person with a permanent residence in the Republic of Croatia or a legal person registered in the Republic of Croatia, if the act is also a criminal offence at the locality of its commission.

(2) In the case referred to in paragraph 1 of this Article, the court may not impose a penalty more severe than the one prescribed by the law of the country in which the criminal offence was committed.

Criminal Offences Committed Abroad against Internationally Protected Legal Interests

Article 16

The criminal legislation of the Republic of Croatia shall apply to anyone who outside its territory commits any of the criminal offences referred to in Articles 88, 90, 91, 97, 104, 105 and 106 of this Code or a criminal offence which the Republic of Croatia is required to punish under an international treaty even though committed abroad.

Other Criminal Offences Committed Abroad

Article 17

(1) The criminal legislation of the Republic of Croatia shall apply to an alien who outside its territory commits a criminal offence for which under the Croatian law a punishment of five years of imprisonment or a more severe penalty may be imposed, where this does not concern the cases referred to in Articles 13 through 16 of this Code, if the act is a criminal offence at the locality of its commission and if the extradition of the perpetrator is permitted under the law or an international treaty but has not been made.

(2) With respect to the case referred to in paragraph 1 of this Article, the court may not pronounce a sentence that is more severe than the one provided for by the law of the country in which the criminal offence was committed.

Particularities Concerning the Institution of Criminal Proceedings for Criminal Offences Committed Abroad

Article 18

(1) Where, in the case of application of the criminal legislation of the Republic of Croatia pursuant to provisions of Article 13 of this Code, criminal proceedings have ended in a foreign country with a judgment having the force of *res judicata*, the Attorney General may desist from criminal prosecution.

(2) In cases referred to in Articles 14, 15 and 17 of this Code, criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia shall not be instituted:

1. if the *res judicata* sentence has been carried out or is in the process of being carried out or can no longer be carried out under the law of the country in which the person was convicted,

2. if the perpetrator has been acquitted in a foreign country by a judgment having the force of *res judicata* or if he or she has been granted pardon under the law of the country in which he or she committed the criminal offence,

3. if under the law of the country in which the criminal offence has been committed, such offence is prosecuted on the basis of a complaint or private action, and such a complaint has not been filed or an action has not been brought, or the statute of limitations for criminal prosecution has expired.

(3) In the case referred to in Article 16 of this Code, criminal proceedings for the purpose of applying criminal legislation of the Republic of Croatia may be instituted provided that criminal prosecution has not been initiated before the International Criminal Court or a court of another country or that due process before a court of the country in which the criminal offence was committed, a court of the country of which the perpetrator is a national or another court with jurisdiction over the case cannot be expected. If criminal proceedings were carried out in another country contrary to internationally recognised standards of fair trial, criminal proceedings may be instituted only with the authorisation from the Attorney General.

(4) In the case referred to in Articles 14, 15, 16 and 17 of this Code criminal proceedings shall be instituted only if the perpetrator is present on the territory of the Republic of Croatia.

Crediting Time Spent Deprived of Liberty and Criminal-Law Sanctions Executed in a Foreign Country

Article 19

Where criminal legislation of the Republic of Croatia is applied, time spent in custody, on remand or serving one's sentence, as well as any other period of deprivation of liberty served in a foreign country shall be credited towards the length of the pronounced sentence of imprisonment handed down by a domestic court for the same criminal offence. Other executed criminal-law sanctions shall be credited according to a just assessment by the court.

TITLE III

CRIMINAL OFFENCE

Manner of Committing a Criminal Offence

Article 20

(1) A criminal offence may be committed by acting or by omitting to act.

(2) Whoever fails to avert the consequence which is an element of a criminal offence described under the law shall be liable for omission if he or she is legally bound to avert such a consequence and if the omission to act is by its effects and meaning equivalent to committing the criminal offence by acting.

(3) The sentence of a perpetrator who has committed a criminal offence by omission may be mitigated, unless the criminal offence in question can be committed only by omission.

Self-Defence

Article 21

- (1) An act committed in self-defence is not unlawful.
- (2) Self-defence is defence which is necessary to avert an imminent or immediate unlawful attack on oneself or another.
- (3) If the perpetrator exceeds the limits of self-defence, punishment may be mitigated.
- (4) A person who exceeds the limits of self-defence out of excusable great fear caused by the attack shall not be held culpable.

Necessity

Article 22

- (1) An act committed to avert from oneself or another an imminent danger which cannot be otherwise averted is not unlawful if the harm thus caused is less than the harm threatened.
- (2) Whoever commits an unlawful act in order to avert from himself or herself or from another an imminent danger not brought on by himself or herself, which cannot otherwise be averted, shall not be held culpable provided that the resulting harm was not disproportionately greater than the harm threatened and that he or she was not obliged to expose himself or herself to the danger. If such a person was obliged to expose himself or herself to the danger, the punishment may be mitigated.
- (3) If the perpetrator mistakenly assumes that the circumstances referred to in paragraph 2 of this Article excusing culpability exist, he or she shall be punished for negligence whenever negligence suffices to establish culpability for such an offence.

Elements of Culpability

Article 23

A perpetrator is culpable of a criminal offence if at the time of its commission he or she is mentally capable, acts with intent or by negligence, and is aware or should and could have been aware that his or her conduct is prohibited, provided there is no reason for which he or she may be excused.

Insanity (Mental Incapacity)

Article 24

- (1) A mentally incapable person is not guilty and no punishment can be imposed on him or her.
- (2) A mentally incapable person is a person who at the time of an unlawful conduct is incapable of appreciating the meaning of his or her conduct or of exercising control over his or her will due to mental illness, temporary mental disorder, insufficient mental development or some other severe mental disorder.
- (3) The provisions of the Act on the Protection of Persons with Mental Disorders shall apply to a person who commits an unlawful conduct in a state of mental incapacity.
- (4) A mentally incapable person may be imposed a security measure barring him or her from holding a particular office or engaging in a particular activity, from driving a motor vehicle, from approaching a person, directing him or her to remove himself or herself from the shared household or barring him or her from accessing the internet.

Voluntary Intoxication (Self-Induced Mental Incapacity)

Article 25

A perpetrator who by reason of alcohol or drug abuse or otherwise, through his or her own fault, brings himself or herself into a state in which he or she was incapable either of appreciating the meaning of his or her conduct or of exercising control over his or her will, if at the time he or she was bringing himself or herself into such a state, the criminal offence he or she committed was covered by his or her intent or he or she acted negligently thereof provided that according to the law negligence suffices to establish culpability for such an offence, shall not be deemed mentally incapable.

Substantially Diminished Responsibility

Article 26

To a perpetrator who at the time of the commission of the criminal offence is due to one of the reasons indicated in Article 24, paragraph 2, of this Code, of a substantially diminished responsibility, the punishment may be mitigated if the substantially diminished responsibility was not voluntarily-induced pursuant to Article 25 of this Code.

Sentencing Intentional and Negligent Conduct

Article 27

(1) Intentional conduct shall be punishable. Negligent conduct is punishable only when law expressly provides for criminal liability.

(2) Aggravated punishment prescribed by law for an aggravated consequence of a criminal offence may be imposed if the perpetrator acted at least negligently with respect to that consequence.

Intent

Article 28

(1) A criminal offence may be committed with direct (*dolus directus*) or indirect intent (*dolus eventualis*).

(2) A perpetrator acts with direct intent when he or she is aware of the material elements of a criminal offence and wants or is certain of their realisation.

(3) A perpetrator acts with indirect intent when he or she is aware that he or she is capable of realising the material elements of a criminal offence and accedes to this.

Negligence

Article 29

(1) A criminal offence may be committed by advertent or inadvertent negligence.

(2) The perpetrator acts with advertent negligence when he or she is aware that he or she can realise the material elements of a criminal offence but carelessly assumes that this will not occur or that he or she will be able to prevent this from occurring.

(3) The perpetrator acts with inadvertent negligence when he or she is unaware that he or she can realise the material elements of a criminal offence, even though under the circumstances he or she should and, by virtue of his or her personal characteristics, could have been aware of such a possibility.

Mistake of Fact

Article 30

(1) Whoever at the time of commission of an offence is unaware of one of its material elements is acting without intent.

(2) If the mistake referred to in paragraph 1 of this Article was avoidable, the perpetrator shall be punished for negligence provided that according to the law negligence suffices to establish culpability for such an offence.

Mistake of Circumstances in Affirmative Defences

Article 31

(1) Whoever at the time of the commission of an offence mistakenly assumed that the circumstances existed under which the offence would have been lawful, shall not be punished for intentionally committing the offence.

(2) If the mistake referred to in paragraph 1 of this Article was avoidable, the perpetrator shall be punished for negligence provided that according to the law negligence suffices to establish culpability for such an offence.

Mistake of Law

Article 32

(1) A perpetrator who at the time of the commission of an offence did not know that his or her act is unlawful and was neither required to know nor could have known this, shall not be held culpable.

(2) If the mistake referred to in paragraph 1 of this Article was avoidable, the punishment may be mitigated.

Insignificant Offence

Article 33

There shall be no criminal offence although its material elements have been realised if the degree of the perpetrator's guilt is low, no consequences ensued from the offence or they were negligible and there is no need for the perpetrator to be punished.

Attempt

Article 34

(1) Whoever, with the intent to commit a criminal offence, performs an act which is spatially and temporally proximate to the realisation of the material elements of the criminal offence shall be punished for the attempt, provided that a sentence of imprisonment of five years or a more severe punishment may be imposed or that the law expressly provides for the punishment of an attempt.

(2) The punishment of a perpetrator of an attempt may be mitigated.

(3) If the perpetrator due to gross ignorance attempts to commit a criminal offence by unsuitable means or towards an unsuitable object the court may remit the punishment.

Withdrawal

Article 35

(1) A perpetrator who of his own volition gives up the further execution of a criminal offence being aware that under all the circumstances he or she may have completed the act or who, after completion of such an act, prevents the occurrence of the consequences may receive remittance of the punishment.

(2) A perpetrator who has voluntarily undertaken an act in order to prevent the commission of a criminal offence, which offence remains uncompleted for a reason independent of his or her action, may receive remittance of punishment.

(3) A co-perpetrator or an accomplice who voluntarily prevents the completion of a criminal offence or voluntarily undertakes an act in order to prevent the commission of a criminal offence, which offence remains uncompleted for a reason independent of his or her action, may receive remittance of punishment.

Principal

Article 36

(1) Any person who commits the offence himself or herself or through another shall be liable as a principal.

(2) If more than one person commit the criminal offence on the basis of a joint decision and each one of them takes part in or otherwise substantially contributes to the commission of the criminal offence, each shall be punished as the principal (joint principals or co-principals).

(3) Co-principals are liable for negligence on the bases of a joint violation of due care.

Solicitation

Article 37

(1) Whoever intentionally incites another to commit a criminal offence shall be punished as if he or she himself or herself has committed it.

(2) Whoever intentionally incites another to commit a criminal offence for which an attempt is punishable, but the solicited offence has never even been attempted, shall incur the penalty provided for an attempt to commit such an offence.

(3) In the case of an inappropriate attempt of solicitation, the solicitor may receive remittance of punishment.

Aiding and Abetting

Article 38

Punishment may be mitigated to whoever intentionally aids and abets another in the commission of a criminal offence.

Punishment of Accomplice

Article 39

(1) Each co-principal and secondary participant (solicitor and aider and abettor) shall be punished according to his or her own guilt.

(2) If the law proscribes that special personal circumstances remit or mitigate punishment or influence grade of criminal offence this shall apply only with respect to the co-

principal or secondary participant in whose person such special personal circumstances are present.

TITLE IV

PUNISHMENTS

Types of Punishments

Article 40

- (1) Punishments shall be fines, imprisonment and long-term imprisonment.
- (2) The fine may be imposed as a main punishment or an ancillary punishment.
- (3) Imprisonment and long-term imprisonment may be imposed only as main punishments.
- (4) When for a certain criminal offence the law prescribes a punishment of imprisonment of up to three years, the court may impose a fine as the main punishment.
- (5) With respect to criminal offences committed out of greed, the fine as an ancillary punishment may be imposed even when it is not prescribed by law or when the law prescribes that the perpetrator shall be punished by imprisonment or by a fine and the court imposes imprisonment as the main punishment.
- (6) Community service shall be imposed as a substitute for imprisonment or a fine.

Purpose of Punishment

Article 41

The purpose of punishment is to express public condemnation of the committed criminal offence, raise the confidence of citizens in the legal order based on the rule of law, exert an influence on the perpetrator and all others so that they do not commit criminal offences by raising awareness of the perils of committing criminal offences and of the fairness of punishment and allow the perpetrator's readmission into society.

Fine

Article 42

- (1) A fine shall be imposed in daily units. It shall not be lower than thirty or higher than three hundred and sixty daily units, except in the case of criminal offences committed out of greed when up to five hundred daily units may be imposed or when the fine of five hundred daily units is expressly prescribed by this Code.
- (2) The number of daily units, the amount of a daily unit and the product of their multiplication shall be specified in the judgment.
- (3) The number of daily units shall be determined on the basis of circumstances specified in Article 47 of this Code, with the exception of those relating to the pecuniary circumstances of the perpetrator.
- (4) The amount of the daily unit shall be determined by taking into consideration the perpetrator's income and property as well as the average costs necessary for supporting the perpetrator and his or her family. A daily unit shall not be set at less than twenty kuna or at more than ten thousand kuna.

(5) The perpetrator's income, property and other data necessary for determining the amount of the daily unit may be determined on the basis of a free estimate if their determination is linked with incommensurate difficulties or if the motion for the imposition of a fine has been filed in the procedure for the issuance of a criminal order.

(6) The perpetrator shall pay the fine within the time limit determined by the court, which time limit shall not be shorter than thirty days or longer than six months. The perpetrator may also be ordered to pay the fine in instalments within a period not exceeding one year. The court may decide that the instalment payment scheme be cancelled if the perpetrator fails to pay an instalment in an orderly manner.

(7) Where the convicted person is unable to pay the fine in full or in part within the time period specified in the judgment due to a significant deterioration in his or her pecuniary circumstances that occurred through no fault of his or her own after rendering the judgment, the court may at his or her request extend the payment deadline for up to twenty-four months or determine payment in instalments within that period.

Substitution for Unpaid Fine

Article 43

(1) Where the fine has not been paid in full or in part within the time limit specified in the judgment and the conditions laid down in Article 42, paragraph 7, of this Code have not been met, the fine shall be forcibly collected via the Tax Administration of the Ministry of Finance.

(2) Where the fine cannot even be forcibly collected within a three-month period, the court shall, with the convicted person's consent, take the decision on the substitution of community service in lieu of a fine at the rate of four hours of community service work for one daily unit, whereby community service work shall not exceed one thousand four hundred and forty hours.

(3) Where the convicted person does not agree to community service or does not perform it, imprisonment shall be substituted for a fine or community service.

(4) Where imprisonment is substituted for a fine, the court shall substitute one day of imprisonment for one daily unit, while community service shall be substituted in accordance with the provision of Article 55 of this Code, provided that the term of imprisonment does not exceed twelve months.

(5) If the convicted person pays the fine after the decision on substitution has become final, the execution of imprisonment or community service shall be suspended. In the case of partial payment, only the remainder of the said punishments shall be executed.

(6) If a convicted person who does not have a permanent or temporary place of residence in the Republic of Croatia does not pay the fine within the time limit specified in the judgment, the court shall order imprisonment as a substitute for the fine.

Imprisonment

Article 44

(1) The term of imprisonment shall not be shorter than three months or longer than twenty years.

(2) The imprisonment for a term of up to six months shall be imposed in full months and days. The imprisonment for a term exceeding six months shall be imposed in full years and months, except when applying the provisions on concurrence of offences in which case it may be imposed in full days as well.

(3) Where the imprisonment is substituted for a fine, its term shall be imposed in full days and may be shorter than three months.

(4) The imprisonment for a term of up to one year may be served at home in accordance with the provisions of a special act.

Exceptionality of Short-Term Imprisonment

Article 45

(1) The court may impose imprisonment for a term of up to six months only if it may be expected that it will not be possible to execute the fine or community service or if the fine, community service or suspended sentence could not achieve the purpose of punishment.

(2) The provision of paragraph 1 of this Article does not refer to the sentence of imprisonment as a substitute for unpaid fine (Article 43, paragraph 3) or for unperformed community service (Article 55, paragraph 7) or for revoked suspended sentence (Article 58).

Long-Term Imprisonment

Article 46

(1) The term of long-term imprisonment shall not be shorter than twenty-one years or longer than forty years.

(2) Exceptionally, in the case of concurrence of criminal offences under the conditions prescribed by this Code, an aggregate punishment of long-term imprisonment for a term of fifty years may be imposed.

(3) The term of long-term imprisonment shall be imposed in full years.

(4) Long-term imprisonment shall not be imposed upon a perpetrator who committed a criminal offence before he turned eighteen.

(5) Unless otherwise provided in this Code, the provisions on imprisonment shall also apply to long-term imprisonment.

Determination of Punishment

Article 47

(1) When determining the type and range of punishment, the court shall, starting from the degree of culpability and the purpose of punishment, assess all the circumstances affecting the severity of punishment by type and range (mitigating and aggravating circumstances), and especially the degree of threat to or violation of a legally protected good, motives for having committed the criminal offence, degree to which the perpetrator's duties have been violated, manner of commission and the inculpatory consequences arising from the commission of the criminal offence, perpetrator's prior life, his or her personal and pecuniary circumstances and his or her conduct following the commission of the criminal offence, relationship to the victim and efforts to compensate for the damage.

(2) The severity of punishment shall not exceed the degree of culpability.

Mitigation of Punishment

Article 48

(1) If expressly so provided by law, the court may impose a less severe punishment than the one prescribed for a particular criminal offence.

(2) The court may impose a less severe punishment than the one prescribed for a particular criminal offence also in cases where special mitigating circumstances exist, in particular if the perpetrator has reconciled with the victim, if he or she has fully or in greater part compensated for the damage caused to the victim by the criminal offence or if he or she has made serious efforts to compensate for the said damage, provided the purpose of punishment can also be achieved by such a less severe punishment.

(3) The court may impose a less severe punishment than the one prescribed for a particular criminal offence also when the state attorney and the defendant have agreed on this.

Punishment Mitigation Limits

Article 49

(1) The court may reduce a punishment pursuant to Article 48, paragraphs 1 and 2, of this Code up to the following limits:

1. if a ten-year term of imprisonment is prescribed as the minimum range for a criminal offence, the punishment may be reduced to three years,
2. if a five-year term of imprisonment is prescribed as the minimum measure for a criminal offence, the punishment may be reduced to two years,
3. if a three-year sentence of imprisonment is prescribed as the minimum measure for a criminal offence, the punishment may be reduced to one year,
4. if a one-year sentence of imprisonment is prescribed as the minimum measure for a criminal offence, the punishment may be reduced to six months,
5. if a six-month sentence of imprisonment is prescribed as the minimum measure for a criminal offence, the punishment may be reduced to three months.

(2) In the case referred to in Article 48, paragraph 3, of this Code, the punishment may be reduced up to half of the minimum punishment obtained by reduction pursuant to the provisions of paragraph 1 of this Article, but cannot be any shorter than three-months imprisonment.

Remission of Punishment

Article 50

(1) The court may remit the punishment of a perpetrator where:

1. such authority is based upon an express statutory provision;
2. the consequences of a criminal offence committed by negligence have aggrieved him or her so severely that his or her punishment is unnecessary for achieving the purpose of punishment;
3. the perpetrator has sought to avert or reduce the consequences of a criminal offence committed by negligence and has compensated for the damage caused by it;
4. the perpetrator of a criminal offence for which a sentence of imprisonment of up to one year is prescribed has reconciled with the victim and compensated for the damage.

(2) When the court is authorised to remit the punishment of a perpetrator, it may also reduce the punishment regardless of the limits provided for in Article 49, paragraph 1, of this Code.

Concurrence of Offences

Article 51

(1) If the perpetrator by one act or more acts commits several criminal offences for which he or she is tried at the same time, the court shall first determine the punishment for each criminal offence and then, on the basis of its assessment of the perpetrator's personality and the committed criminal offences in their totality, impose upon him or her an aggregate punishment.

(2) The aggregate punishment shall be set by increasing the highest individual punishment incurred, but it cannot reach the sum of individual punishments nor exceed the maximum term of long-term imprisonment or a fine.

(3) Where individual punishments of long-term imprisonment the sum of which exceeds fifty years have been imposed for two or more criminal offences, the court may impose an aggregate punishment of long-term imprisonment for a term of fifty years.

(4) Where punishments of imprisonment and fines have been imposed as individual sentences, the court shall pronounce an aggregate punishment of imprisonment and an aggregate fine.

(5) Where paragraphs 2 and 4 of this Article are being applied, the punishment of juvenile imprisonment shall be equated with the punishment of imprisonment.

Continuing Criminal Offence

Article 52

(1) A continuing criminal offence has been committed when the perpetrator intentionally commits a number of separate acts in the natural sense whereby the statutory definitions of the same criminal offence or of criminal offences of the same kind have been realised if with respect to their spatial and temporal linkages the said acts constitute a unified whole in the legal sense.

(2) Criminal offences which represent an attack on the life, corporal integrity, sexual or other freedoms of a person cannot be legally denoted as continuing.

(3) Where the acts referred to in paragraph 1 of this Article realise the elements of a number of criminal offences of the same kind, the continuing criminal offence shall be legally denoted according to the most severe of these criminal offences.

(4) In the case of a continuing criminal offence, a sentence exceeding by one half the upper limit of punishment prescribed for a particular offence may be imposed, which sentence must not exceed the upper limit prescribed for this type of punishment.

Imposing an Aggregate Punishment upon a Convicted Person

Article 53

(1) If a convicted person is tried for a criminal offence committed before he or she commenced serving previous sentence or for a criminal offence he or she committed while serving imprisonment, long-term imprisonment or juvenile imprisonment, the court shall impose an aggregate punishment for all the criminal offences by applying the provisions of Article 51 of this Code, taking the previously imposed sentence as already fixed. The sentence or part of the sentence which the convicted person has already served, disregarding the period of time spent on conditional release, shall be credited towards the imposed aggregate punishment.

(2) When trying a convicted person for a criminal offence committed while serving a sentence of imprisonment, long-term imprisonment or juvenile imprisonment, the court shall not proceed according to the provisions of paragraph 1 of this Article if, in view of the remainder of the earlier sentence, the purpose of punishment could not be achieved by applying the provisions on concurrence of offences.

(3) If a convicted person, while serving a sentence of imprisonment or juvenile imprisonment, commits a criminal offence for which the law prescribes imprisonment for up to one year or a less severe punishment, a disciplinary measure shall be applied.

Crediting Time Spent in Custody, Investigative Imprisonment or Serving a Previous Sentence

Article 54

The period of time spent in custody, investigative imprisonment as well as any deprivation of liberty relating to a criminal offence shall be credited towards the length of the imposed sentence of imprisonment, long-term imprisonment or a fine. In counting the credit, one day spent in custody, investigative imprisonment or one day of any other deprivation of liberty as well as one daily unit of a fine shall be equated with one day spent in prison.

Community Service

Article 55

(1) The court may substitute community service for an imposed fine amounting to three hundred and sixty daily units or for imprisonment for a term of up to one year. Unless this fails to achieve the purpose of punishment, in cases where a sentence of imprisonment not exceeding six months has been imposed, the court shall substitute this sentence with one of community service.

(2) Where the court substitutes community service for a fine, one daily unit shall correspond to four hours of community service. Where the court substitutes community service for imprisonment, one day of imprisonment shall correspond to four hours of community service.

(3) In addition to community service, the court may impose upon a perpetrator one or more special obligations set forth in Article 62 of this Code and/or protective supervision referred to in Article 64 of this Code, the duration of which may not be longer than the period of time in which the perpetrator must perform community service.

(4) Community service shall be performed only with the convicted person's consent.

(5) After having given his or her consent to the body in charge of probation, the convicted person shall perform community service within the time limit set by this body. In setting the time limit for the performance of community service, the said body shall take into consideration the convicted person's possibilities with respect to his or her personal circumstances and employment. This time limit shall not be less than one month nor more than two years from the date the judgment became enforceable. The contents of community work shall be determined by the body in charge of probation in consultation with the convicted person, taking into account his or her abilities and qualifications.

(6) If within a period of eight days from the date of receipt of the final judgment the convicted person does not contact the body in charge of probation or withholds his or her consent, the said body shall deliver the order for the execution of the custodial sentence to the competent executing judge and the fine enforcement order to the first-instance court that handed down the judgment.

(7) If, through his or her own fault, the convicted person does not perform community service in full or in part within the time limit referred to in paragraph 5 of this Article, the court shall decide on the execution of the imposed punishment in full or in the part which has not been executed. If the convicted person does not perform community

service through no fault of his or her own, the body in charge of probation shall extend the time limit referred to in paragraph 5 of this Article.

(8) If the convicted person has not fulfilled in full or in greater part the obligations referred to in paragraph 3 of this Article, or if he or she has seriously or persistently violated them or persistently evaded protective supervision referred to in Article 64 of this Code or for no justifiable reason has violated the obligation imposed upon him or her by the security measure, the court shall order execution of the initially imposed punishment. If it is established that the perpetrator has not fulfilled the obligations or that he or she evaded protective supervision for justifiable reasons, the court may substitute other obligations in lieu of the obligations in question or, if he or she has not been under protective supervision, order that he or she be placed under protective supervision or release him or her from obligations or from protective supervision or extend the time limit for the fulfilment of obligations imposed upon him or her or for the implementation of protective supervision.

(9) Community service shall not be remunerated.

Suspended Sentence

Article 56

(1) A suspended sentence shall mean that the punishment imposed upon the perpetrator shall not be executed if during the period of probation the perpetrator commits no new criminal offence and fulfils the obligations imposed upon him or her.

(2) The court may impose a suspended sentence upon a perpetrator sentenced to a term of imprisonment not exceeding one year or to a fine if it deems that even without execution of the punishment, the perpetrator will commit no further criminal offences. In doing so, the court shall take into account the personality of the perpetrator, his or her prior life, in particular previous convictions, his or her family circumstances, the circumstances under which the criminal offence itself was committed and his or her conduct after the commission of the criminal offence, in particular his or her relationship to the victim and his or her efforts to repair the damage.

(3) The period of probation shall not be shorter than one year or longer than five years. It shall be measured in full years and shall start to run from the day the judgment becomes final. The court may subsequently shorten the period of probation or, before it expires, extend it up to its maximum duration in accordance with the procedure prescribed by a special act.

(4) In addition to a conditional sentence, the court may impose upon the perpetrator one or more special obligations without protective supervision pursuant to the provisions of Articles 62 and 63 of this Code or one or more special obligations accompanied by protective supervision pursuant to the provision of Article 64 of this Code.

(5) The duration of special obligations and protective supervision must not exceed the period of probation.

(6) When the court imposes a sentence of imprisonment and a fine, it may decide that under the conditions set forth in this Article only the imprisonment will not be executed.

Partial Suspended Sentence

Article 57

(1) The court may impose upon a perpetrator sentenced to a fine or a term of imprisonment of a minimum of one year and a maximum of three years a suspended sentence for only a part of the punishment if it deems that there is a high degree of probability that even

without execution of the entire punishment the perpetrator will commit no further criminal offences.

(2) The unsuspended part of a prison sentence shall not be less than six months nor more than one half of the imposed sentence term/punishment.

(3) The unsuspended part of a fine shall not be less than one fifth or more than one half of the imposed punishment.

(4) The provisions on conditional release shall not apply to the unsuspended part of the prison sentence.

(5) The provisions of Articles 56, 58, 62, 63 and 64 of this Code shall apply accordingly to the suspended part of the sentence.

Revocation of Suspended Sentence

Article 58

(1) The court shall revoke the suspended sentence if the person convicted of one or more criminal offences committed during the period of probation is sentenced to a term of imprisonment exceeding one year.

(2) The court may revoke the suspended sentence if the person convicted of one or more criminal offences committed during the period of probation is sentenced by a final judgment to imprisonment of up to one year or a fine.

(3) Where pursuant to paragraphs 1 and 2 of this Article the court has revoked a suspended sentence, it shall take the earlier suspended punishment and the punishment for a new criminal offence or punishments for new criminal offences, as fixed and shall impose an aggregate punishment as provided for in Article 53 of this Code.

(4) Where in the case referred to in paragraph 2 of this Article the court does not revoke a suspended sentence, it may:

1. impose a punishment for a new criminal offence and order its execution without modifying the earlier suspended sentence,

2. impose a punishment for a new criminal offence, which punishment, like the earlier suspended punishment, it shall deem fixed and shall impose an aggregate punishment as provided for in Article 53 of this Code and a new period of probation during which this punishment shall not be executed.

(5) The court may revoke a suspended sentence and order the execution of the punishment imposed on the convicted person who for no justifiable reason has violated the obligation imposed upon him or her by the security measure imposed in addition to the conditional sentence, or who has not fulfilled in full or in greater part the obligations set forth in Article 62 of this Code within the imposed time limit, or who seriously or persistently violates them or persistently evades protective supervision referred to in Article 64 of this Code. If it is established that the perpetrator has not fulfilled the obligations or that he or she has evaded protective supervision for justifiable reasons, the court may substitute other obligations in lieu of the obligations in question or, if he or she has not been under protective supervision, order that he or she be placed under protective supervision or release him or her from obligations or from protective supervision or extend the time limit for the fulfilment of the obligations imposed upon him or her or for the implementation of protective supervision.

(6) The court shall revoke a suspended sentence also when after the pronouncement/imposition of a suspended sentence, the court imposes upon the convicted person a punishment for a criminal offence committed before the suspended sentence was pronounced where it deems that the conditions for the pronouncement of the suspended sentence would not have been met had the earlier criminal offence been known. In this case the court shall take the punishment specified in the suspended sentence and the punishment

imposed for the earlier criminal offence as fixed and shall impose an aggregate punishment as provided for in Article 53 of this Code. If it concludes that the conditions for the pronouncement of the suspended sentence would have been met even if the earlier judgment had been known, the provision of paragraph 4 of this Article shall apply.

(7) In the cases set forth in paragraphs 1 and 2 of this Article, a suspended sentence cannot be revoked after two years have elapsed from the expiry of the period of probation.

(8) In the case set forth in paragraph 5 of this Article, a conditional sentence cannot be revoked after six months have elapsed from the expiry of the deadline set for the fulfilment of obligations referred to in Article 62 of this Code.

Conditional Release

Article 59

(1) The court may release a prisoner from serving a sentence of imprisonment after having served at least one half but not less than three months of the term to which he or she has been sentenced if it is reasonably expected that he or she will not commit a criminal offence and if he or she consents.

(2) When deciding on the motion, the court shall assess the prisoner's personality, his or her prior life and previous convictions, whether there are other charges pending against him or her, his or her attitude towards the committed criminal offence and relationship to the victim, conduct during incarceration, rate of success of the implementation of the incarceration programme, whether there has been a change in his or her conduct after the commission of the criminal offence or is it expected that such a change will occur through the application of supervision measures during conditional release, the convicted person's living conditions and readiness to be reintegrated into free society.

(3) The procedure for deciding on the granting of conditional release shall be provided for in a special act.

Convicted Person's Obligations and Protective Supervision during the Probation Period

Article 60

(1) With his or her conditional release starts the period of probation for the convicted person, which period shall correspond to the unserved prison term.

(2) A convicted person conditionally released may be imposed one or more special obligations referred to in Article 62 of this Code in accordance with the conditions set forth in Article 63 of this Code and protective supervision in accordance with the provision of Article 64 of this Code.

(3) The obligations and protective supervision cannot last longer than five years unless the court establishes that no further enforcement of the obligations and protective supervision over a person convicted of a criminal offence which endangers or violates the corporal, psychological or sexual integrity of a person, for which criminal offence imprisonment of five or more years is prescribed, would pose the risk of the convicted person committing a similar criminal offence, where the obligations or protective supervision referred to in paragraph 2 may be prolonged for a period of one to five years or where new obligations may be imposed. The obligations or protective supervision cannot extend beyond the expiry of the unserved prison term to which the perpetrator was sentenced.

Revocation of Conditional Release

Article 61

(1) If while on conditional release a convicted person commits one or more criminal offences for which he or she is sentenced to a one-year prison term or a harsher punishment, the court which pronounced this sentence shall revoke conditional release and, by applying Article 51 and Article 53, paragraph 1, of this Code, sentence him or her to an aggregate punishment.

(2) Where a convicted person has been sentenced to a prison term of less than one year, the court referred to in paragraph 1 of this Article may:

1. proceed in the manner described in the previous paragraph;
2. decide not to revoke conditional release and sentence him or her to imprisonment. The period of probation shall not run during the term of imprisonment to which he or she was sentenced;
3. decide not to revoke conditional release and sentence him or her to a suspended sentence. The period of probation from the suspended sentence shall not begin to run until after the expiration of the period of probation from conditional release.

(3) The executing judge shall revoke conditional release and order execution of the pronounced punishment if during the period of conditional release the convicted person does not fulfil in full or in greater part the obligations referred to in Article 62 of this Code that were imposed upon him or her or if he or she seriously or persistently violates them or persistently evades protective supervision referred to in Article 64 of this Code. If it is established that the perpetrator has not fulfilled the obligations or that he or she has evaded protective supervision for justifiable reasons, the executing judge may substitute other obligations in lieu of the obligations in question, impose protective supervision if no protective supervision has previously been imposed, release the convicted person from his or her obligations or from protective supervision or extend the time limit for the fulfilment of obligations or the implementation of protective supervision.

(4) In the cases referred to in paragraphs 1 and 2 of this Article, conditional release cannot be revoked after two years from the expiry of imposed punishment.

(5) In the case referred to in paragraph 3 of this Article, conditional release cannot be revoked after a six-month period has elapsed from the expiry of the time limit set for the fulfilment of obligations referred to in Article 60, paragraphs 2 and 3, of this Code.

Types of Special Obligations

Article 62

(1) The court may order the perpetrator to do the following within a set time limit:

1. repair the damage caused by the criminal offence;
2. pay a certain amount of money into an account of a public institution, to support humanitarian or charitable causes, or into a fund for compensation to victims of criminal offences, if this is appropriate in view of the offence committed and the personality of the perpetrator.

(2) In addition to the obligations referred to in paragraph 1 of this Article and if this is necessary to deter the perpetrator from committing a criminal offence, the court may impose the following obligations on the perpetrator:

1. continuation of education or training for a particular occupation which he or she has chosen with the expert help from the probation office;

2. employment in line with his or her qualifications or level of education, training and real possibilities of carrying out work assignments, which the probation office has advised and enabled him or her to take on;

3. supervised disposition of proceeds in accordance with the needs of persons he or she is required by law to support and on the advice of the probation office;

4. medical treatment or continuation of medical treatment necessary for treating medical complaints that might be conducive to the commission of a new criminal offence;

5. treatment or continuation of treatment for alcohol, drug or other types of addiction in a medical or other specialised facility or rehabilitation in a therapeutic community;

6. going into or continuing to undergo psychosocial therapy in medical facilities, at legal persons or physical persons specialising in the treatment of violent behaviour;

7. prohibition from frequenting certain places, objects or events which might be conducive to the commission of a new criminal offence;

8. prohibition from approaching the victim or some other persons;

9. leaving the home for a certain period of time in the case of domestic violence offences;

10. prohibition from socialising with a certain person or group of persons who might induce him or her to commit a criminal offence, prohibition from employing, teaching or accommodating such persons;

11. prohibition from harassing or stalking the victim or some other person;

12. prohibition from leaving his or her residence during a certain period of the day;

13. prohibition from carrying, possessing or committing to somebody's care weapons or other objects that might induce the person to commit a criminal offence;

14. fulfilment of the obligation to pay maintenance or of other obligations in cases where this is prescribed by law for a particular criminal offence;

15. regular reporting to the probation service, county welfare services, court, police administration or another competent authority;

16. and other obligations appropriate to the committed criminal offence.

Imposition of Special Obligations

Article 63

(1) Obligations that are unreasonable or impossible to fulfil or that insult the perpetrator's dignity may not be imposed on the perpetrator.

(2) The court may impose special obligations set forth in Article 62, paragraph 2, of this Code where it deems them necessary for the protection of health and safety of the person against whom the criminal offence was committed or where this is necessary for eliminating the circumstances that are beneficial to or that act as an incentive for the commission of a new criminal offence.

(3) The obligations set forth in Article 62, paragraph 2, items 4, 5 and 6, may be imposed only with the consent from the perpetrator.

(4) The obligation set forth in Article 62, paragraph 2, item 6, may be imposed for a period of between six months and two years. The obligation set forth in Article 62, paragraph 2, item 5, may be imposed for a period of up to three years.

(5) The court may subsequently, but before the expiry of the period of duration of the obligation, at the proposal of the body responsible for implementing the obligation,

increase the minimum or decrease the maximum period of duration of the obligation, abolish the said obligation or replace it with another obligation.

Protective Supervision

Article 64

(1) The court shall impose protective supervision upon a perpetrator where it deems that he or she is in need of assistance, guidance and supervision of the probation officer so that in the future he or she would commit no further criminal offences and his or her reintegration into society would be made easier.

(2) Protective supervision is based on an individual program of activities the development, assistance in implementation and the implementation of which is supervised by the probation office.

(3) In addition to the suspended sentence, community service or conditional release, the court shall as a rule also impose protective supervision if it has imposed imprisonment for a term exceeding six months or if the convicted person is less than twenty-five years old.

(4) The court may decide to abolish protective supervision before the expiry of the specified time period if there is no longer any need for assistance, guidance and supervision or, if necessary, may prolong it up to its maximum duration as provided for in this Code.

(5) During protective supervision the perpetrator must:

1. regularly report to the responsible probation officer;
2. receive home visits from the probation officer and provide him or her with all the necessary information and documents;
3. seek consent for a trip abroad from the executing judge;
4. inform the probation officer of a change of employment or address within two days from the date such a change occurred or of a trip lasting more than eight days and of the day of return.

(6) The execution of protective supervision shall be regulated by a special act.

TITLE V

SECURITY MEASURES

Types of Security Measures

Article 65

Security measures include: compulsory psychiatric treatment, compulsory treatment of addiction, compulsory psychosocial treatment, prohibition from engaging in a certain duty or from exercising a certain profession, prohibition to operate a motor vehicle, prohibition from approaching a person, removal from the shared household, prohibition from accessing the internet and protective supervision after serving a full prison sentence.

Purpose of Security Measures

Article 66

The purpose of security measures is to eliminate the conditions that enable or encourage the commission of a new criminal offence.

Principle of Proportionality

Article 67

A security measure must be proportionate to the gravity of the committed criminal offence and anticipated criminal offences, as well as to the degree of the perpetrator's dangerousness.

Compulsory Psychiatric Treatment

Article 68

(1) The court shall impose the security measure of compulsory psychiatric treatment upon a perpetrator who commits a criminal offence in a state of substantially diminished mental capacity for which a sentence of imprisonment of one year or more is prescribed if there is a risk that due to the mental disorder that caused his or her substantially diminished mental capacity this person might commit a more serious criminal offence in the future.

(2) The measure referred to in paragraph 1 of this Article may be imposed together with a fine, a sentence of imprisonment, community service or a suspended sentence.

(3) The measure referred to in paragraph 1 of this Article and imposed together with a sentence of imprisonment shall be executed within the prison system. When imposed together with a fine, community service or a suspended sentence, it shall be implemented outside the prison system.

(4) The measure referred to in paragraph 1 of this Article may last until the completion of the prison sentence or community service, until the end of the period of probation accompanying a suspended sentence or until the expiry of the prison sentence corresponding to the imposed fine.

(5) After the first year from the day the perpetrator was subjected to the measure referred to in paragraph 1 of this Article has elapsed and, thereafter, at least once a year, the court shall review whether the conditions for the measure's continuation, set forth in paragraph 1 of this Article, exist and shall decide thereon according to the procedure prescribed by a special act. At the request of the institution at which the measure is being implemented or at the request of the perpetrator, this review may take place sooner but not before six months have elapsed from the last review. The court may stop the application of the measure or change the manner or time of its execution.

(6) If the reasons for its imposition have ceased to exist, the court shall stop the execution of the measure referred to in paragraph 1 of this Article.

(7) If the time spent in treatment is shorter than the length of the imposed sentence, the court may order that the convicted person serve the remainder of the sentence or that he be released on conditional release. Where it orders him or her to serve the remainder of the sentence, the court may direct that he or she receive outpatient treatment in the penal institution. When deciding on the granting of conditional release, the court shall in particular take into consideration the success of the convicted person's treatment, his or her state of health, time spent in treatment and the remainder of the sentence not served by the convicted person. If it establishes that the perpetrator is still dangerous to the community and that his or her treatment following his or her release suffices to avert this danger, the court may order that the perpetrator whom it has granted conditional release continue his or her treatment following his or her release from prison pursuant to Article 60, paragraph 2, in conjunction with Article 62, paragraph 2, item 4, of this Code.

Compulsory Treatment of Addiction

Article 69

(1) The court shall impose the security measure of compulsory treatment of addiction upon a perpetrator who under the decisive effects of alcohol, drug or other type of addiction commits a criminal offence if there is a risk that due to such addiction he or she might commit a more serious criminal offence in the future.

(2) The measure referred to in paragraph 1 may be imposed together with a fine, a sentence of imprisonment, community service or a suspended sentence.

(3) The measure referred to in paragraph 1 of this Article and imposed together with a sentence of imprisonment shall be executed within the prison system or at a medical or other institution specialising in the treatment of addiction outside the prison system under the conditions specified in a special regulation. The measure imposed together with a fine, community service or a suspended sentence shall be executed at a medical or other institution specialising in the treatment of addiction outside the prison system and, under the conditions specified in a special regulation, may also be executed in a therapeutic community if such rehabilitation is sufficient for averting the danger.

(4) The measure referred to in paragraph 1 of this Article may last until the completion of the prison sentence or community service, until the end of the period of probation accompanying a suspended sentence or until the expiry of the prison sentence corresponding to the imposed fine but not longer than three years.

(5) If the reasons for which it was imposed have ceased to exist or if its previous and future implementation is ineffective, the execution judge shall stop the execution of the measure referred to in paragraph 1 of this Article.

(6) The execution judge shall at least every six months from the day the perpetrator is subjected to the measure referred to in paragraph 1 of this Article review whether the conditions for the measure's continuation, set forth in paragraph 1 of this Article, still exist and shall decide thereon. The execution judge might stop the application of a measure or change the manner or time of its execution.

(7) The provision of Article 68, paragraph 7, of this Code shall apply to the measure of compulsory treatment of addiction.

Compulsory Psychosocial Treatment

Article 70

(1) The court may impose the security measure of compulsory psychosocial treatment upon a perpetrator who has committed a criminal offence with elements of violence if there is a risk that he or she will again commit the same or similar offence.

(2) The measure referred to in paragraph 1 may be imposed together with a fine or a sentence of imprisonment.

(3) The measure referred to in paragraph 1 shall be executed in a penal institution, medical institution, at a legal person or physical person specialising in the treatment of violent behaviour under the conditions specified in a special regulation.

(4) The measure referred to in paragraph 1 of this Article may last until the completion of the prison sentence or until the expiry of the prison sentence corresponding to the imposed fine but not longer than two years.

Prohibition from Engaging in a Certain Duty or from Exercising a Certain Profession

Article 71

(1) The court shall impose upon a perpetrator who committed a criminal offence in carrying out the duties or exercising a profession the security measure of complete or partial prohibition from engaging in a certain duty or from exercising a certain profession

for a period of one to ten years from the date the court decision becomes enforceable if there is a danger that by abusing this duty or profession he or she will again commit a criminal offence.

(2) The period of time spent in prison, a penitentiary or institution shall not be credited towards the length of this measure.

(3) The court may impose upon a perpetrator of a criminal offence referred to in Article 105, paragraph 3, Article 106, paragraphs 2 and 3, Articles 110 and 111, Article 112, paragraph 1, Articles 114, 116, 118, 119, 120, Article 154, paragraph 1, item 2, Articles 158, 159, 161, 162, 163, 164 and 166 of this Code committed against a child a prohibition from engaging in a duty or from exercising a profession that involves regular contact with children also when the above offences were not committed in carrying out the duties or exercising a profession, and may impose it for life.

(4) For the duration of the prohibition referred to in paragraph 1 of this Article the convicted person may not engage in a certain duty or exercise a certain profession either independently, for another person, in a legal entity or in the name of another person, nor may he or she authorise another person to engage in a certain duty or exercise a certain profession in his or her name and in accordance with his or her instructions.

(5) If the perpetrator does not comply with the prohibition from engaging in a certain duty or from exercising a certain profession when the prohibition is imposed together with community service, a suspended sentence or during the period of conditional release, the provisions of Article 55, paragraph 8, Article 58, paragraph 5, or Article 61, paragraph 3, of this Code shall apply accordingly.

(6) At the expiration of three years from the start of the execution of the measure imposed on the basis of paragraph 1 of this Article, the court may stop its execution on a proposal from the convicted person if it has established that the risk referred to in paragraph 1 of this Article no longer exists. The convicted person may resubmit his or her proposal but no sooner than one year after the previous review.

(7) At the expiration of ten years from the start of the execution of the measure imposed on the basis of paragraph 3 of this Article, the court may stop its execution on a proposal from the convicted person if it has established that the danger referred to in paragraph 1 of this Article no longer exists. The convicted person may resubmit his or her proposal but no sooner than one year after the previous review.

(8) The court shall inform the body responsible for keeping the register of persons engaging in certain duties or exercising certain professions of the imposed measure when it becomes final.

Prohibition to Operate a Motor Vehicle

Article 72

(1) The court shall impose the security measure of prohibition to operate a motor vehicle against a perpetrator of a criminal offence against traffic safety if there is a danger that by operating a motor vehicle he or she will endanger traffic safety. The prohibition applies to all categories of vehicles, exceptionally only a certain category of vehicle may be exempt where special circumstances indicate that purpose of the measure will not be jeopardised.

(2) If the conditions referred to in paragraph 1 of this Article are met, the court shall impose the prohibition to operate a motor vehicle also upon a mentally incompetent person if his or her action points to the fact that he or she is incapable of driving.

(3) The prohibition to operate a motor vehicle shall be imposed for a period not shorter than one or longer than five years.

(4) The prohibition to operate a motor vehicle shall take effect upon the revocation of the driving licence, entry of the prohibition from driving a particular category of vehicles into the driving licence or prohibition from issuing a driving licence to a perpetrator who does not have it. Time spent in prison, a penitentiary or an institution shall not be credited towards the length of the measure.

(5) The prohibition to operate a motor vehicle may be imposed for life where in view of the perpetrator's previous serious violations of traffic regulations, it may be expected that even after the expiration of the longest period referred to in paragraph 3 of this Article there is still a danger that the perpetrator will commit a new criminal offence against traffic safety. If upon the proposal of the convicted person the court establishes that after the expiration of the longest period referred to in paragraph 3 of this Article the danger no longer exists, it shall abolish the prohibition. The convicted person may resubmit his or her proposal but no sooner than one year after the previous review. Upon the abolishment of prohibition, the perpetrator must retake his or her driving test.

(6) The provisions of Article 71, paragraph 5, shall apply accordingly to the prohibition to operate a motor vehicle.

(7) The period of temporary revocation of a driving licence shall be added to the period of duration of the prohibition to operate a motor vehicle.

(8) The prohibition from operating a motor vehicle imposed upon a perpetrator possessing a foreign driving licence shall consist in prohibiting its use in the territory of the Republic of Croatia as well as in prohibiting the issuance of a driving licence of the Republic of Croatia to him or her. This prohibition shall take effect on the day the judgment has become final.

Prohibition from Approaching a Person

Article 73

(1) The court shall impose the security measure of prohibition from approaching a victim, another person, a group of persons or a particular location upon the perpetrator of a criminal offence against sexual freedom, child sexual abuse or exploitation, another criminal offence of violence or attack on the freedom of a person or unauthorised possession, manufacture of or trade in drugs and substances banned from use in sports when there is a danger that the perpetrator might again commit any of the above criminal offences against these persons or at these locations.

(2) The court may impose the measure referred to in paragraph 1 of this Article together with a fine or a sentence of imprisonment.

(3) The measure referred to in paragraph 1 of this Article shall last at least one year but less than five years.

(4) The measure referred to in paragraph 1 of this Article shall take effect on the day the judgment becomes final. The period of time spent in prison, a penitentiary or an institution shall not be credited towards the length of this measure.

(5) At the expiration of a period of one year from the start of the execution of the measure imposed on the basis of paragraph 1 of this Article, the court may stop its execution on a proposal from the convicted person if it has established that the danger referred to in paragraph 1 of this Article no longer exists. The convicted person may resubmit his or her proposal but no sooner than one year after the previous review.

(6) The court shall inform the body responsible for probation and the competent police administration of the imposed measure referred to in paragraph 1 of this Article when it has become final.

Removal from Shared Household

Article 74

(1) The court may impose the security measure of removal from the shared household upon a perpetrator of a criminal offence of violence against a person he or she is living with in a shared household if there is a high degree of danger that if this measure was not implemented, the perpetrator might again commit violence against a member of the shared household.

(2) The court may impose the security measure of removal from the shared household together with a fine or a sentence of imprisonment for a period not shorter than three months or longer than three years.

(3) The person against whom the measure referred to in paragraph 1 of this Article has been imposed is required to leave the apartment, house or other residential premises constituting the shared household accompanied by a police officer as soon as the judgment becomes final. The period of time spent in prison, a penitentiary or an institution shall not be credited towards the length of this measure.

(4) At the expiration of a period of one year since the start of execution of the security measure of removal from the shared household imposed on the basis of paragraph 1 of this Article, the court may stop its execution on a proposal from the convicted person if it has established that the danger referred to in paragraph 1 of this Article no longer exists. The convicted person may resubmit his or her proposal but no sooner than six months after the previous review.

(5) The court shall inform the body responsible for probation and the competent police administration of the imposed prohibition referred to in paragraph 1 of this Article which has become final.

Prohibition from Accessing the Internet

Article 75

(1) The court shall impose the security measure of prohibition from accessing the internet for a period from six months to two years from the day the court decision became enforceable upon a perpetrator who commits a criminal offence via the internet if there is a risk that by abusing the internet he or she will again commit a criminal offence.

(2) The period of time spent in prison, a penitentiary or an institution shall not be credited towards the length of this measure.

(3) If the perpetrator does not comply with the prohibition from accessing the internet when the prohibition is imposed together with community service, a suspended sentence or during the period of conditional release, the provisions of Article 55, paragraph 7, Article 58, paragraph 5, or Article 61, paragraph 3, of this Code shall apply.

(4) The court shall inform of the imposed measure which has become final the regulatory body responsible for electronic communications which will ensure its implementation.

Protective Supervision after Serving a Full Prison Sentence

Article 76

(1) If the perpetrator was imposed imprisonment for a term of five or more years for an intentionally committed criminal offence or for a term of two or more years for an intentionally committed criminal offence with elements of violence or for another criminal offence referred to in Title XVI or XVII of this Code and if the sentence has been served in full, the perpetrator shall immediately upon his or her release from prison be subjected to

protective supervision in accordance with Article 64 of this Code and to special obligations referred to in Article 62, paragraph 2, items 7 through 13, if the latter have been imposed on him together with protective supervision.

(2) The period of probation shall last for one year. On a proposal from the probation service and before the period of probation expires, the court may extend the said period by one year if an absence of such supervision would pose the danger of any of the criminal offences specified in paragraph 1 of this Article being committed anew.

(3) The court may desist from implementing protective supervision if it has reason to believe that its absence will not result in the person committing a new criminal offence.

TITLE VI

CONFISCATION OF PROCEEDS OF CRIME, CONFISCATION OF OBJECTS AND PUBLIC ANNOUNCEMENT OF JUDGMENT

Conditions for and Manner of Confiscation of Proceeds of Crime

Article 77

(1) Proceeds of crime shall be confiscated on the basis of a court decision establishing the commission of an unlawful act. Proceeds of crime shall also be confiscated from the person to whom it was transferred if it was not acquired in good faith.

(2) If the injured party has been awarded a material claim which by its nature and contents corresponds to the acquired proceeds of crime, the part of proceeds of crime exceeding the awarded material claim shall be confiscated.

(3) The court shall confiscate the proceeds of crime also in cases where it has instructed the injured party to assert his or her material claim in a civil action.

(4) Where it has been established that confiscation in full or in part of objects or rights acquired as proceeds of crime is impossible, the court shall order the perpetrator to pay the corresponding money equivalent. It may be ordered that payment be made in instalments.

(5) The confiscated proceeds of crime shall not be reduced by the value of resources invested in the criminal activity.

(6) The court may decide against the confiscation of proceeds of crime if its value is negligible.

Confiscation of Proceeds of Crime under the Jurisdiction of the Office for the Suppression of Corruption and Organised Crime

Article 78

(1) Unless otherwise prescribed by this Code, the provisions of Article 77 of this Code shall apply to the confiscation of proceeds of crime under the jurisdiction of the Office for the Suppression of Corruption and Organised Crime.

(2) If the perpetrator of a criminal offence under jurisdiction of the Office for the Suppression of Corruption and Organised Crime owns or owned property that is disproportionate with his or her legitimate income and unless he or she makes it probable that the property is of legitimate origin, it is presumed that such property constitutes a proceeds of crime.

(3) If the proceeds from a criminal offence have been merged into legitimately

acquired property, the entire property shall be subject to confiscation up to the estimated value of the proceeds of crime. The material gain acquired from property in which the legitimately acquired property was merged with the proceeds of crime shall also be confiscated in the same manner and in the same ratio.

(4) The proceeds of crime referred to in paragraphs 2 and 3 of this Article shall be confiscated from a family member irrespective of the legal basis on which he or she possesses it and regardless of whether he or she lives in a shared household with the perpetrator.

(5) The proceeds of crime referred to in paragraphs 2 and 3 of this Article shall also be confiscated from another person irrespective of the legal basis on which it was acquired unless this person makes it probable that he or she acquired the advantage in good faith and at a reasonable price.

(6) If the person against whom criminal proceedings have been instituted dies, the proceeds of unlawful conduct may be confiscated from his or her successors in proceedings prescribed by a special act.

Confiscation of Objects

Article 79

(1) The objects and means that were intended for use or were used in the commission of a criminal offence or which are the product of its commission shall be confiscated if there is the danger that they will be reused for the commission of a criminal offence. The court may confiscate objects and means also in cases where this is necessary for the protection of public safety, public order or for moral reasons.

(2) If the preconditions referred to in paragraph 1 of this Article are met, the court may confiscate objects and means also in cases where the perpetrator of an illegal act is not guilty.

(3) The confiscated objects and means shall become the property of the Republic of Croatia. This does not influence the rights of third persons seeking compensation against the perpetrator for the confiscation of an object or a means. Unless at least his or her gross negligence has contributed to the object or means being intended to be used or being used in the commission of a criminal offence or to its being the product of commission of a criminal offence or if he or she procured the object or means knowing about the conditions allowing for its confiscation, the owner of the confiscated object or means who is not the perpetrator of the offence is entitled to the recovery of the object or means or to be compensated for its market value from the state budget.

(4) Unless otherwise provided for in a special act, the law may prescribe mandatory confiscation of an object or means, in which case the owner shall not be entitled to compensation from the state budget.

(5) The court may order the destruction of the object or means.

Public Announcement of Judgment

Article 80

(1) In its judgment pronouncing the perpetrator guilty of a criminal offence committed by means of public announcement the court may order, at the request of an interested party or the state attorney, that the judgment be publicly announced in full or in part at the perpetrator's expense where this is in the interest of the injured party or in the public interest.

(2) In specifying the means, time, manner and other circumstances of the public announcement of the judgment, the court shall try to ensure that these circumstances correspond to the circumstances of the publication of the matter by which the criminal offence was committed.

(3) In its judgment of acquittal the court may order, at the request of the acquitted person, that the judgment be publicly announced in full or in part at the expense of the state budget or the private prosecutor where this is in the interest of the acquitted person or in the public interest. The court shall decide on the means, time and manner of the judgment's announcement.

TITLE VII

STATUTE OF LIMITATIONS

Statute of Limitations for Criminal Prosecution

Article 81

(1) Criminal prosecution shall become statute-barred after:

- 40 years for criminal offences for which sentences of long-term imprisonment or imprisonment for terms exceeding 15 years may be imposed;
- 25 years for criminal offences for which imprisonment for terms exceeding 10 years may be imposed;
- 20 years for criminal offences for which imprisonment for terms exceeding 5 years may be imposed;
- 15 years for criminal offences for which imprisonment for terms exceeding 3 years may be imposed;
- 10 years for criminal offences for which imprisonment for terms exceeding one year may be imposed and
- 6 years for other criminal offences.

(2) No statutory limitation shall apply to the criminal prosecution of the crime of genocide (Article 88), crime of aggression (Article 89), crimes against humanity (Article 90), war crimes (Article 91) and other offences that are not subject to the statute of limitations under the Constitution of the Republic of Croatia or the international law.

(3) If, before the end of the periods of limitation referred to in paragraph 1 of this Article, a first-instance judgment has been rendered, the period of limitation on criminal prosecution shall be extended by two years.

Running of the Statute of Limitations for Criminal Prosecution

Article 82

(1) The period of limitation for criminal prosecution commences on the date a criminal offence is committed. If a consequence which is a material element of a criminal offence arises later, the statute of limitations commences from that moment.

(2) The period of limitation for criminal prosecution shall not run during the time criminal prosecution cannot be instituted or continued pursuant to the law.

(3) The statute of limitations for criminal offences referred to in Article 105, paragraph 3, Article 106, paragraphs 2 and 3, Articles 110, 111, Article 112, paragraph 1, Articles 114, 116, 118, 119, Article 154, paragraph 1, item 2, Articles 158, 159, 162, 163,

164, 166, 170, 171, 176 and 177 of this Code committed against a child shall start running when the victim reaches legal age.

Bar to the Execution of a Sentence Due to the Statute of Limitations

Article 83

(1) An imposed sentence cannot be executed due to the statute of limitations after the expiry of the following period since a judgment becomes final:

- 40 years from the sentence of long-term imprisonment
- 25 years from the a sentence of imprisonment exceeding ten years
- 20 years from the sentence of imprisonment exceeding five years
- 15 years from the sentence of imprisonment exceeding three years
- 10 years from the sentence of imprisonment exceeding one year
- 6 years from the sentence of imprisonment of up to one year and of a fine as the main or ancillary sentence,

(2) No statutory limitation shall apply to the execution of sentences passed for the crime of genocide (Article 88), crime of aggression (Article 89), crimes against humanity (Article 90), war crimes (Article 91) and other offences that are not subject to the statute of limitations under the Constitution of the Republic of Croatia or the international law.

Running of the Statute of Limitations for the Execution of Sentences

Article 84

(1) The period of limitation for the execution of a sentence shall start running from the date the sentence becomes final. In the case of punishment from a revoked suspended sentence, the statute of limitations shall start running from the day of the final judgment on revocation.

(2) The period of limitation shall not run during any time the execution of a punishment cannot be commenced or continued under the law.

(3) The period of limitation for the execution of a punishment shall not run while the sentence is being served.

Statute of Limitations for the Execution of Security Measures, Confiscation of Proceeds of Crime and Confiscation of Objects

Article 85

(1) Security measures cannot be executed when twice the length of time for which these measures were imposed has elapsed since the judgment imposing such measures became final.

(2) The security measures referred to in Articles 68 and 69 of this Code cannot be executed when the statute of limitations for the execution of the punishment by which they were imposed expires or when the period of probation from the suspended sentence elapses.

(3) Confiscation of objects shall become statute-barred upon the expiry of five years since the judgment imposing it becomes final.

(4) The execution of security measures imposed for life and the confiscation of proceeds of crime is not subject to the statute of limitations.

(5) The statute of limitations shall not run during any time the execution of a security measure cannot be commenced or continued under the law.

Application of Limitation Periods

Article 86

If the period of limitation is modified before the statute of limitations for criminal prosecution or for the execution of a sentence has expired, the periods of limitation from the new act shall apply.

TITLE VIII

MEANING OF TERMS USED IN THIS ACT

Article 87

(1) The criminal legislation of the Republic of Croatia refers to the provisions contained in this Code and other acts of the Republic of Croatia determining the conditions for punishability and the sanctions that may be imposed on the perpetrators of criminal offences.

(2) An unlawful act shall mean an act having the elements of a criminal offence, provided no reason for excluding unlawfulness exists.

(3) An official person shall mean a high-ranking or a lower-ranking state official, a high-ranking or a lower-ranking official in a unit of the local or regional self-government, holder of judicial authority, lay judge, member of the State Judiciary Council or the State Attorney Council, arbitrator notary public and public bailiff. An official person shall also mean a person who in the European Union, another state, international organisation of which the Republic of Croatia is a member, international tribunal or arbitration board the jurisdiction of which the Republic of Croatia accepts, performs the duties confided to persons listed in the previous sentence.

(4) A member of the armed forces shall mean a person on active duty in the armed forces, a conscript, a reservist, a cadet and a lower-ranking state official and state employee assigned to a post in the armed forces of the Republic of Croatia.

(5) When an official person is designated as the perpetrator of a criminal offence not provided for in Title XXXIV of this Code or as a person against whom a criminal offence has been committed, a member of the armed forces shall also be considered an official person.

(6) A responsible person shall mean a physical person conducting the affairs of a legal person or a physical person to whom the running of affairs from the legal person's sphere of activity has expressly or effectively been confided.

(7) A child shall mean a person who has not attained the age of eighteen years.

(8) Family members shall mean the current spouse or cohabitant, their children and children of either of them, lineal blood relative, collateral blood relatives up to the third degree of kinship, in-laws up to the second degree in the conjugal community or cohabitation, adopter and adoptee, adopter's lineal blood relatives, adopter's collateral blood relatives up to the third degree of kinship and adopter's in-laws up to the second degree of kinship. In the case of criminal offences of domestic violence, family members under this Code shall also mean a former spouse or cohabitant, children of either of them and their children, if former conjugal or extramarital relations were the source of conflict after the termination of a conjugal relationship or cohabitation, persons having children together, guardian and ward, foster parent, beneficiary of accommodation in a foster family and members of their family during such a relationship, child and person who has taken the child into care and who is responsible for his or her upbringing. Protection shall also be provided to the same-sex partners and children of either of them or former same-sex partners and the children of either

of them under the same terms and conditions as those that apply to family members or persons considered family members under this Code.

(9) A cohabitant shall mean a person living in a cohabiting relationship of a more lasting character or in which a child is born.

(10) A same-sex partner shall mean a person living in a same-sex partnership of a more lasting character.

(11) Secret data shall mean data designated as classified data under a special act. Secret data shall not mean data whose contents are contrary to the constitutional order of the Republic of Croatia or which has been designated as secret for the purpose of covering-up a criminal offence, exceeding or abusing authority or other forms of illegal actions in state bodies.

(12) An official secret shall mean data collected and used for the needs of public authority which, pursuant to an act, another regulation or a general act of a competent body adopted on the basis of an act, has been declared an official secret, provided that it is not classified data under a special act.

(13) Elections shall mean elections for the Croatian Parliament, presidential elections, elections for the European Parliament, representative bodies in the units of local and regional self-government, elections of mayors, city mayors, prefects, the Zagreb City mayor and the decision-making process in the national referendum.

(14) A document shall mean any object containing an inscription, sign or picture which is suitable or has been chosen to serve as evidence of a particular fact that is of value for legal relations.

(15) Moveable property shall also mean any manufactured or collected energy for the giving of light, heat or motion, as well as telephone impulses.

(16) A motor vehicle shall mean any motor-driven means of transport by road, water or air.

(17) A computer system shall mean any device or a group of inter-connected or inter-linked devices, one or more of which process data automatically on the basis of a computer programme, as well as computer data stored or processed in, read or transferred into it for the purpose of its operation, use, protection and maintenance.

(18) Computer data shall mean any denotation of facts, information or ideas in a form suitable for computer processing.

(19) A computer programme shall mean a set of computer data that are capable of prompting the computer system to perform a certain function.

(20) A hate crime shall mean a criminal offence committed on account of a person's race, colour, religion, national or ethnic origin, disability, gender, sexual orientation or gender identity. Unless a more severe punishment is explicitly prescribed by this Code, such conduct shall be taken as an aggravating circumstance.

(21) Proceeds of crime shall mean direct material gain obtained by a criminal offence consisting of any increase or prevention of decrease in the property which came about as a result of the commission of a criminal offence, the property into which the direct material gain obtained by a criminal offence has been changed or turned into as well as any other gain from the direct proceeds of crime or from property into which the direct proceeds of crime have been changed or turned into, irrespective of whether it is located inside or outside the territory of the Republic of Croatia.

(22) A bribe shall mean any reward, gift or another undue material or non-material gain, irrespective of its value.

(23) A victim of a criminal offence shall mean a physical person who by an unlawful act has been inflicted physical or mental pain, emotional suffering, has suffered

damage to his or her property or against whom a serious violation of human rights and fundamental freedoms has been committed.

SPECIAL PART

TITLE IX

CRIMES AGAINST HUMANITY AND HUMAN DIGNITY

Genocide

Article 88

(1) Whoever with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

1. kills members of the group;
2. causes serious bodily harm to or severely impairs the health of members of the group;
3. deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part;
4. imposes measures intended to prevent births within the group; or
5. forcibly transfers children to another group

shall be punished by imprisonment for not less than ten years or to long-term imprisonment.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever orders the commission of genocide.

(3) Whoever directly and publicly incites to the commission of genocide shall be punished by imprisonment from one to ten years.

Crime of Aggression

Article 89

(1) Whoever, being in a position effectively to exercise control over or to direct the political or military action of a state, uses the armed forces of one state against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations executes an act of aggression which, by its character, gravity and scale, constitutes a violation of the Charter of the United Nations

shall be punished by imprisonment for not less than five years or to long-term imprisonment.

(2) Whoever takes part in the operations of the armed forces referred to in paragraph 1 of this Article

shall be punished by imprisonment from three to fifteen years.

(3) Whoever directly and publicly incites to the crime of aggression shall be punished by imprisonment from one to ten years.

(4) Any of the following acts, regardless of a declaration of war, shall qualify as an act of aggression referred to in paragraph 1 of this Article:

1. The invasion or attack by the armed forces of a state on the territory of another state, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another state or part thereof;
2. bombardment by the armed forces of a state against the territory of another state or the use of any weapons by a state against the territory of another state;
3. the blockade of the ports or coasts of a state by the armed forces of another state;
4. an attack by the armed forces of a state on the land, sea or air forces, or marine and air fleets of another state;
5. the use of armed forces of one state which are within the territory of another state with the agreement of the receiving state, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
6. the action of a state in allowing its territory, which it has placed at the disposal of another state, to be used by that other state for perpetrating an act of aggression against a third state; or
7. the sending by or on behalf of a state of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another state of such gravity as to amount to the acts listed above, or its substantial involvement therein.

Crime against Humanity

Article 90

(1) Whoever, in violation of the rules of international law, as part of a widespread or systematic attack directed against any civil population, with knowledge of the attack:

1. kills another person;
2. for the purpose of extermination inflicts on a civilian population conditions of life calculated to bring about the destruction of part of the population;
3. enslaves a person by exercising any or all of the powers attaching to the right of ownership over the person, including the exercise of such power in the course of trafficking in persons;
4. deports or forcibly transfers the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;
5. unlawfully imprisons another person or otherwise unlawfully deprives the person of physical liberty;
6. tortures a person in the custody or under the control of the accused by intentionally inflicting upon the person severe pain or suffering, whether physical or mental, except such pain or suffering arising only from, inherent in or incidental to, lawful sanctions;
7. rapes another person, holds another person in sexual slavery, forces a person into prostitution, unlawfully confines a woman forcibly made pregnant with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law, without the consent of another person and when this is not justified by medical reasons deprives the person of biological reproductive capability or inflicts on a person any other form of sexual violence of comparable gravity;
8. persecutes any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognised as impermissible under international law, and does this in connection with any act described in Articles 88 through 91 of this Code, by intentionally and severely depriving another person of

fundamental rights contrary to international law by reason of belonging to a certain group or collectivity;

9. arrests, detains or abducts persons on behalf of or with the authorisation, support or acquiescence of, a state or a political organisation, followed by a refusal to acknowledge that deprivation of liberty or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time;

10. in the context of an institutionalised regime of systematic oppression and domination by one racial group over any other racial group or groups and with the intention of maintaining that regime commits an inhumane act described in this Article or an act similar to any of these acts (crime of apartheid); or

11. commits other inhumane acts of a similar character intentionally causing great suffering, or serious injury to the body or health
shall be punished by imprisonment for not less than five years or to long-term imprisonment.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever orders any of the criminal offences set out above.

War Crime

Article 91

(1) Whoever, in violation of the rules of international law, in times of war, occupation, international armed conflict or non-international armed conflict commits any of the following grave breaches against persons or property protected under the Geneva Conventions of 12 August 1949:

1. killing;
2. torture or inhuman treatment, including biological experiments;
3. causing great suffering or serious injury to body or health;
4. unlawful deportation or transfer or unlawful confinement of a protected person;
5. compelling a prisoner of war or other protected person to serve in the forces of a hostile power;
6. wilfully depriving a prisoner of war or other protected person of the rights of fair and regular trial;
7. taking of hostages; or
8. extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly
shall be punished by imprisonment for not less than five years or to long-term imprisonment.

(2) Whoever, in violation of the rules of international law, in times of war, occupation, international armed conflict or non-international armed conflict commits other serious violations of the laws and customs applicable in international armed conflict or non-international armed conflict, within the established framework of international law, namely, any of the following acts:

1. directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
2. directing attacks against civilian objects, that is, objects which are not military objectives;
3. directing attacks against persons, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter

of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;

4. launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;

5. attacking or bombarding, by whatever means, towns, villages, settlements or buildings which are undefended and which are not military objectives;

6. killing or wounding a combatant who, having laid down his arms or having no longer means of defence, has surrendered at discretion;

7. making improper use of a flag of truce, of the flag or of the military insignia and uniform of the enemy or of the United Nations, as well as of the distinctive emblems of the Geneva Conventions, resulting in death or serious personal injury;

8. the transfer, directly or indirectly, by the occupying power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;

9. directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments and cultural property, hospitals and places where the sick and wounded are collected, provided they are not military objectives;

10. subjecting persons who are in the power of an adverse party to physical mutilation, the taking of tissues or organs for transplantation or to medical or scientific experiments of any kind which are neither justified by the medical, dental or hospital treatment of the person concerned nor are carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons;

11. killing or wounding treacherously individuals belonging to the hostile nation or army;

12. declaring that no quarter will be given;

13. destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;

14. declaring prohibited, suspended or inadmissible in a court of law the rights and actions of the nationals of the hostile party;

15. compelling the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war;

16. pillaging a town or place;

17. employing poison or poisoned weapons;

18. employing poisonous, asphyxiating or other gases, and all analogous liquids, materials or devices;

19. employing bullets which expand or flatten easily in the human body;

20. employing weapons, projectiles and material and other methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which, in violation of the international law of armed conflict, are incapable of distinguishing between military targets and civilian objects, provided that such weapons, projectiles, material or methods of warfare are the subject of a comprehensive prohibition;

21. committing outrages upon personal dignity, in particular humiliating and degrading treatment, collective punishment;

22. committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions;

23. utilising the presence of civilians or other protected persons to render certain points, areas or military forces immune from military operations;

24. directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;

25. intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including impeding relief supplies as provided for under the Geneva Conventions;

26. conscripting or enlisting children into the national armed forces or armed groups distinct from the national armed forces or using them to participate actively in hostilities; or

27. displacing the civilian population for reasons connected with the conflict, unless their security or imperative military reasons so demand
shall be punished by imprisonment for not less than three years.

(3)

The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever commits any of the offences set out in paragraph 2 of this Article against a large number of persons or in an especially cruel or treacherous way, out of greed or other base motives.

(4) Whoever orders the commission of an offence set out in paragraphs 1, 2 or 3 of this Article shall be punished as if he himself or she herself has committed it.

Infringement of Inviolability of Parlementaires

Article 92

Whoever, in violation of the rules of international law, in times of war or armed conflict, insults, abuses or retains unduly a parlementaire or the persons accompanying him or her or prevents their return, or otherwise infringes on their inviolability
shall be punished by imprisonment from six months to five years.

Abuse of International Emblems

Article 93

Whoever in zones of military activity abuses or wears without authorisation the flag or emblem of the United Nations, the Red Cross or symbols corresponding to them, or other internationally recognised protection symbols used to mark certain facilities in order to protect them from military operations
shall be punished by imprisonment from six months to five years.

Unjustifiable Delay in the Repatriation of Prisoners of War

Article 94

Whoever, in violation of the rules of international law, after the termination of a war or armed conflict orders or executes unjustifiable delay in the repatriation of prisoners of war or civilian persons
shall be punished by imprisonment from six months to five years.

Recruitment of Mercenaries

Article 95

(1) Whoever, in violation of the rules of international law, recruits, uses, finances or trains mercenaries for the purpose of their participation in an armed conflict or in a concerted act of violence aimed at overthrowing the government, undermining the territorial integrity of a state or threatening its constitutional order

shall be punished by imprisonment from six months to five years.

(2) Whoever conscripts or enlists a child into the armed forces or armed groups distinct from the armed forces or uses a thus recruited child to participate in direct hostilities

shall be punished by imprisonment from one to ten years.

(3) Whoever for the purpose of obtaining a material gain directly participates as a mercenary come of age in an armed conflict or a concerted act of violence

shall be punished by imprisonment not exceeding three years.

Command Responsibility

Article 96

(1) A military commander or civilian superior or a person effectively acting as a military commander or civilian superior who fails to prevent a person under his or her effective command and control, or effective authority and control, from committing a criminal offence set forth in Articles 88 through 91 of this Code shall be punished as if he or her committed it. In this case, the provision of Article 20, paragraph 3, of this Code shall not apply.

(2) A military commander or person effectively acting as a military commander who fails to properly exercise control over forces under his or her effective command and control or effective authority and control, where he or she should have known that his or her forces were committing or were about to commit a criminal offence set forth in Articles 88 through 91 of this Code and failed to take all necessary and reasonable measures within his or her power to prevent their commission

shall be punished by imprisonment from three to fifteen years.

(3) The same punishment as referred to in paragraph 2 of this Article shall be inflicted on a superior, with respect to superior and subordinate relationships not described in paragraph 2 of this Article, who failed to exercise control properly over subordinates under his or her effective authority and control, where the superior consciously disregarded information indicating that the subordinates were committing or were about to commit a criminal offence set forth in Articles 88 through 91 of this Code, where such offences were within his or her effective responsibility and control and where he or she failed to take all necessary and reasonable measures within his or her power to prevent their commission.

(4) If proper control referred to in paragraphs 2 and 3 of this Article was not exercised by negligence, the perpetrator shall be punished by imprisonment from one to ten years.

(5) The persons referred to in paragraphs 1, 2 and 3 of this Article who do not pass on their knowledge of criminal offences set forth in Articles 88 through 91 of this Code to the competent authorities for investigation and prosecution of direct perpetrators subordinated to them

shall be punished by imprisonment from six months to five years.

Terrorism

Article 97

(1) Whoever, with the aim of seriously intimidating a population, or compelling a government or an international organisation to perform or abstain from

performing any act, or seriously destabilising or destroying the fundamental constitutional, political, economic or social structures of a state or an international organisation, commits any of the following acts which may seriously damage a state or an international organisation:

1. attacks upon a person's life which may cause death;
2. attacks upon the physical integrity of a person;
3. kidnapping or hostage taking;
4. causing destruction to a government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, which is likely to endanger human life or result in major economic loss;
5. seizure of aircraft, ships vessel or other means of public or goods transport;
6. manufacture, possession, acquisition, transport, supply or use of weapons, explosives, nuclear, biological or chemical weapons as well as research into and development of nuclear, biological or chemical weapons;
7. release of dangerous substances, or causing fires, explosions or floods, the effect of which is to endanger human life;
8. interfering with or disrupting the supply of water, electricity or any other fundamental natural resource, the effect of which is to endanger human life; or
9. possessing or using radioactive substances or manufacturing, possessing or using a device for the activation, dispersal or emission of radioactive material or ionising radiation, using or causing damage to a nuclear facility resulting in the release of radioactive materials or the danger thereof, or requesting, by using force or a threat, radioactive material, a device for activating, dispersing or emitting radioactive material or a nuclear facility shall be punished by imprisonment from three to fifteen years.

(2) Whoever threatens to commit a criminal offence referred to in paragraph 1 of this Article

shall be punished by imprisonment from six months to five years.

(3) If extensive destruction or the death of one or more persons has been caused by the criminal offence referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for not less than five years.

(4) If, in the course of perpetrating the criminal offence referred to in paragraph 1 of this Article, the perpetrator intentionally kills one or more persons,

he or she shall be punished by imprisonment for not less than ten years or to long-term imprisonment.

Financing of Terrorism

Article 98

(1) Whoever directly or indirectly provides or collects funds with the intention that they be used or in the knowledge that they will be used, in full or in part, in order to carry out one or more of the criminal offences referred to in Article 97, Articles 99 through 101, Article 137, Article 216, paragraphs 1 through 3, Article 219, Article 223, Article 224, Articles 352 through 355 of this Code or any other criminal offence intended to cause death or serious bodily injury to a civilian or to any other person not taking an active part in an armed conflict, when the purpose of such an act is to intimidate a population or to compel a government or an international organisation to perform or to abstain from performing any act, shall be punished by imprisonment from one to ten years.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever directly or indirectly provides or collects funds with the intention that they be used

or in the knowledge that they will be used, in full or in part, by terrorists or by a terrorist association.

(3) The funds referred to in paragraphs 1 and 2 of this Article shall be confiscated.

Public Incitement to Terrorism

Article 99

Whoever publicly expresses or promotes ideas directly or indirectly inciting the commission of a criminal offence referred to in Articles 97 through 98, Article 137, Article 216, paragraphs 1 through 3, Article 219, Articles 223 through 224, Articles 352 through 355 of this Code,

shall be punished by imprisonment from one to ten years.

Recruitment for Terrorism

Article 100

Whoever solicits another person to join a terrorist association for the purpose of contributing to the commission of a criminal offence referred to in Articles 97, 102, 137, Article 216, paragraphs 1 through 3, Articles 219, 223, 224, Articles 352 through 355 of this Code,

shall be punished by imprisonment from one to ten years.

Training for Terrorism

Article 101

Whoever provides instructions in the making or use of explosive devices, firearms or other weapons or noxious or hazardous substances, or in other specific methods or techniques, knowing that the skills provided are intended to be used for the purpose of committing any of the criminal offences referred to in Articles 97, 98, 137, Article 216, paragraphs 1 through 3, Article 219, Articles 223 through 224, Articles 352 through 355 of this Code,

shall be punished by imprisonment from one to ten years.

Terrorist Association

Article 102

(1) Whoever organises or runs a criminal association the aim of which is to commit a criminal offence referred to in Articles 97 through 101, Article 137, Article 216, paragraphs 1 through 3, Article 219, Articles 223 through 224, Articles 352 through 355 of this Code or any other criminal offence intended to cause death or serious bodily injury to a civilian or to any other person not taking an active part in an armed conflict, when the purpose of such an act is to intimidate a population or to compel a government or an international organisation to perform or to abstain from performing any act,

shall be punished to imprisonment for a term of between three and fifteen years.

(2) Whoever becomes a member of the criminal association referred to in paragraph 1 of this Article or commits an act with knowledge that such act contributes to the achievement of the terrorist association's goal,

shall be punished by imprisonment from one to eight years.

(3) The perpetrator of a criminal offence referred to in paragraph 1 or 2 of this Article who, by uncovering a terrorist association on time, prevents the perpetration of a criminal offence referred to in paragraph 1 of this Article or a member of a terrorist association who uncovers the association prior to committing, as its member or on its behalf, a criminal offence referred to in paragraph 1 of this Article may have his or her punishment remitted.

Preparing Criminal Offences against Values Protected under International Law

Article 103

Whoever prepares the commission of criminal offences referred to in Articles 88 through 91 and Article 97 of this Code,
shall be punished by imprisonment from six months to five years.

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 104

A public official or other person who at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity inflicts on another severe pain or suffering, whether physical or mental, for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind,
shall be punished by imprisonment from one to ten years.

Slavery

Article 105

(1) Whoever, in violation of the rules of international law, puts another in a position of slavery or a similar position or holds him or her in such a position, buys, sells, hands over to another or mediates in the purchase, sale or handing over of such a person, or incites another to sell his or her freedom or the freedom of the person he or she provides for or takes care of,

shall be punished by imprisonment from one to ten years.

(2) Whoever transports people who are in a position of slavery or a position similar thereto,

shall be punished by imprisonment from six months to five years.

(3) Whoever commits the offence referred to in paragraphs 1 or 2 against a child

shall be punished by imprisonment from three to fifteen years.

Trafficking in Human Beings

Article 106

(1) Whoever, by the use of force or threat, of deception, of fraud, of abduction, of abuse of authority or of a situation of hardship or dependence, or of the giving or receiving of payments or other benefits to achieve the consent of a person having control over another person or by any other means recruits, transports, transfers, harbours or receives a person, or

exchanges or transfers control over a person for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the person or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of taking parts of the person's body or of using the person in armed conflicts or of committing an unlawful act,

shall be punished by imprisonment from one to ten years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever recruits, transports, transfers, harbours or receives a child, or exchanges or transfers control over a child for the purpose of exploiting his or her labour by means of forced labour or services, slavery or a relationship similar thereto, or for the purpose of exploitation for prostitution of the child or of other forms of sexual exploitation, including pornography, or of contracting an illicit or forced marriage, or of illegal adoption, or of taking parts of a child's body, or of using the child in armed conflicts.

(3) If the criminal offence referred to in paragraph 1 of this Article was committed against a child or the criminal offence referred to in paragraphs 1 or 2 of this Article was committed by a public official in the performance of his or her duties, or the said offence was committed against a large number of persons or the life of one or more persons was consciously endangered,

the perpetrator shall be punished by imprisonment from three to fifteen years.

(4) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, knowing that a person is a victim of trafficking in persons, uses the services of that person which are the result of one of the forms of exploitation set forth in paragraphs 1 and 2 of this Article.

(5) Whoever, with the aim of enabling the commission of offences set forth in paragraphs 1, 2 and 3 of this Article retains, seizes or possession, conceals, defaces or destroys another person's travel document or identification document,

shall be punished by imprisonment not exceeding three years.

(6) The attempt of the criminal offence referred to in paragraph 5 of this Article shall be punishable.

(7) The consent of a victim of trafficking in human beings to the exploitation shall be irrelevant to the existence of this criminal offence.

Trafficking in Human Body Parts and Human Embryos

Article 107

(1) Whoever, for the purpose of removing body parts referred to in Article 106 of this Code, procures, possesses, transports, transfers, stores, receives or transplants a human organ, tissue, cell, embryo or foetus, provided he or she knew or should and could have known that they originated from a person who was a victim of trafficking in human beings

shall be punished by imprisonment from one to ten years.

(2) Whoever, by the use of force or threat, deception, fraud, abduction, abuse of authority or a situation of hardship or dependence, procures, possesses, transports, transfers, stores or receives a human organ, tissue, cell, embryo, foetus or dead body for the purpose of removing body parts

shall be punished by imprisonment from one to eight years.

(3) Whoever, by giving of payment or other comparable benefit, procures a human organ, tissue, cell, embryo, foetus or dead body

shall be punished by imprisonment from six months to five years.

(4) The same punishment as referred to in paragraph 3 of this Article shall be inflicted on whoever, with a view to financial compensation, induces or helps another to give his or her organ, tissue, cell, embryo or foetus in exchange for payment or another benefit.

(5) Whoever removes or transplants a human organ, tissue, cell, embryo or foetus, where he /she knew or should and could have known that in exchange for it the donor had received payment or another benefit,

shall be punished by imprisonment not exceeding three years.

(6) The same punishment as referred to in paragraph 5 of this Article shall be inflicted on whoever advertises the need for or availability of a human organ, tissue, cell, embryo, foetus or dead body for the purpose of offering or requesting payment or another benefit.

Cloning and Human Genome Changes

Article 108

(1) Whoever acts with the aim of creating a human being which shares with another live or dead human being the same nuclear genes set,

shall be punished by imprisonment from one to ten years.

(2) Whoever carries out an intervention seeking to modify the human genome for purposes other than preventive, diagnostic or therapeutic, or does so for preventive, diagnostic or therapeutic purposes, but with the aim of introducing modifications in the genome of a patient's descendent

shall be punished by imprisonment from six months to five years.

Prohibition to Mix Human Sex Cells with Animal Sex Cells

Article 109

Whoever fertilises a woman's egg cell with a sperm cell of any species other than the sperm cell of a man or an animal egg cell with a human sperm cell, modifies the human embryo by transplanting animal embryos or introduces human sex cells or the human embryo into an animal, or animal sex cells or the animal embryo into a woman

shall be punished by imprisonment from one to ten years.

TITLE X

CRIMINAL OFFENCES AGAINST LIFE AND LIMB

Murder

Article 110

Whoever kills a person,

shall be punished by imprisonment for not less than five years.

Aggravated Murder

Article 111

A punishment by imprisonment for not less than ten years or long-term imprisonment shall be imposed on whoever:

1. murders another in a cruel or treacherous manner;
2. murders a person who is especially vulnerable due to his or her age, a severe physical or mental disorder or pregnancy;
3. murders a family member whom he or she has already abused;
4. murders another out of greed, ruthless revenge, hatred or other base motives;
5. murders another in order to commit or cover up another criminal offence;
6. murders an official person in relation to his or her performance of official duties.

Manslaughter

Article 112

(1) Whoever kills another after being brought, without his or her fault, by that person's attack, serious insults or maltreatment into a state of long-term suffering, severe irritation or fright , ,

shall be punished by imprisonment from one to ten years.

(2) A mother who kills her child under the influence of severe mental strain due to pregnancy or childbirth,

shall be punished by imprisonment from six months to five years.

(3) Whoever kills another at the latter's express and earnest request, out of pity provoked by the latter's grave state of health

shall be punished by imprisonment not exceeding three years.

Negligent Homicide

Article 113

Whoever causes another person's death by negligence

shall be punished by imprisonment from six months to five years.

Participation in Suicide

Article 114

(1) Whoever induces another to commit suicide or out of base motives assists him or her therein and the suicide is committed or attempted

shall be punished by imprisonment not exceeding three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article against a child who has turned fourteen or a person whose capacity to appreciate his or her conduct is substantially diminished,

shall be punished by imprisonment from one to eight years.

Unlawful Termination of Pregnancy

Article 115

(1) Whoever, contrary to the regulation on the termination of pregnancy, terminates pregnancy on a pregnant person, or incites a pregnant person to terminate her pregnancy or assists her therein with her consent,

shall be punished by imprisonment not exceeding three years.

(2) If, as a result of the criminal offence referred to in paragraph 1 of this Article, a pregnant person has died or her health is severely impaired,

the perpetrator shall be punished by imprisonment from one and ten years.

(3) Whoever terminates pregnancy on a pregnant person without her consent shall be punished by imprisonment from one to eight years.

(4) If, as a result of the criminal offence referred to in paragraph 3 of this Article, a pregnant person has died or her health is severely impaired, the perpetrator shall be punished by imprisonment from three to fifteen years.

(5) A perpetrator who attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.

Female Genital Mutilation

Article 116

(1) Whoever partially or totally removes or permanently alters the external female genitalia, shall be punished by imprisonment from six to five years.

(2) Whoever incites a woman to subject herself to procedures referred to in paragraph 1 of this Article or assists therein shall be punished by imprisonment not exceeding three years.

(3) Whoever commits the offence referred to in paragraphs 1 and 2 of this Article out of hatred against a child or family member, shall be punished by imprisonment from one and eight years.

Bodily Injury

Article 117

(1) Whoever inflicts a bodily injury on another or impairs his or her health shall be punished by imprisonment not exceeding one year.

(2) Whoever commits the offence referred to in paragraph 1 out of hatred against a family member or a person especially vulnerable due to his or her age, a severe physical or mental disorder, disability or pregnancy, or in the capacity of a public official performing his or her functions or exercising public authority shall be punished by imprisonment not exceeding three years.

(3) The criminal offence referred to in paragraph 1 shall be prosecuted by private action.

Serious Bodily Injury

Article 118

(1) Whoever inflicts a serious bodily injury on another or severely impairs his or her health, shall be punished by imprisonment from six months to five years.

(2) Whoever commits the offence referred to in paragraph 1 out of hatred against a family member or a person especially vulnerable due to his or her age, a severe physical or mental disorder, disability or pregnancy, or in the capacity of a public official performing his or her functions or exercising public authority, shall be punished by imprisonment from one to eight years.

Particularly Serious Bodily Injury

Article 119

(1) If, as a result of the criminal offence referred to in Article 116, paragraphs 1 and 2, and Article 118, paragraph 1, of this Code, the life of the injured person is endangered, or an important part of his or her body or an important organ is destroyed or permanently and significantly weakened, or the injured person suffers permanent work disability or permanent and severe damage to his or her health or permanent disfigurement or permanent reproductive disability,

the perpetrator shall be punished by imprisonment from one to eight years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article out of hatred against a family member or a person especially vulnerable due to his or her age, a severe physical or mental disorder, disability or pregnancy, or in the capacity of a public official performing his or her functions or exercising public authority

shall be punished by imprisonment from one to ten years.

(3) Whoever intentionally causes any of the consequences set forth in paragraph 1 of this Article

shall be punished by imprisonment from three to twelve years.

Serious Bodily Injury Resulting in Death

Article 120

If the criminal offence referred to in Articles 116, 118 and 119 of this Code results in the death of another person,

the perpetrator shall be punished by imprisonment from three to fifteen year.

Serious Bodily Injury Caused by Negligence

Article 121

(1) Whoever commits the offence referred to in Article 118 by negligence shall be punished by imprisonment not exceeding one year.

(2) Whoever commits the offence referred to in Article 119 by negligence shall be punished by imprisonment not exceeding three years.

Participation in an Affray

Article 122

(1) Whoever participates in an affray or an assault by several persons which results in the death or serious bodily injury of one or more persons, for mere participation shall be punished by imprisonment not exceeding three years.

(2) Whoever organises or leads a group of three or more persons who participate in an affray or assault referred to in paragraph 1 of this Article or organises such an assault or affray

shall be punished by imprisonment from one to eight years.

(3) There shall be no criminal offence referred to in paragraph 1 of this Article if a person was drawn into an affray without his or her fault or if he or she only defended himself or herself or was separating other participants in the affray.

Failure to Render Assistance

Article 123

(1) Whoever fails to render assistance to a person in mortal danger, although he or she could have done so without exposing himself or herself or another to serious danger,

shall be punished by imprisonment not exceeding one year.

(2) Whoever does not render assistance to a person in danger which he or she himself or herself has caused, unless doing so would expose him or her or another to serious danger,

shall be punished by imprisonment not exceeding three years.

Abandonment of a Helpless Person

Article 124

Whoever leaves a helpless person entrusted to him or her unassisted in circumstances in which his or her life or health are at risk,

shall be punished by imprisonment not exceeding three years.

TITLE XI

CRIMINAL OFFENCES AGAINST HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Violation of Equality

Article 125

(1) Whoever, on the basis of race, ethnic affiliation, skin colour, gender, language, religion, political and other convictions, national or social origin, property, birth, education, social status, marital or family status, age, state of health, disability, genetic inheritance, gender identity, expression, sexual orientation or other characteristics, denies, limits or conditions another the right to acquire goods or receive services, the right to carry out an activity, the right to employment and promotion, , or whoever on the basis of any such characteristic or affiliation gives another privileges or advantages

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever persecutes individuals or organisations because of their commitment to equality of people.

Violation of the Freedom to Express National Affiliation

Article 126

(1) Whoever denies or limits a member of a national minority the right freely to express his or her national affiliation to cultural autonomy,

shall be punished by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, contrary to the regulations on the use of language and script, denies a person the right to use his or her own language and script or places limits on this right.

Violation of the Freedom of Thought and Expression

Article 127

(1) Whoever denies or limits the freedom of speech or public expression, the freedom of the press or other media of communication or the free establishment of mass media institutions,

shall be punished by imprisonment not exceeding one year.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever orders or practices censorship or unlawfully denies a journalist the freedom to report or limits this freedom.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever unlawfully prevents the publication, sale or distribution of books, magazines, newspapers or other printed matter, or the production and broadcasting of radio and television programmes, news agency programmes or the release of other media content.

Violation of the Rights to Assemble and Protest

Article 128

(1) Whoever denies or limits the right of assembly or the right to peaceful protest organised in accordance with the law

shall be punished by imprisonment not exceeding one year.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever prevents, renders impossible or significantly obstructs, by force, serious threat or otherwise, public assembly or peaceful protest organised in accordance with the law.

Violation of the Right of Association

Article 129

Whoever denies or limits the right to form political parties, trade unions or other associations, to join or withdraw from their membership in accordance with the law,

shall be punished by imprisonment not exceeding one year.

Violation of the Freedom of Religion

Article 130

(1) Whoever denies or limits the freedom of conscience and religion, the freedom to publicly profess one's religion or other belief,

shall be punished by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever denies a religious community which operates in accordance with the law the right to equality with other religious communities in the Republic of Croatia or denies or limits it the rights to publicly hold religious services, found and run schools, learning institutions, institutes, social or charitable institutions.

TITLE XII

CRIMINAL OFFENCES AGAINST LABOUR RELATIONS AND SOCIAL INSURANCE

Violation of the Right to Work

Article 131

(1) Whoever terminates an employment contract because that worker turned or reported in good faith on justified suspicion of corruption to the competent persons or state authorities,

shall be punished by imprisonment not exceeding three years.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever terminates one or more employment contracts because of workers' participation in a strike that was organised and carried out in accordance with the law, collective wage agreement and trade union rules.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever does not enforce a final judicial decision reinstating the worker.

Non-Payment of Salaries

Article 132

(1) Whoever fails to pay one salary in full or in part to one or more workers, shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever fails to provide information or provides incorrect information for the fixing of a salary and by doing so fails to pay the salary or pays it in part.

(3) There shall be no criminal offence referred to in paragraph 1 of this Article where the non-payment is the result of the impossibility to freely use funds in the employer's account or of the insufficiency of funds in the employer's account which did occur with the aim of avoiding the payment of salaries.

(4) If the perpetrator referred to in paragraph 1 of this Article pays the salaries due subsequently, he or she may be exempted from punishment.

(5) For the purpose of this Article, a salary shall mean the basic salary and any other consideration, whether in cash or in kind, which the worker receives in respect of his or her employment, in gross amount, including contributions from and on the salary according to a special regulation.

Workplace Mistreatment

Article 133

(1) Whoever insults, humiliates, mistreats or otherwise disturbs another in the workplace or in relation to work and by doing so damages his or her health or violates his or her rights

shall be punished by imprisonment not exceeding two years.

(2) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

Violation of Social Insurance Rights

Article 134

Whoever denies to or limits the right of another that derives from pension, health or unemployment insurance established by law or withholds the payment of contributions for the employment of disabled persons, where this does not satisfy the elements of another criminal offence,

shall be punished by imprisonment not exceeding one year.

Illegal Employment

Article 135

Whoever employs a person who is illegally residing in the territory of the Republic of Croatia, which person is neither a citizen of an EU Member State nor enjoys the right of free movement in the European Union, in working conditions characterised by exploitation or knowing that the person is a victim of trafficking in persons, or that he or she is under the age of eighteen, or whoever over a long period of time or repeatedly employs such persons or simultaneously employs a great number of them

shall be punished by imprisonment from six months to five years.

TITLE XIII

CRIMINAL OFFENCES AGAINST PERSONAL FREEDOM

Unlawful Deprivation of Liberty

Article 136

(1) Whoever unlawfully detains another, keeps detained or in some other manner deprives another person of the freedom of movement or restricts it, shall be punished by imprisonment not exceeding three years.

(2) Whoever unlawfully deprives another of liberty with the aim to force him or her to do or omit to do something or to suffer,

shall be punished by imprisonment from six months to five years.

(3) If the criminal offences referred to in paragraphs 1 and 2 of this Article were committed against a child or unlawful deprivation of liberty lasted longer than fifteen days or was carried out in a cruel way, or if the person unlawfully deprived of liberty suffered a severe bodily injury, or if unlawful deprivation of liberty was committed by a public official in the performance of his or her functions or the exercise of public authority, the perpetrator shall be punished by imprisonment from one to ten years.

(4) If the criminal offences referred to in paragraphs 1, 2 and 3 of this Article caused the death of a person who was unlawfully deprived of liberty, the perpetrator shall be punished by imprisonment from three to fifteen years.

(5) A perpetrator who of his or her free will releases a person who was unlawfully deprived of liberty before he or she achieves the goal referred to in paragraph 2 of this Article may be exempted from punishment.

(6) A perpetrator who attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.

Kidnapping

Article 137

(1) Whoever unlawfully deprives another of liberty with the aim of forcing a third party to do or omit to do something or to suffer, shall be punished by imprisonment from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article was committed under threat that the abducted person would be killed or was committed in a cruel way or the abducted person suffered a severe bodily injury or the said criminal offence was committed against a child or a disabled person, the perpetrator shall be punished by imprisonment from one to ten years.

(3) If criminal offence referred to in paragraph 1 of this Article results in death of the abducted person, the perpetrator shall be punished by imprisonment from three to fifteen years.

(4) A perpetrator who of his or her free will releases an abducted person before achieving the aim referred to in paragraphs 1 and 2 of this Article may be exempted from punishment.

Coercion

Article 138

(1) Whoever by the use of force or serious threat coerces another to do or omit to do something or to suffer

shall be punished by imprisonment not exceeding three years.

(2) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted by private action, unless it was committed out of hatred, against a child, a disabled person or a family member.

Threat

Article 139

(1) Whoever seriously threatens another with some evil in order to intimidate or disturb him or her,

shall be punished by imprisonment not exceeding one year.

(2) Whoever seriously threatens to kill, inflict severe bodily injury on, abduct or deprive of liberty another or a person close to another or to inflict evil by arson, explosion, ionising radiation, weapons, dangerous tools or other dangerous means, or to destroy the social status or material means of subsistence,

shall be punished by imprisonment not exceeding three years.

(3) If the criminal offence referred to in paragraphs 1 and 2 was committed against a public official or responsible person in connection with his or her job or position or against a journalist in connection with his or her job, or against many persons, or if it has significantly disturbed the population or the person threatened was put in a difficult position over a long period of time,

the perpetrator shall be punished by imprisonment from six months to five years.

(4) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted by private action, while the criminal offence referred to in paragraph 2 of this Article shall be prosecuted upon request, unless the criminal offences referred to in paragraphs 1 and 2 were committed out of hatred, against a child, a disabled person or a family member.

Stalking

Article 140

(1) Whoever persistently and over a long period of time follows or spies on another, or establishes or seeks to establish unwanted contact with another, or intimidates another in some other way and by doing so provokes anxiety in him or her or causes him or her to fear for his or her safety or the safety of persons close to him or her

shall be punished by imprisonment not exceeding one year.

(2) If the offence referred to in paragraph 1 of this Article is committed against the current or former spouse or cohabitant or same-sex partner, a person with whom the perpetrator was in an intimate relationship or a child,

the perpetrator shall be punished to imprisonment not exceeding three years.

(3) Unless it was committed against a child, the criminal offence referred to in paragraphs 1 and 2 of this Article shall be prosecuted upon request.

TITLE XIV

CRIMINAL OFFENCES AGAINST PRIVACY

Violation of the Inviolability of the Home and Business Premises

Article 141

(1) Whoever enters without authorisation another person's home or business premises, or a closed or fenced-in space belonging to that home or business premises, or fails to leave the same at the request of an authorised person,

shall be punished by imprisonment not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by a public official in the performance of his or her functions or the exercise of public authority,

he or she shall be punished by imprisonment not exceeding three years.

(3) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

Violation of the Privacy of Correspondence and Other Parcels

Article 142

(1) Whoever, without authorisation, opens another person's parcel, letter, telegram, electronic mail or any other item of correspondence, or otherwise violates their secrecy, or without authorisation retains, conceals, destroys or hands over to a third party another person's sealed parcel or letter, telegram, electronic mail or any other item of correspondence,

shall be punished by imprisonment not exceeding one year.

(2) Whoever, with the aim of acquiring a material gain for himself or herself or for another or of causing damage to another, discloses to a third party a piece of information learned by violating the secrecy of another person's parcel, letter, telegram, electronic mail or any other item of correspondence, or makes use of such a secret,

shall be punished by imprisonment not exceeding two years.

(3) If the criminal offences referred to in paragraphs 1 and 2 of this Article are committed by a public official in the performance of his or her functions or the exercise of public authority,

he or she shall be punished by imprisonment not exceeding three years.

(4) The criminal offences referred to in paragraphs 1 and 2 of this Article shall be prosecuted upon request.

Unauthorised Audio Recording and Eavesdropping

Article 143

(1) Whoever, without authorisation, audio records another person's privately uttered words or by means of special devices eavesdrops without authorisation another person's privately uttered words not intended for his or her attention,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever uses or makes available to a third party the recorded words referred to in paragraph 1 or whoever publicly reveals word for word the eavesdropped words referred to in paragraph 1 or their gist.

(3) If the criminal offences referred to in paragraphs 1 and 2 of this Article are committed by a public official in the performance of his or her functions or the exercise of public authority,

he or she shall be punished by imprisonment from six months to five years.

(4) There shall be no criminal offence if the acts referred to in paragraphs 1 and 2 of this Article are committed in the public interest or another interest prevailing over the interest to protect the privacy of the person being recorded or eavesdropped on.

(5) The criminal offences referred to in paragraphs 1 and 2 of this Article shall be prosecuted upon request.

(6) The recordings and special devices used for committing the criminal offence referred to in this Article shall be confiscated.

Unauthorised Taking of Pictures

Article 144

(1) Whoever, without authorisation, takes pictures of another person located in an dwelling or an area especially protected from view or uses or makes available to a third party such a picture and thereby violates that person's privacy

shall be punished by imprisonment not exceeding one year.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by a public official in the performance of his or her functions or the exercise of public authority,

he or she shall be punished by imprisonment not exceeding three years.

(3) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

(4) Pictures and special devices used for committing the criminal offence referred to in this Article shall be confiscated.

Unauthorised Disclosure of a Professional Secret

Article 145

(1) An attorney-at-law, notary public, healthcare worker, psychologist, employee of a welfare institution, religious confessor or another person who discloses without authorisation a piece of information about the personal or family life confided to him or her in the performance of his other profession,

shall be punished by imprisonment not exceeding one year.

(2) There shall be no criminal offence referred to in paragraph 1 of this Article if the secret was disclosed in the public interest or the interest of a third party which prevail over the interest of keeping the secret.

(3) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

Illegal Use of Personal Data

Article 146

(1) Whoever, contrary to the conditions set out by the law, collects, processes or uses personal data of physical persons

shall be punished by imprisonment not exceeding one year.

(2) Whoever, contrary to the conditions set out by the law, transfers personal data outside of the Republic of Croatia for further processing, or makes them public or in some other way available to a third party, or whoever by the act referred to in paragraph 1 of this Article acquires considerable material gain for himself or herself or for another or causes considerable damage

shall be punished by imprisonment not exceeding three years.

(3) The same punishment as referred to in paragraph 2 of this Article shall be inflicted on whoever commits the offence referred to in paragraph 1 of this Article against a child or on whoever, in contravention of the conditions set out by the law collects, processes or uses personal data of physical persons on the racial or ethnic origin, political views, religious or other beliefs, trade union membership, health or sex life or the personal data of physical persons on criminal or misdemeanour proceedings.

(4) If the criminal offences referred to in paragraphs 1 through 3 of this Article is committed by a public official in the exercise of his or her authorities,

he or she shall be punished by imprisonment from six months to five years.

TITLE XV

CRIMINAL OFFENCES AGAINST HONOUR AND REPUTATION

Insult

Article 147

(1) Whoever insults another,

shall be punished by a fine of up to ninety daily units.

(2) Whoever commits the offence referred to in paragraph 1 of this Article through the press, radio, television, computer system or network, at a public gathering or in some other way, thus making the insult accessible to a large number of persons,

shall be punished by a fine of up to one hundred and eighty daily units.

(3) If the insulted person returns the insult, the court may remit the punishment of both perpetrators.

(4) If the perpetrator was prompted by improper behaviour of the injured party, or the injured party has accepted his or her apology for the committed offence before the court, the court may remit his or her punishment.

(5) There shall be no criminal offence of insult if it follows from the manner of expression and other circumstances that disparagement was committed in order to protect another justified interest.

Defamation

Article 148

(1) Whoever asserts or disseminates in front of a third party a factual claim about another person which can damage his or her honour or reputation, shall be punished by a fine of up to one hundred and eighty daily units.

(2) Whoever commits the offence referred to in paragraph 1 of this Article through the press, radio, television, computer system or network, at a public gathering or in some other way, thus making the insult accessible to a large number of persons, shall be punished by a fine of up to three hundred and sixty daily units.

(3) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article if the perpetrator proves that the factual claims made or propagated by him or her are true or that there existed a serious reason why he or she, acting in good faith, believed them to be true.

(4) If the perpetrator did not assert or disseminate factual claim in the public interest or for some other justified reason but acted, for the most part, with the aim of dishonouring or damaging the reputation of another person, especially if the claims concern another person's personal or family life, he or she shall not be allowed to prove the circumstances referred to in paragraph 3 of this Article.

(5) If the perpetrator admits that his or her claims are not true and retracts them, the court may remit his punishment.

(Intentional) Defamation

Article 149

(1) Whoever knowing that it is untrue, in front of a third party asserts or disseminates a false factual claim about another person which can damage his honour or reputation,

shall be punished by a fine of up to three hundred and sixty daily units.

(2) Whoever commits the offence referred to in paragraph 1 of this Article through the press, radio, television, computer system or network, at a public gathering or in some other way, thus making the insult accessible to a large number of persons, shall be punished by a fine of up to five hundred daily units.

Institution of Criminal Proceedings for Criminal Offences against Honour and Reputation

Article 150

(1) Criminal offences against honour and reputation shall be prosecuted by private action.

(2) If the criminal offences against honour and reputation were committed against a deceased person, criminal proceedings may be instituted by a private action brought by the deceased person's spouse or cohabitant, same-sex partner, parent, child, adopter, adoptee or siblings.

Public Announcement of Judgments for Criminal Offences against Honour and Reputation

Article 151

(1) The judgment convicting the perpetrator of a criminal offence against honour and reputation which was committed through the press, radio, television, computer system or network, or other media shall be publicly announced in full or in part at the request of the injured party and at the perpetrator's expense.

(2) The public announcement shall be made in the manner indicated by the court in the judgment. Whenever possible, the court shall order that the judgment be publicly announced in the same media in which the criminal offence was committed.

TITLE XVI

CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM

Non-Consensual Sexual Intercourse

Article 152

(1) Whoever engages in sexual intercourse or an equivalent sexual act with another person without this person's consent, or whoever induces another person to engage without his or her consent in sexual intercourse or an equivalent sexual act with a third party or to perform without his or her consent a sexual act equated to sexual intercourse upon himself or herself,

shall be punished by imprisonment from six months to five years.

(2) A perpetrator who is avoidably mistaken as to the existence of consent referred to in paragraph 1 of this Article,

shall be punished by imprisonment not exceeding three years.

(3) Consent referred to in paragraph 1 of this Article shall exist if the person decided of his or her own free will to engage in sexual intercourse or an equivalent sexual act and was capable of making and expressing such a decision. It shall be deemed that no such consent exists in particular if the sexual intercourse or the equivalent sexual act was performed by the use of force or threat, by fraud, by abusing one's position towards a person who is in a situation of dependence with respect to the perpetrator, by exploiting a person's condition due to which the person was unable to express his or her refusal or if it was performed against a person unlawfully deprived of liberty.

Rape

Article 153

(1) Whoever commits the offence referred to in Article 152, paragraph 1, of this Code by the use of force or by threat of an imminent attack on the life or limb of the raped or other person,

shall be punished by imprisonment from one to ten years.

(2) A perpetrator who is avoidably mistaken as to the existence of consent referred to in paragraph 1 of this Article

shall be punished by imprisonment from six months to five years.

Serious Criminal Offences against Sexual Freedom

Article 154

(1) The punishment of imprisonment from one to ten years shall be inflicted on whoever commits the offence referred to in Article 152, paragraph 1, of this Code:

1. against a family member;
2. against a victim especially vulnerable due to his or her age, illness, addiction, pregnancy, disability, a severe physical or mental disorder;
3. in an especially cruel or especially humiliating manner;
4. out of hatred;

5. together with one or more perpetrators, with several acts of sexual intercourse or equivalent sexual acts being committed against one and the same person;
6. by using weapons or dangerous instruments;
7. in such a manner that it resulted in serious bodily injury or pregnancy of the raped person.

(2) Whoever commits the offence referred to in Article 153, paragraph 1, of this Code under the circumstances referred to in paragraph 1 of this Article, shall be punished by imprisonment from three to fifteen years.

(3) If the criminal offence referred to in Article 152, paragraph 1, or Article 153, paragraph 1, of this Code, results in the death of the raped person, the perpetrator shall be punished by imprisonment not less than five years.

Lewd Acts

Article 155

(1) Whoever, under the conditions set forth in Article 152 of this Code when the criminal offence in question has not even been attempted, commits a lewd act, shall be punished by imprisonment not exceeding one year.

(2) Whoever, under the conditions set forth in Article 153 or Article 154 of this Code when the criminal offences in question have not even been attempted, commits a lewd act,

shall be punished by imprisonment not exceeding three years.

Sexual Harassment

Article 156

(1) Whoever sexually harasses another person who is his or her subordinate or who is in a situation of dependence with respect to him or /her or who is especially vulnerable due to age, illness, disability, addiction, pregnancy, a severe physical or mental disability, shall be punished by imprisonment not exceeding one year.

(2) Sexual harassment shall mean any form of unwanted verbal, non-verbal or physical conduct of a sexual nature which aims at or effectively constitutes a violation of the dignity of a person, which creates an intimidating, hostile, degrading or offensive environment.

(3) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

Prostitution

Article 157

(1) Whoever for the purpose of making a profit or gaining some other benefit entices, solicits or incites another person to provide sexual services, or organises or enables another person to provide sexual services

shall be punished by imprisonment from six months to five years.

(2) Whoever for the purpose of making a profit coerces or induces another person, by the use of force or threat, deception, fraud, abuse of authority or of a situation of hardship or dependence, to provide sexual services, or uses the sexual services of such a person in exchange for payment, where he or she knew or should and could have known about the above circumstances,

shall be punished by imprisonment from one to ten years.

(3) Whoever advertises prostitution via the media and other similar means, shall be punished by imprisonment not exceeding three years.

(4) Whether the person being enticed, recruited, incited or used for prostitution has consented to it and whether he or she has already engaged in such activity shall be of no relevance to the existence of the criminal offence referred to in this Article.

TITLE XVII

CRIMINAL OFFENCES OF SEXUAL ABUSE AND SEXUAL EXPLOITATION OF CHILDREN

Sexual Abuse of a Child under the Age of Fifteen

Article 158

(1) Whoever engages in sexual intercourse or an equivalent sexual act with a child under the age of fifteen, or induces a child under the age of fifteen to engage in sexual intercourse or an equivalent sexual act with a third party or to perform upon himself or herself a sexual act equated with sexual intercourse,

shall be punished by imprisonment from one to ten years.

(2) Whoever commits a lewd act against a child under the age of fifteen, or induces a child to commit a lewd act with a third party or upon himself or herself

shall be punished by imprisonment from six months to five years.

(3) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article if the age difference between the persons engaging in sexual intercourse or an equivalent sexual act or a lewd act does not exceed three years.

(4) A perpetrator who was avoidably mistaken that the child referred to in paragraph 1 of this Article was at least fifteen years old shall be punished by imprisonment from six months to five years. If he or she was avoidably mistaken that the child referred to in paragraph 2 of this Article was at least fifteen years old, he or she shall be punished by imprisonment not exceeding three years.

(5) Whoever engages in sexual intercourse or performs an equivalent sexual act with a child under the age of fifteen by means of the use of force or threats, deception, fraud, abuse of authority or of a situation of hardship or dependence of the child on him or her shall be punished by imprisonment from three to fifteen years.

(6) Whoever under the conditions referred to in paragraph 5 of this Article commits a lewd act against a child under the age of fifteen

shall be punished by imprisonment from one to eight years.

Sexual Abuse of a Child over the Age of Fifteen

Article 159

(1) Whoever engages in sexual intercourse or an equivalent sexual act with a child over the age of fifteen with whose upbringing, education, custody, spiritual guidance or care he or she has been entrusted, or whoever induces a child over the age of fifteen with whose upbringing, education, custody, spiritual guidance or care he or she has been entrusted to engage in sexual intercourse or an equivalent sexual act with a third party or to perform upon himself or herself a sexual act equated with sexual intercourse,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a relative by blood in direct line or by adoption, a step-father or step-mother who engages in sexual intercourse or an equivalent sexual act with a child over the age of fifteen or who induces a child over the age of fifteen to engage in sexual intercourse or an equivalent sexual act with a third party or to perform upon himself or herself a sexual act equated with sexual intercourse.

Satisfying Lust in the Presence of a Child under the Age of Fifteen

Article 160

(1) Whoever in the presence of a child under the age of fifteen commits sexual acts intended to satisfy his or her own or another person's lust shall be punished by imprisonment not exceeding one year.

(2) Whoever in the presence of a child under the age of fifteen commits any of the criminal offences referred to in Articles 152 through 155, Articles 158 and 159 of this Code

shall be punished by imprisonment not exceeding three years.

(3) The attempt of the criminal offence referred to in paragraph 1 or 2 of this Article shall be punishable.

Child Enticement for the Purpose of Satisfying Sexual Needs

Article 161

(1) An adult who, with the intention that he or she or a third party commits the criminal offence referred to in Article 158 of this Code against a person under the age of fifteen, proposes to this person, through information and communication technologies or in some other way, to meet up with him or her or a third party, where this proposal is followed by material acts leading to such a meeting,

shall be punished by imprisonment not exceeding three years.

(2) Whoever collects, gives or transfers data on a person under the age of fifteen for the purpose of committing the criminal offence referred to in paragraph 1 of this Article

shall be punished by imprisonment not exceeding one year.

(3) The attempt of the criminal offence referred to in paragraph 1 of this Article shall be punishable.

Child Pandering

Article 162

(1) Whoever for profit or gaining some other benefit entices, recruits or incites a child to provide sexual services, or organises or makes possible the provision of child sexual services, where he or she knows or should and could have known that the person in question was a child,

shall be punished by imprisonment from one to ten years.

(2) Whoever uses the sexual services of a child who has attained the age of fifteen years in exchange for any form of remuneration or consideration, where he or she knows or should and could have known that the person in question is a child,

shall be punished by imprisonment from six months to five years.

(3) Whoever for the purpose of making a profit coerces or induces by means of the use of force or threats, deception, fraud, abuse of authority or of a situation of hardship or dependence a person he or she knows, or could and should have known, is a child, to provide sexual services, or uses the sexual services of this child in exchange for payment, where he or she knows or should and could have known about the said circumstances,

shall be punished by imprisonment from three to fifteen years.

(4) Whoever advertises the exploitation of sexual services of a child shall be punished by imprisonment from six months to five years.

Exploitation of Children for Pornography

Article 163

(1) Whoever entices, recruits or incites a child to participate in the child pornography or whoever organises or makes possible producing child pornography shall be punished by imprisonment from one and eight years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever films child pornography or produces, offers, makes available, distributes, transmits, imports, exports, procures for himself or herself or for another person, sells, gives, presents or possesses child pornography or knowingly obtains access, through information and communication technologies, to child pornography.

(3) Whoever by means of the use of force or threats, deception, fraud, abuse of authority or of a situation of hardship or dependence coerces or induces a child to participate in child pornography shall be punished by imprisonment from three and twelve years.

(4) Special devices, means, computer programmes or data intended for, adapted to or used for committing or facilitating the commission of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be confiscated, while the pornographic material which was created by the commission of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be destroyed.

(5) A child shall not be punished for producing and possessing pornographic material depicting him or her alone or him or her and another child, where this material is produced and possessed by them with their consent and solely for their own private use.

(6) Child pornography shall mean any material that visually or otherwise depicts a real child or a realistic image of a non-existent child or a person appearing to be a child, involved or engaged in real or simulated sexually explicit conduct, or any depiction of a child's sexual organs for sexual purposes. For the purpose of this Article, any material that is artistic, medical, scientific, informative or similar in character shall not be deemed pornography.

Exploitation of Children for Pornographic Performances

Article 164

(1) Whoever entices, recruits or incites a child to participate in pornographic performances

shall be punished by imprisonment from one and eight years.

(2) Whoever profits from pornographic performances involving the participation of a child or otherwise exploits a child for pornographic performances

shall be punished by imprisonment from one to ten years.

(3) Whoever by means of the use of force or threats, deception, fraud, of abuse of authority or of a situation of hardship or dependence coerces or induces a child to participate in a pornographic performance

shall be punished by imprisonment from three and twelve years.

(4) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever watches a pornographic performance that is transmitted live or via communication means, where he or she knows or should and could have known that it involved the participation of a child.

(5) Special devices, means, computer programmes or data intended, adapted or used for committing or facilitating the commission of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article shall be confiscated, while the pornographic material which was created by the commission of the criminal offences referred to in paragraphs 1 and 2 of this Article shall also be destroyed.

Introducing Pornography to Children

Article 165

(1) Whoever to a child under the age of fifteen sells, gives a gift, presents or publicly displays, by means of a computer system, network or media for the storage of computer data or in some other way makes accessible the files, pictures, audio-visual content or other objects of pornographic content or shows him or her a pornographic performance

shall be punished by imprisonment not exceeding three years.

(2) Objects, special devices, means, computer programmes or data intended for, adapted to or used for committing or facilitating the commission of a criminal offence referred to in paragraph 1 of this Article shall be confiscated, while the pornographic material shall also be destroyed.

(3) For the purpose of this Article, pornography shall mean any material that visually or otherwise depicts a person in real or simulated sexually explicit conduct or any depiction of a person's sexual organs for sexual purposes. For the purpose of this Article, any material that is artistic, medical, or scientific in character shall not be deemed pornography.

Serious Criminal Offence of Child Sexual Abuse and Exploitation

Article 166

(1) If as a result of the criminal offence referred to in Article 158, paragraph 1, Article 162, paragraph 1 or 2, Article 163, paragraph 1 or 2, or Article 164, paragraph 1, of this Code a child suffers serious bodily injury or his or her physical or emotional development is compromised or becomes pregnant, where a number of perpetrators participate in the offence, or the offence is committed against an especially vulnerable child, or is committed by

a family member or a person the child lives with in a joint household, or is committed in an especially cruel or degrading manner,

the perpetrator shall be punished by imprisonment from three to fifteen years.

(2) If as a result of the criminal offence referred to in Article 158, paragraph 5, Article 162, paragraph 3, Article 163, paragraph 3, or Article 164, paragraph 2, of this Code a child suffers severe bodily injury or his or her physical or emotional development is compromised or becomes pregnant, where a number of perpetrators participate in the offence, or the offence is committed against an especially vulnerable child, or is committed by a family member or a person the child lives with in a joint household, or is committed in an especially cruel or degrading manner,

the perpetrator shall be punished by imprisonment not less than five years.

(3) If as a result of the criminal offence referred to in Article 158, 162, 163 or 164 of this Code a child dies,

the perpetrator shall be punished by imprisonment not less than ten years or long-term imprisonment.

TITLE XVIII

CRIMINAL OFFENCES AGAINST MARRIAGE, FAMILY AND CHILDREN

Bigamy

Article 167

(1) Whoever contracts a new marriage although being already married, or whoever contracts a marriage with a person while knowing such a person to be already married,

shall be punished by imprisonment not exceeding one year.

(2) If in the meantime the previous marriage is terminated, criminal prosecution shall not be initiated.

Enabling the Contracting of a Prohibited Marriage

Article 168

An authorised person before whom marriages are contracted, who enables the contracting of a marriage where all statutory requirements for the existence and validity of a marriage have not been complied with,

shall be punished by imprisonment not exceeding three years.

Forced Marriage

Article 169

(1) Whoever forces another person to contract a marriage,
shall be punished by imprisonment from six months to five years.

(2) Whoever entices a person to a country in which that person does not have permanent residence in order to force him or her to contract a marriage there,

shall be punished by imprisonment not exceeding three years.

Enabling Nonmarital Cohabitation with a Child

Article 170

(1) An adult who lives with a child under the age of sixteen and thereby commits no other criminal offence for which a more severe punishment is prescribed, shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever makes it possible for a child under the age of sixteen to cohabit with another person or induces a child to do that, and thereby commits no other criminal offence for which a more severe punishment is prescribed.

(3) Whoever commits the offence referred to in paragraph 2 of this Article out of greed, shall be punished by imprisonment from six months to five years.

Abandonment of a Family Member in a Situation of Distress

Article 171

Whoever in violation of his or her statutory family obligations abandons a family member unable to take care of himself or herself in a situation of distress, shall be punished by imprisonment not exceeding three years.

Violation of Duty of Maintenance

Article 172

(1) Whoever does not provide maintenance a person who he or she is required by law to maintain in the manner, amount and by the deadlines specified in an enforceable instrument,

shall be punished by imprisonment not exceeding one year.

(2) If the obligation referred to in paragraph 1 of this Article relates to the maintenance of a child or a person who due to age, illness, mental or physical disability is unable to work,

the perpetrator shall be punished by imprisonment not exceeding three years.

(3) There shall be no criminal offence if the perpetrator proves that he or she was unable to pay maintenance referred to in paragraph 1 or 2 of this Article for justified reasons.

Non-Implementation of the Decision for the Protection of Child Welfare

Article 173

(1) Whoever fails to implement a decision for the protection of child welfare taken by a court, county welfare service or state body, or prevents or renders impossible its implementation,

shall be punished by imprisonment not exceeding one year.

(2) A public official working at an institution or state body who fails to implement the decisions of courts or state bodies or who fails to comply in a timely manner with statutory obligations relating to child protection and by failing to do so endangers a child's health or development

shall be punished by imprisonment not exceeding three years.

(3) If the criminal offence referred to in paragraph 2 of this Article was committed by negligence,

the perpetrator shall be punished by imprisonment not exceeding one year.

(4) If the perpetrator renders it possible to implement the decision referred to in paragraph 1 of this Article before the institution of criminal proceedings, his or her sentence may be remitted.

Abduction of a Child

Article 174

(1) Whoever takes a child away from his or her parent, adopter, guardian, another person or institution entrusted with his or her care, unlawfully keeps him or her or prevents him or her from living with the person or at the institution to whose care he or she has been entrusted,

shall be punished by imprisonment from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by a parent or adopter,

he or she shall be punished by imprisonment not exceeding three years.

(3) Whoever commits the criminal offence referred to in paragraph 1 of this Article with the aim of permanently keeping a child, or if as a result of the criminal offence referred to in paragraph 1 of this Article the child has left the territory of the Republic of Croatia, or the child's state of health, upbringing or education has been seriously jeopardised or the child's welfare has in some other way been seriously jeopardised

shall be punished by imprisonment from one to ten years.

(4) A parent or adopter who commits the criminal offence referred to in paragraph 1 of this Article with the aim of permanently keeping a child or in such a way that the child leaves the territory of the Republic of Croatia,

shall be punished by imprisonment from six months to five years.

(5) If as a result of the criminal offence referred to in paragraph 1, 2, 3 or 4 of this Article a child dies,

the perpetrator shall be punished by imprisonment from three to fifteen years.

(6) The attempt of the criminal offence referred to in paragraph 2 of this Article shall be punishable.

(7) If the perpetrator returns the child before the institution of criminal proceedings, his or her sentence may be remitted.

Change in Family Status

Article 175

(1) Whoever by stealthily introducing, substituting, giving false information or in some other way changes a child's family status,

shall be punished by imprisonment not exceeding three years.

(2) Whoever substitutes or in some other way changes a child's family status by negligence,

shall be punished by imprisonment not exceeding one year.

(3) The attempt of the criminal offence referred to in paragraph 1 of this Article shall be punishable.

Child Desertion

Article 176

Whoever deserts his or her child with the aim of permanently getting rid of him or her

shall be punished by imprisonment not exceeding three years.

Neglect and Abuse of the Rights of a Child

Article 177

(1) A parent, adopter, guardian or another person who seriously neglects his or her duties of raising, upbringing and educating a child, shall be punished by imprisonment not exceeding three years.

(2) Whoever coerces a child to work excessively or to carry out tasks that are inappropriate to his or her age, or to beg, or whoever encourages a child to exhibit other forms of behaviour that are detrimental to his or her development or in some other way grossly abuses a child's rights, shall be punished by imprisonment from six months to five years.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a child takes to begging, prostitution or other forms of socially unacceptable behaviour, or if a child suffers a serious bodily injury, the perpetrator shall be punished by imprisonment from one to eight years.

(4) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a child dies, the perpetrator shall be punished by imprisonment from three to fifteen years.

Violation of the Privacy of a Child

Article 178

(1) Whoever asserts or disseminates something concerning a child's personal or family life, in violation of regulations publishes a child's photography or discloses a child's identity, as a result of which the child suffers anxiety, ridicule of his or her peers or other persons or which in some other way jeopardises the child's welfare, shall be punished by imprisonment not exceeding one year.

(2) Whoever commits the offence referred to in paragraph 1 of this Article through the press, radio, television, computer system or network, at a public gathering or in some other way, thus making it accessible to a large number of persons, shall be punished by imprisonment not exceeding two years.

(3) Whoever commits the offence referred to in paragraph 1 or 2 as a public official or in the performance of his or her profession shall be punished by imprisonment not exceeding three years.

Incest

Article 179

(1) Whoever engages in sexual intercourse or an equivalent sexual act with a relative by blood in direct line, a brother, sister, half-brother or half-sister, by blood or by adoption, shall be punished by imprisonment not exceeding one year.

(2) A person who at the time of commission of the act referred to in paragraph 1 of this Article was a child shall not be punished.

TITLE XIX

CRIMINAL OFFENCES AGAINST THE HEALTH OF PEOPLE

Spread and Transmission of Contagious Diseases

Article 180

(1) Whoever fails to comply with regulations or orders of the competent state authority ordering check-ups, disinfection, disinsectisation, deratisation, quarantining of patients or another measure for the prevention and suppression of infectious diseases among people or the prevention and suppression of infectious animal diseases that can also be contracted by people and where consequently the danger of spreading an infectious disease among people or the transmission of the infectious disease from animals onto humans occurs

shall be punished by imprisonment not exceeding two years.

(2) Whoever by not complying with the measures of protection infects another person with a dangerous infectious disease

shall be punished by imprisonment not exceeding three years.

(3) If the criminal offence referred to in paragraph 1 or 2 of this Article is committed by negligence,

the perpetrator shall be punished by imprisonment not exceeding one year.

(4) The criminal offence referred to in paragraph 2 of this Article, where it concerns a sexually transmitted disease, shall be prosecuted at the injured party's request, unless the criminal offence was committed against a child.

Medical Malpractice

Article 181

(1) A doctor of medicine, doctor of dental medicine or other health care worker who in rendering health care services applies an obviously inadequate means or method of medical treatment or in some other way obviously fails to follow the rules of the health care profession or obviously acts carelessly, thereby causing the deterioration of an illness or the impairment of the health of another person

shall be punished by imprisonment not exceeding one year.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article another person suffers a serious bodily injury or the existing illness is considerably deteriorated,

the perpetrator shall be punished by imprisonment not exceeding three years.

(3) If as a result of the criminal offence referred to in paragraph 1 of this Article another person suffers an particularly serious bodily injury or a person's pregnancy is terminated,

the perpetrator shall be punished by imprisonment from six months and five years.

(4) If as a result of the criminal offence referred to in paragraph 1 of this Article one or more persons die,

the perpetrator shall be punished by imprisonment from three to twelve years.

(5) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence,

the perpetrator shall be punished by imprisonment not exceeding six months.

(6) If the criminal offence referred to in paragraph 2 of this Article is committed by negligence,

the perpetrator shall be punished by imprisonment not exceeding one year.

(7) If the criminal offence referred to in paragraph 3 of this Article is committed by negligence,

the perpetrator shall be punished by imprisonment not exceeding three years.

(8) If the criminal offence referred to in paragraph 4 of this Article is committed by negligence,

the perpetrator shall be punished by imprisonment from one to eight years.

Illicit Removal and Transplantation of Human Body Parts

Article 182

(1) A doctor of medicine, doctor of dental medicine or other health care worker who without the prescribed consent or for medically unjustified reason removes an organ, tissue, cell, embryo or foetus from a live donor, or transplants them to a recipient, or uses them for the medical fertilisation procedure

shall be punished by imprisonment from one to ten years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a person dies,

the perpetrator shall be punished by imprisonment from three and fifteen years.

(3) A doctor of medicine, doctor of dental medicine or other health care worker who for the purpose of transplantation removes a part of a deceased person's body although he or she knows that this person, or his or her legal representative or guardian, gave during his or her life a written statement declining to donate organs, or whoever without the prescribed consent removes for the purpose of transplantation a part of a deceased child's body or a deceased adult incapable to exercise his or her judgment

shall be punished by imprisonment not exceeding one year.

Failure to Render Medical Aid in Emergencies

Article 183

A doctor of medicine, doctor of dental medicine or other health care worker who does not immediately render medical aid to a person in need of such aid because of the risk that he or she would suffer permanent harmful consequence on his or her health or life

shall be punished by imprisonment not exceeding three years.

Medical Quackery

Article 184

(1) Whoever, lacking the prescribed professional qualifications, engages in medical treatment or rendering other medical aid

shall be punished by imprisonment not exceeding one year.

(2) If the offence referred to in paragraph 1 of this Article leads to considerable deterioration of illness or impairment of the health of another person,

the perpetrator shall be punished by imprisonment from six months to five years.

(3) If the offence referred to in paragraph 1 of this Article causes serious bodily injury to another person or pregnancy termination,

the perpetrator shall be punished by imprisonment from one to ten years.

(4) If the offence referred to in paragraph 1 of this Article results in the death of one or more persons,

the perpetrator shall be punished by imprisonment from three to fifteen years.

(5) The means used for medical treatment referred to in paragraphs 1 and 2 of this Article shall be confiscated.

Counterfeiting of Medicines or Medical Products

Article 185

(1) Whoever manufactures a counterfeit medical, active substance, excipient, medical product, its components or paraphernalia, or modifies a genuine medicine, active substance, excipient or medical product, its components or paraphernalia

shall be punished by imprisonment for from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever procures or offers to supply, stocks, imports or exports, puts into circulation as genuine, counterfeit or modified a medicine , active substance, excipient, medical product, its components or paraphernalia.

(3) Whoever counterfeits or modifies the original inner or outer package of a medicine or medical product, summary of description of the medicine characteristics, the medicine information leaflet, the instructions on use of a medical product or documentation on the active substance or excipient

shall be punished by imprisonment not exceeding three years.

(4) The same punishment as referred to in paragraph 3 of this Article shall be inflicted on whoever uses the original inner or outer package of a medicine or medical product, the summary of description of the medicine characteristics, the medicine information leaflet, the instructions on use of a medical product or the documentation on the active substance or the excipient for purposes other than those for which they were intended for in the legal supply chain of medicines and medical products.

(5) Whoever commits the offence referred to in paragraph 1, 2, 3 or 4 of this Article by abusing the trust he or she enjoys as an expert, manufacturer or supplier, or commits it through the media suitable for mass distribution, such as information systems, including the internet,

shall be punished by imprisonment from one and eight years.

(6) The attempt of the criminal offence referred to in paragraph 3 or 4 of this Article shall be punishable.

(7) Products and means of production shall be confiscated.

Preparation and Production of Harmful Products for the Treatment of People

Article 186

(1) Whoever prepares or produces as a medicine, homoeopathic product or medical product for the purpose of sale or otherwise putting into circulation substances or products that are harmful to people's health and thereby endangers the health of another person

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever procures, processes, distributes or puts in the circulation infected blood or other tissue or makes means of treatment therefrom.

(3) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article by negligence

shall be punished by imprisonment not exceeding one year.

(4) Products and means of production shall be confiscated.

Careless Conduct in Preparing and Dispensing Medicine

Article 187

(1) A pharmacist or another person authorised to prepare or dispense medicine for use in medicine, who prepares a medicinal product contrary to the rules of his or her profession or dispenses a wrong medicine and thereby endangers the health of another person shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article was committed by negligence,
the perpetrator shall be punished by imprisonment not exceeding one year.

Production and Circulating of Products Harmful to Human Health

Article 188

(1) Whoever produces, sells or otherwise puts into circulation food not compliant with food safety standards or other products harmful to human health and thereby endangers the health of another person

shall be punished by imprisonment not exceeding three years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence,

shall be punished by imprisonment not exceeding one year.

Careless Inspection of Meat Intended for Consumption

Article 189

(1) A veterinary inspector or other person authorised to inspect animals for slaughter, meat or animal products intended for human consumption who inspects animals for slaughter, meat or animal products intended for human consumption in a manner contrary to the regulations or rules of profession or altogether fails to carry out an inspection which he or she is required to undertake, thus enabling the circulation of animals for slaughter, meat or animal products intended for human consumption that are harmful to human health and thereby endangers the health of another person

shall be punished by imprisonment not exceeding three years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence,

shall be punished by imprisonment not exceeding one year.

Unauthorised Possession, Manufacture of and Trade in Illicit Drugs and Substances Banned in Sports

Article 190

(1) Whoever without authorisation possesses substances declared by law to be illicit drugs or substances banned from use in sports

shall be punished by imprisonment not exceeding six months.

(2) Whoever without authorisation produces, processes, imports or exports substances referred to in paragraph 1 of this Article

shall be punished by imprisonment not exceeding three years.

(3) Whoever produces, processes, transports, imports or exports, procures or possesses substances referred to in paragraph 1 of this Article, that are intended for unauthorised sale or putting into circulation in some other way, or offers them for sale without authorisation, or sells or transports them, or mediates in their sale or purchase, or markets them in some other way

shall be punished by imprisonment from one to ten years.

(4) Whoever offers for sale, sells or mediates in the sale of substances referred to in paragraph 1 of this Article to a child, or does this in school or at another place providing education to children or at which children engage in sporting or social activities, or in its immediate proximity, or in a penal institution, or whoever in order to commit the offence referred to in paragraph 3 of this Article uses a child, or if a public official does this in relation to his or her function or public authority,

shall be punished by imprisonment from three to fifteen years.

(5) Whoever organises a network of resellers or dealers,

shall be punished imprisonment for a term of at least three years.

(6) Whoever by the criminal offence referred to in paragraph 3, 4 or 5 of this Article causes the death of a person to whom he or she sold the substance referred to in paragraph 1 of this Article or to whom the substance was sold through his or her dealing

shall be punished by imprisonment not less than five years.

(7) Whoever produces, procures, possesses or gives to another for his or her use equipment, material or substances which can be used in the production of substances referred to in paragraph 1 of this Article, which equipment, material or substances he or she knows are intended for their unauthorised production,

shall be punished by imprisonment from six months to five years.

(8) Drug production shall also mean the cultivation of a plant or mushroom from which a drug can be obtained.

(9) The substances referred to in paragraph 1 of this Article, the substances which can be used for their production, plants, mushrooms or parts of plants or mushrooms from which the substances referred to in paragraph 1 can be obtained, the means of their production or processing, the means of transport adapted for the purpose of concealing these substances and the paraphernalia for their use shall be confiscated.

(10) If the perpetrator of the criminal offence referred to in paragraph 1, 2, 3, 4, 5 or 7 of this Article substantially contributes of his or her own free will to the discovery of the offence set out in this Article, the court may remit his or her punishment.

Enabling the Use of Illicit Drugs or Substances Banned in Sports

Article 191

(1) Whoever induces another to use the substances referred to in Article 190 paragraph 1, of this Code or gives them to another so that he/her or another person may use it, or makes available to another premises in which to use them, or in some other way enables him or her to use them

shall be punished by imprisonment from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article was committed against a child or a person suffering from a severe mental disorder, or in school or at another place providing education to children or at which children engage in sporting or social activities, or in its immediate proximity, or in a penal institution, or against a number of persons, or if the offence referred to in paragraph 1 of this Article is committed by a public official, health worker, welfare worker, teacher, supervisor or trainer through abuse of his or her position,

the perpetrator shall be punished by imprisonment from one to ten years.

(3) Whoever by the criminal offence referred to in paragraph 1 or 2 of this Article causes the death of a person to whom he or she gave the substance referred to in paragraph 1 of this Article

shall be punished by imprisonment from three to fifteen years.

(4) The substances referred to in paragraph 1 of this Article and the paraphernalia for their preparation and use shall be confiscated.

(5) If the perpetrator of the criminal offence referred to in paragraph 1 or 2 of this Article voluntarily substantially contributes to the discovery of the criminal offence set out in Article 190 or Article 191 of this Code, the court may remit his or her punishment.

Serious Criminal Offences against the Health of People

Article 192

(1) If as a result of the criminal offence referred to in Article 180, paragraph 1 or 2, Article 183, Article 185, paragraph 1 or 2, Article 186, paragraph 1, Article 187, paragraph 1, Article 188, paragraph 1, Article 189, paragraph 1, of this Code another person suffers a serious bodily injury or an existing illness considerably deteriorates,

the perpetrator shall be punished by imprisonment from six months to five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article another person suffers a particularly serious bodily injury or a person's pregnancy is terminated,

the perpetrator shall be punished by imprisonment from one to eight years.

(3) If as a result of the criminal offences referred to in paragraph 1 of this Article one or more persons die,

the perpetrator shall be punished by imprisonment from three to twelve years.

(4) If as a result of the criminal offence referred to in Article 180, paragraph 3, Article 186, paragraph 3, Article 187, paragraph 2, Article 188, paragraph 2, or Article 189, paragraph 2, of this Code a serious bodily injury is inflicted on another person or the existing illness is considerably deteriorates,

the perpetrator shall be punished by imprisonment not exceeding three years.

(5) If as a result of the criminal offences referred to in paragraph 4 of this Article another person suffers an particularly serious bodily injury or a person's pregnancy is terminated,

the perpetrator shall be punished by imprisonment from six months to five years.

(6) If as a result of the criminal offences referred to in paragraph 4 of this Article one or more persons die,

the perpetrator shall be punished by imprisonment from one to eight years.

TITLE XX

CRIMINAL OFFENCES AGAINST THE ENVIRONMENT

Environmental Pollution

Article 193

(1) Whoever contrary to regulations discharges, introduces or emits a quantity of materials or ionising radiation into the air, soil, underground, water or sea, which can over longer period of time or to a considerable degree jeopardise their quality or to a considerable degree or over a wider area jeopardise animals, plants or fungi, or the lives or health of people,

shall be punished by imprisonment from six months to five years.

(2) Whoever discharges, introduces or emits materials or ionising radiation into the air, soil, underground, water or sea and thereby jeopardises the lives and health of people shall be punished by imprisonment from one to eight years.

(3) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence shall be punished by imprisonment not exceeding, two years, and for the criminal offence referred to in paragraph 2 of this Article by imprisonment not exceeding three years.

Discharge of Polluting Substances from a Vessel

Article 194

(1) Whoever, contrary to regulations, discharges polluting substances from a maritime object into the sea or from a vessel into the fresh water and thereby deteriorates their quality,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, contrary to regulations, discharges smaller quantities of polluting substances from a maritime object into the sea or from a vessel into fresh waters, which in conjunction result in the deterioration of their quality.

(3) Whoever commits the offence referred to in paragraph 1 or 2 of this Article by negligence,

shall be punished by imprisonment not exceeding one year.

Endangerment of the Ozone Layer

Article 195

(1) Whoever, contrary to regulations, produces, imports, exports, puts in circulation or uses substances that deplete the ozone layer,

shall be punished by imprisonment not exceeding three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article by negligence,

shall be punished by imprisonment not exceeding one year.

Endangerment of the Environment with Waste

Article 196

(1) Whoever, contrary to regulations, carries out in a single shipment or in several shipments which appear to be linked prohibited transport of waste in a non-negligible quantity,

shall be punished by imprisonment not exceeding two years.

(2) Whoever, contrary to regulations, discards, disposes of, collects, stores, processes, imports, exports or transports waste, or mediates in such an activity, or in general manages or handles waste in a manner that can over longer period of time or to a considerable

jeopardise the quality of air, soil, underground, water or sea, or to a considerable degree or over a wider area jeopardizes animals, plants or fungi, or the lives or health of people,
shall be punished by imprisonment from six months to five years.

(3) Whoever commits the offence referred to in paragraph 2 of this Article by negligence,
shall be punished by imprisonment not exceeding two years.

Endangerment of the Environment with a Plant

Article 197

(1) Whoever, contrary to regulations, operates a plant in which a dangerous activity is carried out or in which dangerous substances or preparations are stored or used, which substances or preparations can, outside the plant, over longer period of time or to a considerable degree jeopardise the quality of air, soil, underground, water or sea, or to a considerable degree or over a wider area jeopardise animals, plants or fungi, or the lives or health of people,

shall be punished by imprisonment from six months to five years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article by negligence,
shall be punished by imprisonment not exceeding two years.

Endangerment of the Environment with Radioactive Substances

Article 198

(1) Whoever, contrary to regulations, produces, processes, handles, uses, possesses, stores, transports, imports, exports or disposes of nuclear material or other hazardous radioactive substances which can over longer period of time or to a considerable degree jeopardise the quality of air, soil, underground, water or sea, or to a considerable degree or over a wider area jeopardise animals, plants or fungi, or animal, plant or fungi communities, or jeopardise the lives or health of people,

shall be punished by imprisonment from six months to five years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article by negligence,
shall be punished by imprisonment not exceeding two years.

Endangerment with Noise, Vibrations or Non-Ionising Radiation

Article 199

Whoever, contrary to regulations, produces noise, vibrations or non-ionising radiation and thereby endangers the lives or health of people,
shall be punished by imprisonment not exceeding three years.

Destruction of Protected Natural Values

Article 200

(1) Whoever, contrary to regulations, kills, destroys, possesses, captures or takes a specimen of a protected species of an animal, plant or fungus or other protected natural value,

shall be punished by imprisonment not exceeding three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article against a highly protected wild species of an animal, plant or fungus, shall be punished by imprisonment from six months to five years.

(3) Whoever commits the offence referred to in paragraph 1 or 2 of this Article by negligence, shall be punished by imprisonment not exceeding two years.

(4) There shall be no criminal offence referred to in paragraph 1 of this Article where it is committed against a negligible quantity of members of a species or other protected natural value and has had a negligible impact on the preservation of this species or other protected natural value.

Destruction of Habitat

Article 201

(1) Whoever, contrary to regulations, destroys or causes significant deterioration of the habitat of a protected species of an animal, plant or fungus, or destroys or causes significant deterioration of a habitat type,

shall be punished by imprisonment not exceeding three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article against a habitat or a breeding, rearing, migration or hibernation site of a highly protected wild species of an animal, plant or fungus,

shall be punished by imprisonment from six months to five years.

(3) The same punishment as referred to in paragraph 2 of this Article shall be inflicted on whoever destroys or causes significant deterioration of a habitat in a protected natural area or in an ecologically important area.

(4) Whoever commits the criminal offence referred to in paragraph 1, 2 or 3 of this Article by negligence

shall be punished by imprisonment not exceeding two years.

Trade in Protected Natural Values

Article 202

(1) Whoever, contrary to regulations, trades in, imports, exports or transports a live or dead specimen of a protected species of an animal, plant or fungus or other protected natural value, parts of or derivatives thereof, or without authorisation transfers from the Republic of Croatia a protected natural value or does not return it to the Republic of Croatia within the time limit set in the authorisation,

shall be punished by imprisonment not exceeding three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article against a highly protected wild species of an animal, plant or fungus,

shall be punished by imprisonment from six months to five years.

(3) Whoever commits the offence referred to in paragraph 1 or 2 of this Article by negligence.

shall be punished by imprisonment not exceeding two years.

(4) There shall be no criminal offence referred to in paragraph 1 of this Article where it is committed against a negligible quantity of members of a species or other protected natural value and has had a negligible impact on the preservation of this species or other protected natural value.

Unlawful Introduction of Wild Species or GMOs into the Environment

Article 203

Whoever, contrary to regulations, transports across a border a live genetically modified organism or introduces a live genetically modified organism or an alien wild species of a microorganism, fungus, plant or animal into an environment which it does not naturally inhabit and thereby causes considerable or permanent damage to nature,

shall be punished by imprisonment from six months to five years.

Poaching Game and Fish

Article 204

(1) Whoever hunts game during the closed season or in an area in which hunting is forbidden, or hunts without having passed the hunting examination, shall be punished by imprisonment not exceeding one year.

(2) Whoever hunts game, catches fish or other freshwater or marine organisms in such a manner or by such means that cause their massive destruction or by using prohibited accessory equipment,

shall be punished by imprisonment not exceeding three years.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever permanently takes abroad a top game trophy.

(4) The objects intended to be used or used for the purpose of committing a criminal offence as well as the catch shall be confiscated.

Killing or Torture of Animals

Article 205

(1) Whoever kills an animal without a justified reason or severely maltreats it, inflicts unnecessary pain on it or puts it through unnecessary suffering,

shall be punished by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article out of greed,

shall be punished by imprisonment not exceeding two years.

(3) Whoever by negligence exposes an animal to conditions of hardship over a longer period of time by depriving an animal of food or water or in another manner,

shall be punished by imprisonment not exceeding six months.

(4) The animal referred to in this Article shall be confiscated.

Transmission of Contagious Animal Diseases and of Organisms Harmful to Plants

Article 206

(1) Whoever fails to comply with regulations or decisions whereby the competent state authority lays down measures for the suppression or prevention of the spreading of contagious disease of animals or of organisms harmful to plants and thereby causes the danger of spreading of that disease or its agents or of occurrence or spreading of organisms harmful to plants,

shall be punished by imprisonment not exceeding one year.

(2) Whoever commits the offence referred to in paragraph 1 of this Article by negligence,

shall be punished by imprisonment not exceeding six months.

Production and Circulation of Harmful Products for the Treatment of Animals

Article 207

(1) Whoever produces for the purpose of sale or puts in circulation products for the treatment or prevention of an infection in animals that pose a risk to the animals' life or health and thereby causes the spreading of a contagious disease or the deaths of a larger number of animals,

shall be punished by imprisonment not exceeding two years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article by negligence,

shall be punished by imprisonment not exceeding six months.

Veterinary Malpractice

Article 208

A veterinarian or veterinary worker who in rendering aid to, examining, giving vaccination or treatment to animals fails to comply with the rules of the veterinary profession, and thereby causes disease, considerable deterioration of illness or death of an animal,

shall be punished by imprisonment not exceeding one year.

Devastation of Forests

Article 209

(1) Whoever, contrary to regulations, cuts down or clears or otherwise devastates a forest and thereby commits no other criminal offence for which a more severe punishment is prescribed,

shall be punished by imprisonment not exceeding two years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in a forest that is a constituent part of an area which, pursuant to a competent authority's regulation or decision, has been declared a protected natural value,

shall be punished by imprisonment not exceeding three years.

(3) The objects intended to be used or used for the purpose of committing a criminal offence or which are the product of commission of a criminal offence shall be confiscated.

Change in the Water Regime

Article 210

(1) Whoever, contrary to regulations, changes or disrupts a water regime and thereby commits no other criminal offence for which a more severe punishment is prescribed, shall be punished by imprisonment not exceeding two years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article in an area which, pursuant to a competent authority's regulation or decision, has been declared a protected natural value,

shall be punished by imprisonment not exceeding three years.

(3) The objects intended to be used or used for the purpose of committing a criminal offence or which are the product of commission of a criminal offence shall be confiscated.

(4) The attempt of the criminal offence referred to in paragraph 1 or 2 of this Article shall be punishable.

Unlawful Exploitation of Mineral Resources

Article 211

(1) Whoever, contrary to regulations, exploits mineral resources and thereby causes considerable damage,

shall be punished by imprisonment not exceeding three years.

(2) Whoever, contrary to regulations, exploits mineral resources in an area which, pursuant to a competent authority's regulation or decision, has been declared a protected natural value,

shall be punished by imprisonment from six months to five years.

(3) The objects intended to be used or used for the purpose of committing a criminal offence or which are the product of commission of a criminal offence shall be confiscated.

(4) The attempt of the criminal offence referred to in paragraph 1 of this Article shall be punishable.

Unlawful Construction

Article 212

Whoever, contrary to regulations, constructs an edifice in an area which, pursuant to a competent authority's regulation or decision, has been declared a protected natural value, cultural property or other area of special interest to the state,

shall be punished by imprisonment from six months to five years.

Active Remorse

Article 213

The court may remit the punishment of the perpetrator of any of the criminal offences referred to in Articles 193, 194, 195, 197 and 198 of this Code who voluntarily averts the danger or eliminates the condition he or she caused before the occurrence of serious consequences.

Serious Criminal Offences against the Environment

Article 214

(1) If as a result of the criminal offence referred to in Article 193, paragraph 1 or 2, Article 194, paragraph 1 or 2, Article 196, paragraph 1 or 2, Article 197, paragraph 1, Article 198, paragraph 1, or Article 199 of this Code one or more persons suffer serious bodily injuries, or changes brought about by pollution cannot be eliminated for a considerable period of time, or a major disaster occurs,

the perpetrator shall be punished by imprisonment from one to ten years.

(2) If the criminal offences referred to in paragraph 1 of this Article result in the death of one or more persons,

the perpetrator shall be punished by imprisonment from three to fifteen years.

(3) If as a result of the criminal offence referred to in Article 193, paragraph 3, Article 194, paragraph 3, Article 196, paragraph 3, Article 197, paragraph 2, or Article 198, paragraph 2, of this Code a number of persons suffer serious bodily injuries, or changes

brought about by pollution cannot be undone for a considerable period of time, or a major disaster occurs,

the perpetrator shall be punished by imprisonment from six months to five years.

(4) If as a result of the criminal offences referred to in paragraph 3 of this Article one or more persons die,

the perpetrator shall be punished by imprisonment from one to eight years.

(5) If as a result of the criminal offence referred to in Article 200, paragraph 1 or 2, Article 201, paragraph 1, 2 or 3, or Article 202, paragraph 1 or 2, of this Code considerable damage is caused,

the perpetrator shall be punished by imprisonment from one to eight years.

(6) If as a result of the criminal offence referred to in Article 206, paragraph 1, Article 207, paragraph 1, or Article 208 of this Code considerable damage is caused,

the perpetrator shall be punished by imprisonment from six months to five years.

(7) If as a result of the criminal offence referred to in Article 200, paragraph 3, Article 201, paragraph 4, Article 202, paragraph 3, Article 206, paragraph 2, or Article 207, paragraph 2, of this Code considerable damage is caused,

the perpetrator shall be punished by imprisonment not exceeding three years.

TITLE XXI

CRIMINAL OFFENCES AGAINST GENERAL SAFETY

Endangerment to Life and Property by a Generally Dangerous Act or Means

Article 215

(1) Whoever endangers the life or limb or property of substantial value by fire, flood, explosive, poison or poisonous gas, ionising radiation, mechanical force, electricity or other energy or by some generally dangerous act or generally dangerous means

shall be punished by imprisonment from six months to five years.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever fails to install the prescribed devices for protection against fire, explosion, flood, poison, poisonous gases, nuclear energy, ionising radiation or intended to protect the health and safety at work, or fails to maintain these devices in working order, or where necessary fails to activate them, or altogether fails to comply with the regulations or technical rules on protective measures and thereby endangers the life or limb of people or property of substantial value.

(3) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article by negligence

shall be punished by imprisonment not exceeding three years.

Destruction of or Damage to Public-Use Devices

Article 216

(1) Whoever destroys, damages, modifies, renders unusable, removes, disconnects or disrupts the functioning of a public-use device for water, heat, gas, electricity or other energy or of electronic communications equipment and thereby causes disruption to the regular life of a population

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever destroys, damages, disconnects, redirects or otherwise disrupts the functioning of a subsea cable or pipeline which below sea level enables the provision of an electronic communications service or the flow of water, gas, oil or electricity between two or more countries or between country and the Arctic or Antarctic.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever destroys, damages or otherwise disrupts the functioning of auxiliary facilities, vessels, devices or equipment that is used for installation, repair or maintenance of subsea cables or pipelines.

(4) Whoever commits the criminal offence referred to in paragraph 1, 2 or 3 of this Article by negligence

shall be punished by imprisonment not exceeding three years.

Destruction of or Damage to Safety Devices at Work

Article 217

(1) Whoever at a place where some kind of work is being carried out destroys, damages, removes, turns off or otherwise makes unusable or ineffective safety devices at work and thereby endangers the life or limb of people or property of substantial value

shall be punished by imprisonment from six months to five years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence

shall be punished by imprisonment not exceeding three years.

Destruction, Damage or Misuse of Warning Signs

Article 218

(1) Whoever destroys, damages, removes or otherwise makes unusable or unnoticeable a sign giving warning of a danger,

shall be punished by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever needlessly sends out an internationally agreed-upon distress signal or signal that danger threatens or an internationally agreed-upon safety signal when this is not justified or on whoever misuses an internationally agreed-upon communication signal.

Misuse of Radioactive Substances

Article 219

(1) Whoever with the aim of killing or inflicting a serious bodily injury on another person or of causing considerable damage to another person's property or the environment produces, processes, procures, possesses, stocks, transports, imports, exports, gives to another or enables another to acquire without authorisation radioactive substances or a device for activating, dispersing or emitting radioactive substances

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever with the aim of killing or inflicting a severe bodily injury on another person or of causing considerable damage to another person's property or the environment uses radioactive substances or a device for activating, dispersing or emitting radioactive

substances, or uses or damages a nuclear facility, thereby causes danger the radioactive substances being released.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever by the use or threats of use of force demands without authorisation the handing over of a nuclear facility or of radioactive substances or of a device for activating, dispersing or emitting radioactive substances.

Handling of Generally Dangerous Substances

Article 220

(1) Whoever without authorisation produces, collects, conceals, disperses, uses, modifies, distributes or transports contrary to regulations, or enables another to acquire without authorisation, or prevents another from acquiring on the basis of an authorisation ionising or other substances that may endanger the lives of people or property of substantial value,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contrary to regulations on the transportation of explosives or easily inflammable materials hands over an explosive or an easily inflammable material for transportation by public means of transportation or himself or herself transports such material by using public means of transportation.

(3) Ionising or other substances referred to in paragraph 1 of this Article and explosives and easily inflammable materials referred to in paragraph 2 of this Article shall be confiscated.

Dangerous Execution of Construction Works

Article 221

(1) Whoever, in the course of designing, carrying out inspections of construction works, constructing or carrying out individual jobs, or demolishing or dismantling a building, by acting contrary to regulations or generally accepted rules of profession, endangers the lives of people or property of substantial value

shall be punished by imprisonment from six months and five years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence

shall be punished by imprisonment not exceeding three years.

Serious Criminal Offences against General Safety

Article 222

(1) If as a result of the criminal offence referred to in Article 215, paragraph 1 or 2, Article 216, paragraph 1, 2 or 3, Article 217, paragraph 1, Article 219, or Article 221, paragraph 1, of this Code a serious bodily injury is inflicted on a person or extensive material damage to property is caused,

the perpetrator shall be punished by imprisonment from one to ten years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article one or more persons die,

the perpetrator shall be punished by imprisonment from three and fifteen years.

(3) If as a result of the criminal offence referred to in Article 215, paragraph 3, Article 216, paragraph 4, Article 217, paragraph 2, or Article 221, paragraph 2, of this Code a serious bodily injury is inflicted on a person or extensive material damage is caused, the perpetrator shall be punished by imprisonment from six months to five years.

(4) If as a result of the criminal offence referred to in paragraph 3 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from one to eight years.

TITLE XXII

CRIMINAL OFFENCES AGAINST TRAFFIC SAFETY

Attack on an Aircraft, Vessel or Immovable Platform

Article 223

(1) Whoever uses force or serious threat with the aim of assuming control over a civil aircraft in flight, a civil vessel at sea or an immovable platform shall be punished by imprisonment from three to fifteen years.

(2) Whoever uses force or serious threat in a civil aircraft in flight, on a civil vessel at sea or an immovable platform or plants on a civil aircraft, vessel or immovable platform a device or substances which can destroy or cause damage to them, if such an act can jeopardise the safety of flight or voyage, shall be punished by imprisonment from one to ten years.

(3) Whoever with the aim of destroying or damaging a civil aircraft in flight, a civil vessel at sea or its cargo or an immovable platform uses firearms or causes an explosion or starts a fire, shall be punished by imprisonment from three to fifteen years.

(4) Whoever with the aim of bringing to a halt airport operations or endangering the safety of air traffic commits violence against a person employed at an international airport or severely damages or destroys airport equipment or damages an aircraft taken out of service, shall be punished by imprisonment from one to ten years.

(5) If as a result of the criminal offence referred to in paragraph 1, 2, 3 or 4 of this Article one or more persons die or an aircraft or vessel is destroyed or other extensive material damage is caused,

the perpetrator shall be punished by imprisonment for not less than five years.

(6) If in committing the criminal offence referred to in paragraph 1, 2, 3 or 4 of this Article a perpetrator intentionally kills one or more persons, he or she shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(7) An aircraft shall be deemed in flight from the moment when, after the completion of boarding, all outer doors are closed to the moment when one of these doors are opened for disembarkment. In the case of forced landing, a flight shall be deemed to last until the competent body takes charge of the aircraft, persons and property on board the aircraft.

Endangering Traffic by a Dangerous Act or Dangerous Means

Article 224

(1) Whoever destroys, damages, removes or otherwise makes unusable or unnoticeable a sign or device ensuring the safety of rail, sea, inland water or air traffic, shall be punished by imprisonment not exceeding one year.

(2) Whoever destroys, damages, removes or otherwise makes unusable or unnoticeable a sign, device or traffic mechanism ensuring the safety of any type of traffic, or erects obstructions, gives false information, signs or signals or otherwise endangers traffic and thereby endangers the life or limb of people or property of significant value, shall be punished by imprisonment from six months to five years.

(3) Whoever commits the criminal offence referred to in paragraph 2 of this Article by negligence, shall be punished by imprisonment not exceeding three years.

(4) If as a result of the criminal offence referred to in paragraph 2 of this Article a person suffers an injury or extensive material damage is caused, the perpetrator shall be punished by imprisonment from between one to ten years.

(5) If as a result of the criminal offence referred to in paragraph 2 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from three to fifteen years.

(6) If as a result of the criminal offence referred to in paragraph 3 of this Article a person suffers a serious bodily injury or extensive material damage is caused, the perpetrator shall be punished by imprisonment from one to eight years.

(7) If as a result of the criminal offence referred to in paragraph 3 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from one to ten years.

Endangering Special Types of Traffic

Article 225

(1) A participant in air, ship or rail traffic or funicular railway traffic who by violating traffic safety regulations jeopardises traffic safety in a manner that endangers the lives of people or property of a significant value shall be punished by imprisonment from six months to five years.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence, shall be punished by imprisonment not exceeding three years.

(3) If as a result of the criminal offence referred to in paragraph 1 of this Article a person suffers a serious bodily injury or extensive material damage is caused, the perpetrator shall be punished by imprisonment from one to ten years.

(4) If as a result of the criminal offence referred to in paragraph 1 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from three to fifteen years.

(5) If as a result of the criminal offence referred to in paragraph 2 of this Article a person suffers a serious bodily injury or extensive material damage is caused, the perpetrator shall be punished by imprisonment from one to eight years.

(6) If as a result of the criminal offence referred to in paragraph 2 of this Article one or more persons die, the perpetrator shall be punished by imprisonment from one to ten years.

Wanton Driving in Road Traffic

Article 226

A road traffic participant who out of wantonness seriously violates traffic safety regulations by driving in a state of inability to drive caused by alcohol consumption characterised by a blood alcohol content of at least 1.50 g/kg, or by drug or psychoactive drug consumption, or by driving in a prohibited direction or by overpassing a column of vehicles in a place where the road is not sufficiently clear ahead, or by exceeding the speed limit by fifty km/h when driving through a populated place or area where the speed limit is indicated, endangers the life or limb of people,

shall be punished by imprisonment not exceeding three years.

Causing a Road Traffic Accident

Article 227

(1) A road traffic participant who by violating traffic safety regulations endangers the life or limb of people or property of significant value and therefore inflicts on another person a serious bodily injury or causes extensive material damage,

shall be punished by imprisonment from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence,

the perpetrator shall be punished by imprisonment not exceeding three years.

(3) If as a result of the criminal offence referred to in paragraph 1 of this Article another person suffers an particularly serious bodily injury,

the perpetrator shall be punished by imprisonment from one to eight years.

(4) If as a result of the criminal offence referred to in paragraph 3 of this Article one or more persons die,

the perpetrator shall be punished by imprisonment from six months to five years.

(5) If as a result of the criminal offence referred to in paragraph 1 of this Article one or more persons die,

the perpetrator shall be punished by imprisonment from three to twelve years.

(6) If as a result of the criminal offence referred to in paragraph 5 of this Article one or more persons die,

the perpetrator shall be punished by imprisonment from one to eight years.

TITLE XXIII

CRIMINAL OFFENCES AGAINST PROPERTY

Theft

Article 228

(1) Whoever takes another person's movable property away from another with the aim of unlawfully appropriating it,

shall be punished by imprisonment from six months to five years.

(2) If the stolen property is of small value and the perpetrator acted with the aim of appropriating property of such value,

he or she shall be punished by imprisonment not exceeding one year.

(3) If the perpetrator returns stolen property to the injured party before having learnt that he or she has been discovered, his or her punishment may be remitted.

Aggravated Theft

Article 229

(1) A punishment of imprisonment from one to eight years shall be inflicted on whoever commits theft referred to in Article 228, paragraph 1, of this Code:

1. by picking a lock, breaking in or overcoming considerable obstacles in order to gain access to property in closed buildings, rooms, cash registers, cabinets or other enclosed premises or space;

2. in a particularly dangerous or brazen manner;

3. by taking advantage of a condition caused by fire, flood, earthquake or other calamity;

4. by exploiting another person's helplessness or other particularly adverse circumstance afflicting the person;

5. if stolen property is of high value;

6. if weapons, ammunition, missiles, explosive ordnances, combat resources or part of combat resources serving the needs of the army are stolen;

7. if stolen property is used for religious purposes or is stolen from a church or other building or room used for religious services;

8. if an item of cultural property or an object of scientific, artistic, historical or technical significance is stolen or stolen property is part of a public collection, protected private collection or is publicly displayed;

9. if the perpetrator carried a weapon or a dangerous instrument for the purpose of attacking or defending himself or herself;

10. in the capacity of a public official performing his or her functions or exercising public authority.

(2) If the elements of aggravated theft referred to in paragraph 1, items 1 through 4 and items 6 and 7, of this Article are realised but the value of stolen property is small and the perpetrator acted with the aim of appropriating property of such value,

he or she shall be punished for theft referred to in Article 228, paragraph 1, of this Code.

Robbery

Article 230

(1) Whoever, by the use of force against a person or by threat of imminent attack on his or her life or limb, takes away another's movable property with the aim of unlawfully appropriating it,

shall be punished by imprisonment from one to ten years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is obtained or if during its commission a weapon or a dangerous instrument is used,

the perpetrator shall be punished by imprisonment from three to twelve years.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a person dies,

the perpetrator shall be punished by imprisonment for not less than least five years.

Violent Theft

Article 231

(1) Whoever being caught in the act of committing theft uses force against a person or threats of imminent attack on his or her life or limb with the aim of retaining stolen property,

shall be punished by imprisonment from one to ten years.

(2) If during the commission of the criminal offence referred to in paragraph 1 of this Article a weapon or a dangerous instrument is used,

the perpetrator shall be punished by imprisonment from three to twelve years.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article a person dies,

the perpetrator shall be punished by imprisonment for not less than five years.

Embezzlement

Article 232

(1) Whoever unlawfully appropriates another person's movable property or property right that was entrusted to him or her,

shall be punished by imprisonment not exceeding three years.

(2) Whoever unlawfully appropriates another person's movable property or property right that he or she found or accidentally came across,

shall be punished by imprisonment not exceeding two years.

(3) If the value of misappropriated property or property right is high, the perpetrator shall be punished by imprisonment from six months to five years.

(4) If the value of misappropriated property or property right is small and the perpetrator acted with the aim of appropriating property of such value,

he or she shall be punished by imprisonment not exceeding one year.

Embezzlement at Work

Article 233

(1) Whoever unlawfully appropriates another person's movable property or property right that was entrusted to him or her at work,

shall be punished by imprisonment from six months to five years.

(2) If the value of embezzled property or property right is high, the perpetrator shall be punished by imprisonment from one to eight years.

(3) If the value of embezzled property or property right is small and the perpetrator acted with the aim of appropriating property of such value,

he or she shall be punished by imprisonment not exceeding two years.

Unauthorised Use of Another's Movable Property

Article 234

(1) Whoever unlawfully takes away another person's movable property for temporary use,

shall be punished by imprisonment not exceeding one year.

(2) Whoever takes away without authorisation another person's motor vehicle for temporary use,

shall be punished by imprisonment not exceeding three years.

(3) The attempt of the criminal offence referred to in paragraph 2 of this Article shall be punishable.

Property Damage

Article 235

(1) Whoever damages, destroys, deforms or renders unusable another person's property,

shall be punished by imprisonment not exceeding two years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever by making a drawing or a writing changes without authorisation the appearance of a wall, motor vehicle or other surface.

(3) If the perpetrator committed the criminal offence referred to in paragraph 1 or 2 of this Article out of base motives or thereby caused considerable damage, he or she shall be punished by imprisonment from six months to five years.

Fraud

Article 236

(1) Whoever with the aim of acquiring for himself or herself or a third party an unlawful material gain misleads another by misrepresenting or concealing facts or keeps another in error, thus inducing him or her to do or refrain from doing something to the detriment of his or her property or the property of a third party/another;

shall be punished by imprisonment from six months to five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is obtained or considerable damage caused, the perpetrator shall be punished by imprisonment from one to eight years.

(3) If as a result of the criminal offence referred to in paragraph 1 of this Article a small material gain is obtained and the perpetrator acted with the intention of obtaining such advantage gain,

he or she shall be punished by imprisonment not exceeding one year.

Pyramid Scheme

Article 237

Whoever organises or promotes a game or system in which a participant who invests funds can expect to profit only if new participants join the scheme, shall be punished by imprisonment not exceeding three years.

Insurance Misuse

Article 238

(1) Whoever with the aim of obtaining for himself or herself or a third party insurance reimbursement destroys, damages or conceals an object that is insured against destruction, damage, loss or theft,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever feigns a disease, inflicts a bodily injury on himself or herself or on

another or impairs his or her or another person's health with the aim of obtaining for himself or herself or another an insurance right, social insurance right or a welfare right.

Misuse of Cheques and Payment Cards

Article 239

Whoever by misusing a cheque or payment card that he or she is entitled to use obligates its issuer to make a payment and thereby causes material damage to the issuer, shall be punished by imprisonment not exceeding three years.

Abuse of Trust

Article 240

(1) Whoever while representing the material interests of another abuses the powers conferred on him or her by statute or contract and thus causes material damage to the person whose interests he or she represents

shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by a parent, guardian or attorney-at-law,

he or she shall be punished by imprisonment from six months to five years.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article considerable damage is caused,

the perpetrator shall be punished by imprisonment from one to eight years.

Violation of Another's Rights

Article 241

(1) Whoever, with the aim of frustrating the satisfaction of a claim on objects, alienates, destroys, damages or takes away from another his or her own object on which the other person has a real security right, right of retention or right of usufruct.

shall be punished by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, with the aim of frustrating the settlement of creditors' claims before or after the enforcement procedure, alienates, destroys, damages or conceals parts of his or her property.

Usurious Contract

Article 242

(1) Whoever, by exploiting another person's necessity, inexperience, light-mindedness, diminished capacity to exercise his or her judgment or considerable weakness of will-power, receives from that person or contracts with him or her a material gain for himself or herself or a third party that is obviously disproportionate to what he or she has given, done or bound himself or herself to give or do

shall be punished by imprisonment not exceeding three years.

(2) If the perpetrator engages in the activity referred to in paragraph 1 of this Article,

he or she shall be punished by imprisonment from one to eight years.

Extortion

Article 243

(1) Whoever, with the aim of procuring for himself or herself or a third party an unlawful material gain by the use of force or by serious threat, coerces another to do, refrain from doing or suffer something to the detriment of his or her or another's property, shall be punished by imprisonment from six months to five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is obtained or considerable damage caused, the perpetrator shall be punished by imprisonment from one to eight years.

(3) If in committing the criminal offence referred to in paragraph 1 of this Article the perpetrator used force against a person or threatened to directly attack the life or limb of a person,

he or she shall be punished by imprisonment from one to ten years.

(4) If during the commission of the criminal offence referred to in paragraph 3 of this Article a weapon or other dangerous instrument is used or if by its commission a considerable material gain is obtained or considerable damage caused,

the perpetrator shall be punished by imprisonment from three to twelve years.

(5) If during the commission of the criminal offence referred to in paragraph 1 or 3 of this Article the perpetrator threatened to directly attack the life or limb of a larger number of persons or to severely damage facilities of great social significance,

he or she shall be punished by imprisonment from three to fifteen years.

(6) If as a result of the criminal offence referred to in paragraph 1 or 3 of this Article a person dies,

the perpetrator shall be punished by imprisonment for not less than five years.

Concealment

Article 244

(1) Whoever purchases, receives in pledge or otherwise procures, resells or conceals, or helps resell or conceal, an object for which he or she knows or should have known that it has been procured by the commission of a criminal offence against property, shall be punished by imprisonment not exceeding three years.

(2) Whoever engages in the concealment of objects referred to in paragraph 1 of this Article,

shall be punished by imprisonment from six months to five years.

(3) The perpetrator of the criminal offence referred to in paragraph 1 of this Article shall not be punished by a punishment that is more severe than the one prescribed for the criminal offence whereby the concealed object is procured.

Criminal Prosecution for Crimes against Property

Article 245

(1) Unless they are committed against state property, the criminal offences referred to in Article 228, paragraph 2, Article 232, paragraphs 2 and 4, Article 233, paragraph 3, Article 236, paragraph 3, and Article 240, paragraphs 1 and 2, of this Code shall be prosecuted by private action.

(2) The criminal offences referred to in Article 233, paragraph 1, Article 234, paragraph 1, Article 235, paragraph 1, and Article 238, paragraph 1, of this Code shall be prosecuted upon request.

(3) The criminal offences referred to in Article 228, paragraph 1, Article 229, Article 230, paragraph 1, Article 234, and Article 236, paragraphs 1 and 2, of this Code committed against a spouse or cohabitant, same-sex partner, lineal blood relative, sibling or a person with whom the perpetrator lives in a joint household shall be prosecuted by private action.

TITLE XXIV

CRIMINAL OFFENCES AGAINST THE ECONOMY

Abuse of Trust in Business Dealings

Article 246

(1) Whoever violates in business dealings the duty to protect another's material interests accorded him or her by statute, administrative or judicial decision, legal transaction or relationship of trust and thereby acquires for himself or herself or a third party an unlawful material gain, thereby or otherwise causing damage to the person whose material interests he or she is responsible for

shall be punished by imprisonment from six months to five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is acquired or considerable damage caused, the perpetrator shall be punished by imprisonment from one to ten years.

Fraud in Business Dealings

Article 247

(1) Whoever in business dealings, with the aim of acquiring an unlawful material gain for a legal person he or she is representing or another legal person, misleads another by misrepresenting or concealing facts or keeps another in error and thereby induces him or her to the detriment of his or her property or the property of a third party to do or omit to do something,

shall be punished by imprisonment from six months and five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article considerable damage is caused, the perpetrator shall be punished by imprisonment from one to ten years.

Violation of Duty to Keep Commercial and Business Records

Article 248

(1) Whoever fails to keep commercial or business records he or she is required by law to keep, or keeps them in a way that the transparency of business dealings or the financial situation is rendered difficult, or destroys, conceals, substantially damages or otherwise makes unusable commercial or business records or business documents he or she is required to keep

shall be punished by imprisonment not exceeding three years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article by negligence

shall be punished by imprisonment not exceeding one year.

Violation of Creditors' Rights in Business Dealings

Article 249

(1) Whoever in business dealings causes overindebtedness or insolvency by the following acts or in a state of overindebtedness or insolvency that threatens or has occurred:

1. fictitiously or free of charge transfers assets to a company he or she has set up by himself or herself or with another person or otherwise fictitiously sells, encumbers without corresponding consideration, assigns free of charge, damages, destroys or renders unusable all or a part of assets that would make up the insolvency estate;

2. concludes a fictitious contract or admits a nonexistent claim;

3. fails to keep commercial or business records he or she is required to keep or conceals, destroys, damages or alters them, or keeps them or makes the annual statement of accounts in a way that his or her financial situation cannot be determined or its determination is rendered considerably more difficult;

4. contrary to diligence of prudent businessman diminishes assets that would form the insolvency estate or misrepresents the financial situation

shall be punished by imprisonment from six months to five years.

(2) Whoever commits the offence referred to in paragraph 1 of this Article by negligence

shall be punished by imprisonment not exceeding three years.

(3) If as a result of the criminal offence referred to in paragraph 1 of this Article considerable damage is caused,

the perpetrator shall be punished by imprisonment from one to ten years.

(4) If the consequence referred to in paragraph 3 of this Article is the result of the offence referred to in paragraph 2 of this Article,

the perpetrator shall be punished by imprisonment from six months to five years.

(5) If creditors' claims are settled before the judgment is rendered, the punishment of the perpetrator may be remitted.

(6) Criminal offence referred to in this Article shall exist only if the perpetrator suspended payments or bankruptcy proceedings are instituted against him or her or a person he or she represented.

Favouritism towards Creditors

Article 250

(1) Whoever, knowing that he or she or the person he or she represents has become insolvent, settles or secures a claim of a creditor not entitled to have his or her claim settled or secured in such a manner or at that moment in time,

shall be punished by imprisonment not exceeding three years.

(2) If other creditors' claims have been settled before the judgment is passed, the punishment of the perpetrator may be remitted.

Receiving or Giving Bribes during Bankruptcy Proceedings

Article 251

(1) A creditor or member of the board of creditors who solicits or accepts a bribe or accepts an offer or promise of a bribe for himself or herself or another in order to vote

a certain way or fail to vote or act in some other way for the purpose of causing damage to at least one creditor in bankruptcy proceedings

shall be punished by imprisonment from six months to five years.

(2) If the offence referred to in paragraph 1 is committed by the bankruptcy trustee,

he or she shall be punished by imprisonment from one to eight years.

(3) Whoever offers, promises or confers, a bribe to a creditor, member of the board of creditors or bankruptcy trustee for the commission of the criminal offence referred to in paragraph 1 or 2 of this Article

shall be punished by imprisonment not exceeding three years.

Receiving Bribes in Business Dealings

Article 252

(1) Whoever solicits or accepts a bribe or accepts an offer or promise of a bribe for himself or herself or another in order to favour a third party in business dealings on the occasion of the conclusion or execution of a contract or rendering a service, thereby causing damage to the person he or she represents or for whom he or she works, or whoever mediates in such an act of bribery

shall be punished by imprisonment from one to eight years.

(2) Whoever solicits or accepts a bribe or accepts an offer or promise of a bribe for himself or herself or another in business dealings as consideration for the conclusion or execution of a contract or rendering a service, or whoever mediates in such an act of bribery

shall be punished by imprisonment from six months to five years.

Giving Bribes in Business Dealings

Article 253

(1) Whoever offers, promises or confers a bribe to another in business dealings so that he or she or a third party would be favoured on the occasion of the conclusion or execution of a contract or rendering a service, thereby causing damage to the person he or she represents or for whom he or she works, or whoever mediates in such an act of bribery

shall be punished by imprisonment from six months to five years.

(2) Whoever offers, promises or confers a bribe to another in business dealings as consideration for the conclusion or execution of a contract or rendering a service, or whoever mediates in such an act of bribery

shall be punished by imprisonment not exceeding three years.

(3) The perpetrator of the criminal offence referred to in paragraph 1 or 2 of this Article who confers a bribe at the request of a responsible person and reports the offence before it is discovered or before he or she finds out that the offence has been discovered may have his or her punishment remitted.

Misuse of Public Procurement Procedures

Article 254

(1) Whoever submits as part of a public procurement procedure a bid based on a prohibited agreement between economic entities, the aim of which is that the contracting authority accepts a certain bid

shall be punished by imprisonment from six months to five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is acquired or considerable damage caused, the perpetrator shall be punished by imprisonment from one to ten years.

(3) The perpetrator who prevents of his or her own free will the contracting authority from accepting the bid referred to in paragraph 1 of this Article may have his or her punishment remitted.

Deceptive Advertising

Article 255

Whoever in offering goods or services to a wide circle of people states false or incomplete information that are essential for the conclusion of an contract and may mislead a reasonable consumer

shall be punished by imprisonment not exceeding to two years.

Tax or Customs Duty Evasion

Article 256

(1) Whoever, with the aim that he or she or another person evade paying in full or in part a tax or customs duty, provides false or incomplete information on income, items or other facts of relevance for determining the amount of tax or customs duty payable or whoever, in the case of mandatory declaration, fails, with the same aim, to declare his or her income, items or other facts of relevance to the determination of tax or customs duty payable, which results in a reduction of the tax or customs duty payable by an amount exceeding twenty thousand kuna or to its non-determination in the said amount

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever uses a tax relief or customs privilege in an amount exceeding twenty thousand kuna in breach of the conditions under which he or she obtained it.

(3) If the criminal offence referred to in paragraph 1 or 2 of this Article leads to a reduction in or non-determination of a considerable tax liability, the perpetrator shall be punished by imprisonment from one to ten years.

(4) The provisions of paragraphs 1 through 3 of this Article shall also be applied to the perpetrator who reduces European Union funds by committing the acts described therein.

Avoiding Customs Controls

Article 257

(1) Whoever by avoiding customs control measures carries across the border goods the manufacture of or trade in which is restricted or prohibited, unless no other criminal offence for which a more severe punishment is prescribed is thereby committed, shall be punished by imprisonment from six months to five years.

(2) The goods referred to in paragraph 1 of this Article shall be confiscated.

Subsidy Fraud

Article 258

(1) Whoever, with the aim that he or she or another person receive a state subsidy, provides a state subsidy provider with false or incomplete information concerning the

facts on which the decision on the granting of a state subsidy depends, or fails to inform a state subsidy provider of changes important for making the decision on the granting of a state subsidy

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever uses the granted state subsidy funds in a manner contrary to their intended use.

(3) If, in the case referred to in paragraph 1 of this Article, the perpetrator acts with the aim of receiving a significant amount of state subsidies or if, in the case referred to in paragraph 2 of this Article, he or she uses a significant amount of state subsidies, shall be punished by imprisonment from one to ten years.

(4) Whoever in cases referred to in paragraph 1 of this Article voluntarily prevents making of the decision on the granting of a state subsidy, may have his or her punishment remitted.

(5) State subsidies within the meaning of this Article shall be equated with subsidies and aid granted from European Union funds.

Insider Dealing

Article 259

(1) Whoever by possessing inside information:

1. acquires or disposes of for his or her own account or for the account of a third party, either indirectly or directly, a financial instrument to which that information relates;

2. discloses, tells, hands over or otherwise makes available without authorisation inside information to another person;

3. recommends to or induces another person to acquire or dispose of a financial instrument to which that information relates

shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by a person who possesses inside information by virtue of his or her membership of the management or supervisory bodies of the issuer, or by virtue of his or her holding in the capital of the issuer, or by virtue of his or her having access to the information through the exercise of his or her employment, profession or duties, or by virtue of his or her criminal activities

shall be punished by imprisonment from six months to five years.

(3) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is acquired or considerable damage is caused to another, the perpetrator shall be punished by imprisonment from six months to five years.

(4) If as a result of the criminal offence referred to in paragraph 2 of this Article a considerable material gain is acquired or considerable damage is caused to another, the perpetrator shall be punished by imprisonment from one to eight years.

Market Manipulation

Article 260

(1) Whoever in violation of capital market regulations:

1. carries out a transaction or issues an order to trade which give, or are likely to give, false or misleading signals as to the supply of, demand for or price of financial

instruments, or by acting in collaboration with a person or persons, secures the price of one or several financial instruments at an abnormal or artificial level;

2. when entering into a transaction or issuing an order to trade employs fictitious devices or any other form of deception or contrivance;

3. disseminates information through the media, the Internet or by any other means, which gives, or is likely to give, false or misleading signals as to financial instruments, including the dissemination of rumours and false or misleading news, where the person who made the dissemination knew, or ought to have known, that the information was false or misleading,

shall be punished by imprisonment not exceeding three years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is acquired or considerable damage is caused,

he or she shall be punished by imprisonment from six months to five years.

Unauthorised Use of Another's Company Name

Article 261

(1) Whoever uses another's company name without authorisation or inserts into it without authorisation features that are misleading as to the object of the company, its identity or links with another company and thereby acquires a material gain or causes damage shall be punished by imprisonment not exceeding three years.

(2) The attempt to commit the criminal offence referred to in paragraph 1 of this Article shall be punishable.

Disclosure and Unauthorised Obtainment of a Business Secret

Article 262

(1) Whoever discloses, hands over or otherwise makes available to another without authorisation information representing a business secret, or whoever obtains such information with the aim of delivering them to an unauthorised person shall be punished to imprisonment not exceeding three years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article the perpetrator acquires a considerable material gain for himself or herself or another or causes considerable damage,

the perpetrator shall be punished by imprisonment from six months to five years.

(3) There shall be no criminal offence if the offence referred to in paragraph 1 of this Article was for the most part committed in the public interest.

(4) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

Illicit Production

Article 263

(1) Whoever produces or processes items or goods whose production is prohibited, and thereby commits no other criminal offence for which a more severe punishment is prescribed,

shall be punished by imprisonment not exceeding one year.

(2) The instruments or goods the manufacture of which is prohibited shall be forfeited.

Illicit Trade

Article 264

- (1) Whoever purchases, sells or exchanges without authorisation items or goods the trade in which is prohibited or restricted, and thereby commits no other criminal offence for which a more severe punishment is prescribed, shall be punished by imprisonment not exceeding one year.
- (2) The objects or goods the trade in which is prohibited shall be confiscated

Money Laundering

Article 265

- (1) Whoever invests, takes over, converts, transfers or replaces a material gain derived from criminal activity for the purpose of concealing or disguising its illicit origin shall be punished to imprisonment from six months to five years.
- (2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever conceals or disguises the true nature, source, location, disposition, movement, rights with respect to, or ownership of a proceeds of crime.
- (3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever acquires, possesses or uses the proceeds of crime.
- (4) Whoever commits the offence referred to in paragraph 1 or 2 of this Article in financial or other dealings or where the perpetrator engages professionally in money laundering or the material gain referred to in paragraph 1, 2 or 3 of this Article is of high value, shall be punished by imprisonment from one to eight years.
- (5) Whoever commits the offence referred to in paragraph 1, 2 or 4 of this Article by negligence with respect to the circumstance that the material gain is proceeds of crime. shall be punished by imprisonment not exceeding three years.
- (6) If the material gain referred to in paragraphs 1 through 5 of this Article is derived from criminal activity carried out in a foreign country, the perpetrator shall be punished when the activity is a criminal offence also under the domestic law of the country where it is committed.
- (7) The perpetrator referred to in paragraphs 1 through 5 of this Article who contributes voluntarily to the discovery of the criminal activity from which a pecuniary advantage has been derived may have his or her punishment remitted.

TITLE XXV

CRIMINAL OFFENCES AGAINST COMPUTER SYSTEMS, PROGRAMMES AND DATA

Unauthorised Access

Article 266

- (1) Whoever accesses a computer system or computer data without authorisation shall be punished by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article with respect to a computer system or computer data of a state authority, body of local or regional self-government, public institution or company of special public interest, shall be punished by imprisonment not exceeding three years.

(3) The attempt of the criminal offence referred to in paragraph 1 and 2 of this Article shall be punishable.

(4) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request.

Computer System Interference

Article 267

(1) Whoever prevents or hinders the functioning or use of a computer system, computer data or programmes, or computer communication, shall be punished by imprisonment not exceeding three years.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article shall be punishable.

Damage to Computer Data

Article 268

(1) Whoever damages, alters, deletes, destroys, renders unusable or inaccessible, or presents as inaccessible, in full or in part, another's computer data or programmes without authorisation, shall be punished imprisonment for a term of up to three years.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article shall be punishable.

Unauthorised Interception of Computer Data

Article 269

(1) Whoever intercepts or records without authorisation non-public transmissions of computer data, including electromagnetic emissions from a computer system, or makes available to another the data thus procured, shall be punished by imprisonment not exceeding three years.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article shall be punishable.

(3) The data derived from the commission of the criminal offence referred to in paragraph 1 of this Article shall be destroyed.

Computer-related Forgery

Article 270

(1) Whoever produces, inputs, alters, deletes, or renders unusable or inaccessible without authorisation computer data of value to legal relations with the intent that they be used as authentic, or whoever uses or procures for use such data, shall be punished by imprisonment not exceeding three years.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article shall be punishable.

(3) The data derived from the commission of the criminal offence referred to in paragraph 1 of this Article shall be destroyed.

Computer-related Fraud

Article 271

(1) Whoever with the aim of acquiring for himself or herself or another an unlawful material gain inputs, alters, deletes, damages, renders unusable or inaccessible computer data or interferes with the functioning of a computer system and thus causes damage to another,

shall be punished by imprisonment from six months to five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is acquired or considerable damage is caused, the perpetrator shall be punished by imprisonment from one to eight years.

(3) The data derived from the commission of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be destroyed.

Misuse of Devices

Article 272

(1) Whoever produces, procures, sells, possesses or makes available to another devices or computer programmes or computer data designed or adapted for the purpose of committing any of the criminal offences referred to in Articles 266, 267, 268, 269, 270 and 271 of this Code with intent that it be used for the purpose of committing any of the criminal offences established in Articles 266 through 271

shall be punished by imprisonment not exceeding three years.

(2) Whoever produces, procures, sells, possesses or makes available to another a computer passwords, access codes or other data by which a computer system is capable of being accessed with intent that it be used for the purpose of committing any of the criminal offences referred to in Articles 266, 267, 268, 269, 270 and 271 of this Code,

shall be punished by imprisonment not exceeding one year.

(3) The perpetrator of the criminal offence referred to in paragraph 1 of this Article shall not be punished by a punishment that is more severe than the one prescribed for the criminal offence the perpetrator intended to commit.

(4) Special devices and programmes referred to in paragraph 1 of this Article shall be forfeited while the data referred to in paragraph 1 and 2 of this Article shall be destroyed.

Serious Criminal Offences against Computer Systems, Programmes and Data

Article 273

(1) Whoever commits any of the criminal offences referred to in Articles 267 through 270 of this Code with respect to a computer system or computer data of a state authority, a body of local or regional self-government, public institution or company of special public interest,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 shall be inflicted on whoever commits any of the criminal offences referred to in Articles 266 through 269 of this Code by concealing his or her real identity and giving rise to an error about the authorised identity holder.

(3) Whoever commits any of the criminal offences referred to in Articles 267 through 269 of this Code through the use of a tool designed to launch attacks affecting a larger number of computer systems, or hereby considerable damage is caused, shall be punished by imprisonment from one to eight years.

TITLE XXVI

CRIMINAL OFFENCES OF FORGERY

Counterfeiting Money

Article 274

(1) Whoever produces counterfeit money, alters genuine money or procures such money with the aim of putting it into circulation as genuine, or whoever puts such money into circulation as genuine,

shall be punished by imprisonment from one to ten years.

(2) Whoever, upon finding out that the money he or she accepted in the belief it was genuine is counterfeit, puts counterfeit money into circulation,

shall be punished by imprisonment not exceeding three years.

(3) Counterfeit money shall be confiscated.

Counterfeiting Securities

Article 275

(1) Whoever produces a counterfeit security issued on the basis of regulations, alters a genuine security or procures such a counterfeit security, or whoever puts it into circulation as genuine.

shall be punished by imprisonment from one to ten years.

(2) Whoever, upon finding out that the counterfeit security he or she accepted in the belief it was genuine is counterfeit, puts the counterfeit security into circulation,

shall be punished by imprisonment not exceeding three years.

(3) Counterfeit securities shall be confiscated.

Counterfeiting Value Signs

Article 276

(1) Whoever produces counterfeit tax stamps, postage stamps or other value signs issued on the basis of regulations, or alters or procures them, or gives them to another with the aim that the latter would use them as genuine,

shall be punished by imprisonment from six months to five years.

(2) Whoever removes the postmark from a value sign or otherwise treats an already used value sign in order to give it the appearance of an unused sign, or whoever reuses an already used value sign or sells it as if it had not been used,

shall be punished by imprisonment not exceeding six months.

(3) Counterfeit value signs shall be confiscated.

Counterfeiting Signs for the Marking of Goods and Falsifying Measures and Weights

Article 277

(1) Whoever, with the aim of using them as genuine, counterfeits signs for the marking of goods, such as seals, marks or stamps for the branding of gold, silver, livestock, timber or any other good, or alters such genuine signs, or uses counterfeit signs as genuine, shall be punished by imprisonment from six months to five years.

(2) Whoever falsifies measures or weights, shall be punished by imprisonment not exceeding three years.

(3) Counterfeit signs and falsified measures and weights as well as the means for their manufacture shall be confiscated.

Forging Documents

Article 278

(1) Whoever forges a document or alters a genuine document with the aim that such document be used as genuine, or whoever procures such a document for use or uses it as genuine,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever misleads another as to the contents of a document and the latter signs this document believing that he or she is putting his or her signature to some other document or other contents.

(3) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article with respect to a public document, testament, bill of exchange, cheque, payment card or public or official records that must be kept by virtue of law,

shall be punished by imprisonment from six months to five years.

(4) The attempt of the criminal offence referred to in paragraphs 1 or 2 of this Article shall be punishable.

Forging Official or Business Documents

Article 279

(1) A public official or responsible person who enters false information into an official or business document, record or file, or fails to enter an important piece of information, or certifies by his or her signature or official seal such a document, record or file containing false information, or enables by his or her signature or official seal the making of a document, record or file containing false information,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall also be inflicted on whoever uses an official or business document, record or file containing false information in the exercise of his or her employment, profession or duties or in business dealings as if the information it contained were true.

Abuse of Identification Document

Article 280

Whoever fraudulently uses an identification document issued in the name of another person in legal transactions or for fraudulent purposes in legal transactions cedes to another an identification document not issued in the latter's name,

shall be punished by imprisonment not exceeding one year.

Certification of Untrue Content

Article 281

(1) Whoever by misleading a competent authority makes it certify in a public document, record or logbook something untrue that is to serve as evidence in legal transactions,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever makes use of this document, record or logbook despite knowing that it contains untrue information.

Issuing and Using an Untrue Medical or Veterinary Certificate

Article 282

Whoever enters false information in a medical or veterinary certificate or uses such a certificate,

shall be punished by imprisonment not exceeding three years.

Producing, Procuring, Possessing, Selling or Giving to Another for Use Forgery Tools

Article 283

(1) Whoever produces, procures, possesses, sells or gives to another for use tools for counterfeiting money, securities, value signs issued pursuant to regulations, signs for the marking of goods, or tools for falsifying measures or weights, or for forging documents shall be punished by imprisonment not exceeding three years.

(2) The tools referred to in paragraph 1 of this Article shall be confiscated.

TITLE XXVII

CRIMINAL OFFENCES AGAINST INTELLECTUAL PROPERTY

Infringement of the Personal Rights of an Author or Artist Performer

Article 284

(1) Whoever, contrary to regulations on copyright and related rights designates another's copyright work by a wrong name, his or her name or a third party's name or whoever contrary to the author's prohibition designates a work by its author's name and publishes or uses it, or allows this to be done,

shall be punished by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contrary to regulations on copyright and related rights designates by a wrong name, his or her name or a third party's name the performance by another artist performer, or on whoever contrary to the artist performer's prohibition designates the performance by an artist performer by the name of the artist performer and publishes or uses it, or allows this to be done.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contrary to regulations on copyright and related rights inserts parts of another's copyright work or performance by an artist performer into his or her copyright work or his or her performance with the aim of obtaining a gain or causing damage.

(4) The criminal offences referred to in paragraphs 1 through 3 of this Article shall be prosecuted upon request of the injured party or other interested party.

Illicit Use of a Copyright Work or Performance by an Artist Performer

Article 285

(1) Whoever, contrary to regulations on copyright and related rights reproduces, adapts, distributes, stores or takes any other action for the purpose of distribution of, or communicates to the public in whatever way another's copyright work, or allows this to be done and thus obtains a material gain or causes damage,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contrary to regulations on copyright and related rights fixates another artist's performance that is not fixed, reproduces, adapts, distributes, stores or takes any other action for the purpose of distributing a fixed performance by another artist performer, or communicates to the public in whatever way a performance by an artist performer that is either fixed or not fixed, or allows this to be done and thus obtains a considerable material gain or causes considerable damage.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contrary to regulations on copyright and related rights circumvents technical measures for the protection of the rights of authors and artists performers, or removes or alters information on the management of such rights and thus obtains a considerable material gain or causes considerable damage.

(4) The attempt of the criminal offence referred to in paragraph 1, 2 or 3 of this Article shall be punishable. The perpetrator who attempts to commit any of the criminal offences referred to in paragraphs 1 through 3 of this Article shall be punished.

(5) The objects intended to be used or used for the purpose of committing any of the criminal offences referred to in paragraphs 1, 2, 3, and 4 of this Article shall be confiscated, while the objects which are the product of commission of those criminal offences shall be destroyed unless the person whose right has been infringed requests their handing over along with the payment of compensation which cannot exceed the costs of their production. The compensation shall be paid into the state budget and shall be used for the purpose of suppression of criminal offences against intellectual property.

Infringement of Other Copyright-related Rights to

Article 286

(1) Whoever contrary to regulations on copyright and related rights reproduces, distributes, stores or takes any other action for the purpose of distribution of, or makes available to the public another person's phonogram, or allows this to be done and thus obtains a considerable material gain or causes considerable damage,

shall be punished by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contrary to regulations on copyright and related rights reproduces, distributes, stores or takes any other action for the purpose of distribution of, or publicly displays or makes available to the public another person's videogram, or allows this to be done and thus obtains a considerable material gain or causes considerable damage.

(3) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contrary to regulations on copyright and related rights reemits another's broadcast, or communicates to the public another's broadcast in exchange for ticket purchase,

or makes available to the public another's broadcast, or allows this to be done and thus obtains a considerable material gain or causes considerable damage.

(4) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever contrary to regulations on copyright and related rights circumvents technical measures for the protection of related rights of phonogram or videogram producers or broadcasting organisations, or removes or alters information on the management of such rights, or allows this to be done and thus obtains a considerable material gain or causes considerable damage.

(5) The attempt of the criminal offence referred to in paragraph 1 through 4 of this Article shall be punishable.

(6) The objects intended to be used or used for the purpose of committing any of the criminal offences referred to in paragraphs 1 through 4 of this Article shall be confiscated, while the objects which are the product of commission of those criminal offences shall be destroyed unless the person whose right has been infringed requests their handing over along with the payment of compensation which cannot exceed the costs of their production. The compensation shall be paid into the state budget and shall be used for the purpose of suppression of criminal offences against intellectual property.

Infringement of the Right to Invention

Article 287

(1) Whoever files a patent application without authorisation, or contrary to regulations on patent protection fails to state or falsely states in the patent application who the inventor is, or without authorisation makes available to the public an invention before it is legally disclosed to the public,

shall be punished by imprisonment not exceeding one year.

(2) Whoever contrary to regulations on patent protection makes, offers for sale, sells, uses, exports, imports or stores for these purposes a product made according to an invention protected by a patent or a supplementary protection certificate, or uses or offers for use a process which is the subject matter of a protected invention, or offers for sale, sells, uses, exports, imports or stores for these purposes a product which has been directly produced by a process which is the subject matter of an invention and thus obtains a considerable material gain or causes considerable damage,

shall be punished by imprisonment not exceeding three years.

(3) The attempt of the criminal offence referred to in paragraph 2 of this Article shall be punishable.

(4) The objects intended to be used or used for the purpose of committing the criminal offences referred to in paragraphs 2 and 3 of this Article shall be confiscated, while the objects which are the product of commission of the criminal offences referred to in paragraphs 1 and 2 of this Article shall be confiscated and destroyed.

(5) The criminal offence referred to in paragraph 1 of this Article shall be prosecuted upon request of the injured party or other interested party.

Trademark Infringement

Article 288

(1) Whoever contrary to regulations on trademark protection in trade uses any sign which is identical with the protected trademark in relation to goods/products or services which are identical with those for which the trademark is registered, or any sign which is identical with, or similar to, the protected trademark in relation to products or services which

are identical with, or similar to, those for which the trademark is registered, by affixing the sign to the products or to the packaging thereof, offering the product, or putting it on the market or stocking it for these purposes under that sign, or offering or supplying services thereunder, or importing or exporting the products under the sign, or using the sign on business products and in advertising, which can mislead the public as to the origin of products and services, and thus obtains a considerable material gain or causes considerable damage.

shall be punished by imprisonment not exceeding three years.

(2) The attempt of the criminal offence referred to in paragraph 1 of this Article shall be punishable. The perpetrator who attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.

(3) The objects intended to be used or used for the purpose of committing the criminal offence referred to in paragraph 1 of this Article shall be confiscated, while the objects which are the product of commission of the criminal offence referred to in paragraph 1 of this Article shall be confiscated and destroyed unless the court decides that the used sign is to be made unrecognisable and the objects which are the product of commission of the offence used for humanitarian purposes.

Infringement of Registered Designation of Origin

Article 289

(1) Whoever contrary to regulations uses a designation of authenticity, designation of geographical origin of a good or services or traditional speciality guaranteed for agricultural and food products and thus obtains a considerable material gain or causes considerable damage,

shall be punished by imprisonment not exceeding three years.

(2) The objects intended to be used or used for the purpose of committing the criminal offence referred to in paragraph 1 of this Article shall be confiscated, while the objects which are the product of commission of the criminal offence referred to in paragraph 1 of this Article shall be confiscated and destroyed unless the court decides that the used designation is to be made unrecognisable and the objects which are the product of commission of the offence used for humanitarian purposes.

Public Announcement of Judgment

Article 290

At the request of the injured party and where the injured party has a justified interest in this, the judgment pronounced for any of the criminal offences set forth in this Title shall be publicly announced at the expense of the perpetrator. The manner of announcement shall be laid down in the judgment.

TITLE XXVIII

CRIMINAL OFFENCES AGAINST OFFICIAL DUTY

Abuse of Position and Authority

Article 291

(1) A public official or responsible person who abuses his or her position or authority, oversteps the limits of his or her authority, or fails to perform a duty and thereby obtains for himself or herself or another an advantage or causes damage to another shall be punished by imprisonment from six months to five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a considerable material gain is obtained or considerable damage caused, the perpetrator shall be punished by imprisonment from one to ten years.

Unlawful Favouritism

Article 292

(1) A public official or responsible person who on the basis of an agreement demonstrates favouritism towards an economic entity by adapting public procurement terms and conditions or who awards a contract to a tenderer whose tender is contrary to the terms and conditions set out in the bid documentation

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a public official or responsible person who abuses his or her position or authority by demonstrating favouritism in the award of contracts or in taking on or negotiating deals toward his or her activity or the activity of persons with whom he or she is linked in terms of vested interests.

Taking a Bribe

Article 293

(1) A public official or responsible person who solicits or accepts a bribe, or who accepts an offer or a promise of a bribe for himself or herself or another in return for performing within or beyond the limits of his or her authority an official or other act which should not be performed, or failing to perform an official or other act which should be performed

shall be punished by imprisonment from one to ten years.

(2) A public official or responsible person who solicits or accepts a bribe, or who accepts an offer or a promise of a bribe for himself or herself or another in return for performing within or beyond the limits of his or her authority an official or other act which should be performed, or not performing an official or other act which should not be performed shall be punished by imprisonment from one to eight years.

(3) A public official or responsible person who following performance or omission of an official or other act referred to in paragraph 1 or 2 of this Article solicits or accepts a bribe with respect thereto

shall be punished by imprisonment not exceeding one year.

Giving a Bribe

Article 294

(1) Whoever offers, gives or promises a bribe to a public official or responsible person in order that he or she perform, within or beyond the limits of his or her authority, an official or other act which he or she should not perform, or fail to perform an official or other act which he or she should perform, or whoever intermediates in such an act of bribery of a public official or responsible person

shall be punished by imprisonment from one to eight years.

(2) Whoever offers, gives or promises a bribe to a public official or responsible person in order that he or she perform, within or beyond the limits of his or her authority, an official or other act which he or she should perform, or fail to perform an official or other act which he or she should not perform, or whoever intermediates in such an act of bribery of a public official or responsible person

shall be punished by imprisonment from six months to five years.

(3) The perpetrator of the criminal offence referred to in paragraph 1 or 2 of this Article who gives a bribe at the request of a public official or responsible person and reports the offence before it is discovered or before he or she finds out that the offence has been discovered may have his or her punishment remitted.

Trading in Influence

Article 295

(1) Whoever, by taking advantage of his or her official or social position or influence, intermediates in order that an official or other act which should not be performed be performed, or that an official or other act which should be performed not be performed

shall be punished by imprisonment from six months to five years.

(2) Whoever solicits or accepts a bribe, or accepts an offer or a promise of a bribe for himself or herself or another so that, by taking advantage of his or her official or social position or influence, he or she would intermediate in order that an official or other act which should not be performed be performed, or that an official or other act which should be performed not be performed

shall be punished by imprisonment from one and ten years.

(3) Whoever solicits or accepts a bribe, or accepts an offer or a promise of a bribe for himself or herself or another so that, by taking advantage of his or her official or social position or influence, he or she would intermediate in order that an official or other act which should be performed be performed, or that an official or other act which should not be performed not be performed

shall be punished by imprisonment from one to eight years.

Giving a Bribe for Trading in Influence

Article 296

(1) Whoever offers, promises or gives to another a bribe intended for him or her or a third party so that he or she would, by abusing his or her official or social position or influence, intermediate in order that an official or other act which should not be performed be performed, or that an official or other act which should be performed not be performed

shall be punished by imprisonment from one and eight years.

(2) Whoever offers, promises or gives to another a bribe intended for him or her or a third party so that he or she would, by abusing his or her official or social position or influence, intermediate in order that an official or other act which should be performed be performed, or that an official or other act which should not be performed not be performed

shall be punished by imprisonment from six months to five years.

(3) The perpetrator of a criminal offence referred to in paragraph 1 or 2 of this Article who gives a bribe at the request of the person referred to in Article 295 of this Code and reports the offence before it is discovered or before he or she finds out that the offence has been discovered may have his or her punishment remitted.

Extortion of Testimony

Article 297

(1) A public official who during authorised interrogation uses force, threats or any other prohibited means with the aim that another person give or refrain from giving a testimony or other statement

shall be punished by imprisonment from six months to five years.

(2) If as a result of the commission of the criminal offence referred to in paragraph 1 of this Article the suspect, defendant and the indicted person in criminal proceedings suffers especially severe consequences,

the perpetrator shall be punished by imprisonment from one to eight years.

Unlawful Search

Article 298

A public official who in the exercise of his or her functions or public authority conducts an unlawful search

shall be punished by imprisonment not exceeding three years.

Unlawful Release of a Person Deprived of Liberty

Article 299

A public official who unlawfully releases a person deprived of liberty or assists him or her in his or her escape

shall be punished by imprisonment from one to eight years.

Disclosure of Official Secret

Article 300

(1) Whoever without authorisation communicates, conveys or otherwise makes accessible to another unclassified data which represent an official secret

shall be punished by imprisonment not exceeding three years.

(2) There shall be no criminal offence if the offence referred to in paragraph 1 of this Article was committed predominantly in the public interest.

TITLE XXIX

CRIMINAL OFFENCES AGAINST THE JUDICIARY

Failure to Report the Preparation of a Criminal Offence

Article 301

(1) Whoever knows that the commission of a criminal offence for which a punishment of five years of imprisonment or a more severe punishment is prescribed is being prepared and fails to report this at a time when it is still possible to avert its commission, and the offence is attempted or committed,

shall be punished by imprisonment not exceeding one year.

(2) Whoever commits the criminal offence referred to in paragraph 1 of this Article with respect to a criminal offence for which a punishment of long-term imprisonment is prescribed,

shall be punished by imprisonment not exceeding three years.

(3) There shall be no criminal offence referred to in paragraph 1 of this Article where its elements materialised by a person who is married to, or lives in a cohabiting or same-sex relationship with, or is a lineal blood relative, sibling, adopter or adoptee of the person preparing the unreported criminal offence, unless a criminal offence against a child is being prepared.

(4) The perpetrator of the criminal offence referred to in paragraph 2 of this Article who is in any kind of a relationship set forth in paragraph 3 of this Article with a person preparing to commit a criminal offence may have his or her punishment mitigated.

Failure to Report the Commission of a Criminal Offence

Article 302

(1) Whoever knows that a criminal offence for which a punishment of ten years of imprisonment or a more severe punishment is prescribed has been committed and fails to report this although he or she knows that reporting it would enable or greatly facilitate the discovery of the offence or the perpetrator,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a public official or a responsible person who fails to report the commission of a criminal offence which he or she has come to know about in the course of performing his or her duties, provided that the criminal proceedings for the criminal offence in question cannot be initiated only by private action or upon request.

(3) The perpetrator of the criminal offence referred to in paragraph 2 of this Article shall not be punished by a punishment that is more severe than the one prescribed for the criminal offence he or she has failed to report.

(4) There shall be no criminal offence referred to in paragraphs 1 and 2 of this Article where it is committed by a person who is married to, or lives in a cohabiting or same-sex relationship with, or is a lineal blood relative, sibling, adopter or adoptee, attorney at law, notary public, doctor of medicine, doctor of dental medicine or other healthcare worker, psychologist, a person who is entrusted with the upbringing and education in an appropriate institution, guardianship employee, confessor, unless the criminal offence was committed against a child.

Assisting the Perpetrator Following the Commission of a Criminal Offence

Article 303

(1) Whoever conceals or harbours the perpetrator of a criminal offence for which a punishment of five years of imprisonment or a more severe punishment is prescribed, or assists him or her not to be discovered or arrested by concealing the means by which the criminal offence was committed, traces of the criminal offence or objects which are the product of or which were obtained by the criminal offence or in any other manner,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever conceals a person sentenced to imprisonment or otherwise prevents the execution of this sentence.

(3) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article to the benefit of the perpetrator of any of the criminal offences referred to in Articles 88 through 91 or Article 97 of this Code

shall be punished by imprisonment from one to eight years.

(4) The perpetrator of the criminal offence referred to in paragraph 2 of this Article shall not be punished by a punishment that is more severe than the one prescribed for the criminal offence committed by the person to whom the perpetrator provided assistance.

(5) There shall be no criminal offence referred to in paragraphs 1, 2 and 3 of this Article where it is committed by a person who is married to, or lives in a cohabiting or same-sex relationship with, or is a lineal blood relative, sibling, adopter or adoptee of the person to whom he or she provided assistance.

False Reporting of a Criminal Offence

Article 304

(1) Whoever, despite knowing this is not true, reports a person or plants traces that make it look like this person committed a criminal offence, provided the criminal offence in question is not prosecuted by private action,

shall be punished by imprisonment not exceeding three years.

(2) Whoever by false reporting, planting of traces or otherwise causes the institution of criminal proceedings against a person he or she knows did not commit a criminal offence, provided the criminal offence in question is not prosecuted by private action,

shall be punished imprisonment for a term of between six months and five years.

(3) Whoever reports that a criminal offence has been committed despite knowing this is not true, provided the criminal offence in question is not prosecuted by private action, or whoever reports that he or she committed such an offence despite knowing this is not true,

shall be punished by imprisonment not exceeding one year.

Giving False Testimony

Article 305

(1) A witness, expert witness, translator or interpreter who in pre-trial criminal proceedings, proceedings before a court, an international tribunal the jurisdiction of which the Republic of Croatia accepts or arbitration board, in misdemeanour or administrative proceedings, proceedings before a notary public or disciplinary proceedings gives false testimony, presents a false finding or provides false information in his or her opinion, or who falsely translates or interprets something,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a party to the proceedings, with the exception of the defendant, who gives false testimony if the final decision in the proceedings is based on such testimony.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article an innocent defendant is convicted or the defendant suffers other especially serious consequences,

the perpetrator shall be punished by imprisonment from one to ten years.

(4) If the perpetrator of the criminal offence referred to in paragraph 1 of this Article voluntarily revokes his or her testimony before the final decision is rendered, his or her punishment may be remitted.

Obstruction of Justice

Article 306

(1) Whoever, with the aim of inducing a presumed witness, witness or expert witness to give false testimony or preventing or obstructing the presentation of evidence in pre-trial criminal proceedings, proceedings before a court, an international tribunal the jurisdiction of which the Republic of Croatia accepts or arbitration board, in misdemeanour or administrative proceedings, proceedings before a notary public or disciplinary proceedings uses force, threats or any other form of coercion against these persons, or promises, offers or gives a gift or any other benefit to them,

shall be punished by imprisonment from one to eight years.

(2) Whoever with the aim of preventing or significantly obstructing the presentation of evidence in proceedings before a court, an international tribunal the jurisdiction of which the Republic of Croatia accepts or arbitration board, in misdemeanour or administrative proceedings, proceedings before a notary public or disciplinary proceedings conceals, damages or destroys an object or document serving as evidence, falsifies a piece of evidence, or whoever submits such evidence knowing it is falsified,

shall be punished by imprisonment from six months to five years.

(3) Whoever, with the aim of preventing or significantly obstructing the presentation of evidence in court or administrative proceedings, removes, destroys, moves or shifts a boundary stone, geodetic mark, or in general any mark of ownership or any other real right or a mark concerning the use of water, or whoever with the same aim incorrectly places such a mark,

shall be punished by imprisonment not exceeding three years.

Violation of Secrecy of Proceedings

Article 307

(1) Whoever discloses without authorisation what he or she has found out in pre-trial criminal proceedings, court proceedings, misdemeanour proceedings, administrative proceedings, proceedings before a notary public or disciplinary proceedings, and what under the law or pursuant to a decision based on the law is considered a secret,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever makes public without the court's authorisation the course of proceedings which under the law are secret or have been declared secret by a decision of the court, or whoever makes public without the court's authorisation the course of criminal proceedings against a child, criminal proceedings for a criminal offence committed against a child or proceedings in which a decision on the protection of a child's rights and interests is to be taken, or makes public a decision taken in these proceedings.

Disclosing the Identity of a Person in Danger or Protected Witness

Article 308

Whoever communicates, hands over to another or publishes without authorisation information on the identity of a person in danger or a person who has been or will be questioned as a protected witness, or with respect to whom the procedure for inclusion in the witness protection programme pursuant to a special act has been instituted or who has been included in the witness protection programme, or whoever takes any other action with the aim of disclosing information on the identity of this person or with the aim of tracking down this person,

shall be punished by imprisonment from six months to five years.

Uprising of Persons Deprived of Liberty

Article 309

(1) Whoever participates in a gathering of persons deprived of liberty, in an institution in which he or she resides pursuant to a lawful decision depriving him or her of liberty, with the aim of setting themselves free by violent means, or jointly attacking official persons in that institution or coercing them to do or refrain from doing something which constitutes a violation of their duties,

shall be punished by imprisonment not exceeding three years.

(2) Whoever by the use of force or by threat of immediate attack on the life or limb of a person flees from an institution in which he or she resides pursuant to a lawful decision depriving him or her of liberty,

shall be punished by imprisonment from six months to five years.

(3) The perpetrator of the criminal offence referred to in paragraph 1 of this Article who, after an official person calls on him or her to do so, abstains from participating in the gathering may have his or her punishment remitted.

Enabling a Person Deprived of Liberty to Flee

Article 310

Whoever incites a person who has been deprived of liberty under the law, to flee or assists him or her in flight,

shall be punished by imprisonment not exceeding three years.

Failure to Comply with Security Measures

Article 311

(1) Whoever violates an obligation imposed on him or her by a security measure

shall be punished by imprisonment not exceeding two years.

(2) There shall be no criminal offence referred to in paragraph 1 of this Article if the violation of the obligation referred to in paragraph 1 has led to the application of Article 55, paragraph 8, or Article 58, paragraph 5, of this Code.

Coercion against a Judicial Official

Article 312

Whoever by the use of force or by threat of any kind of evil prevents a judge, state attorney, notary public or other judicial official from taking an action or making a decision within the limits of his or her authority or coerces him or her to take an action or make a decision within or beyond the limits of his or her authority,

shall be punished by imprisonment from six months to five years.

Unlicensed Practice of Law

Article 313

Whoever engages without authorisation in providing legal aid for a fee, shall be punished by imprisonment not exceeding six months.

TITLE XXX

CRIMINAL OFFENCES AGAINST PUBLIC ORDER

Coercion against a Public Official

Article 314

(1) Whoever by the use of force or threat of immediate use of force prevents a public official from performing an official act falling within the limits of his or her authority or coerces him or her to perform an official act within or beyond the limits of his or her authority

shall be punished by imprisonment from six months and five years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article the life or limb of a public official is endangered or a public official is inflicted a bodily injury or if during its commission a weapon or other dangerous instrument is used, the perpetrator shall be punished by imprisonment from one to eight years.

(3) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article against a person assisting, with authorisation, a public official in the performance of an official act

shall be punished as if he or she committed the offence against a public official.

(4) If the perpetrator of any of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article is provoked by unlawful, inconsiderate or rude treatment on the part of a public official or a person authorised to assist the public official, his or her punishment may be remitted.

Attack on a Public Official

Article 315

(1) Whoever by the use of force or threat of use of force, in cases not falling under Articles 312 and 314 of this Code, attacks a military person, police official, authorised public official of the Military Police, public official entrusted to guard persons who, under the law, have been deprived of liberty, in the performance of their official duties

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever by the use of force or threat of use of force puts up resistance to a public official in the performance of an official act or implementation of a lawful decision or measure of a state body.

(3) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article against a person assisting, with authorisation, a public official in the performance of an official act

shall be punished as if he or she committed the offence against a public official.

(4) If as a result of the criminal offence referred to in paragraph 1, 2 or 3 of this Article the life or limb of a public official or a person assisting the public official in the performance of an official act is endangered or a bodily injury is inflicted on him or her or if during the commission of the offence a weapon or other dangerous instrument is used,

the perpetrator shall be punished by imprisonment from one to eight years.

(5) If the perpetrator of any of the criminal offences referred to in paragraphs 1, 2 and 3 of this Article is provoked by unlawful, inconsiderate or rude treatment on the part

of a public official or a person authorised to assist the public official, his or her punishment may be remitted.

False Alarm

Article 316

Whoever falsely informs the police or other public service ensuring order or providing assistance of an event which requires urgent action by this service, shall be punished by imprisonment not exceeding three years.

Removal and Damage of an Official Seal and Mark

Article 317

(1) Whoever removes or damages the official seal or mark placed by an authorised public official for the purpose of securing objects, premises or locations, or whoever without removing or damaging the seal or mark enters such premises or location or opens a secured object

shall be punished by imprisonment not exceeding three years.

(2) The attempt of criminal offence referred to in paragraph 1 of this Article shall be punishable.

Taking or Destroying an Official Seal or Official Document

Article 318

(1) Whoever unlawfully takes, conceals, destroys, damages or otherwise makes unusable an official seal, book, file or document,

shall be punished by imprisonment not exceeding three years.

(2) If the offence referred to in paragraph 1 of this Article is committed by a public official to whom the official seal, book, file or document was entrusted or available in the performance of his or her official duties,

he or she shall be punished by imprisonment from six months to five years.

(3) The attempt of criminal offence referred to in paragraph 1 of this Article shall be punishable.

Damage to and Illicit Export of Cultural Property

Article 319

(1) Whoever damages or destroys an item of cultural property shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, without the competent authority's permission, permanently exports or transfers from the Republic of Croatia an item of cultural property or fails to return it to the Republic of Croatia within the time limit specified in the permission.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article considerable damage occurs or the cultural property in question is of national significance,

the perpetrator shall be punished by imprisonment from six months to five years.

(4) The attempt of criminal offence referred to in paragraph 1 and 2 of this Article shall be punishable.

Illicit Research Work and Appropriation of Cultural Property

Article 320

(1) Whoever, contrary to prohibition or without the competent authority's permission, undertakes conservation, restoration, research or other work, archaeological excavations or research, as a result of which cultural property is destroyed or damaged or loses its characteristics which determine it as a cultural good,

shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed against cultural property of national significance or if considerable damage is caused,

the perpetrator shall be punished by imprisonment from six months to five years.

(3) The same punishment as referred to in paragraph 2 of this Article shall be inflicted on whoever, on the occasion of archaeological or other research, appropriates an excavated or found object that represents a cultural good.

Destruction or Concealment of Archival Materials

Article 321

Whoever, contrary to regulations, destroys, conceals or renders unusable archival or registered materials or transfers them from the Republic of Croatia without the competent authority's permission,

shall be punished by imprisonment from six months to five years.

Unauthorised Performance of an Official Act

Article 322

Whoever performs without authorisation any act which only a public official or member of the armed forces is authorised to perform

shall be punished by imprisonment not exceeding one year.

Illegal Debt Collection

Article 323

(1) Whoever by the use of force or serious threat collects a claim from another that is owed to him or her or a third party by this person,

shall be punished by imprisonment from six months to five years.

(2) If during the commission of the criminal offence referred to in paragraph 1 of this Article the perpetrator uses force or threat of immediate attack on the life or limb of the debtor or another person,

shall be punished by imprisonment from one to eight years.

(3) If during the commission of the criminal offence referred to in paragraph 2 of this Article a weapon or other dangerous instrument is used,

the perpetrator shall be punished by imprisonment from one to ten years.

Provoking Riots

Article 324

(1) Whoever participates in a crowd that by the use of violence against other persons or property, or by use of threats of committing violence is jeopardising public order, or whoever incites the crowd to violence,

shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed out of hatred, against a larger number of persons, by the use of weapons or dangerous instruments, or the life or limb of another person is thereby put at risk, or considerable material damage is thereby caused,

the perpetrator shall be punished by imprisonment from six months to five years.

(3) The perpetrator referred to in paragraph 1 or 2 of this Article who moves away at the request of an official person before he or she himself or herself commits violence shall not be punished for the criminal offences referred to in paragraphs 1 and 2 of this Article.

Public Incitement to Violence and Hatred

Article 325

(1) Whoever in print, through radio, television, computer system or network, at a public gathering or in some other way publicly incites to or makes available to the public tracts, pictures or other material instigating violence or hatred directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent, colour, gender, sexual orientation, gender identity, disability or any other characteristics

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever publicly approves of, denies or grossly trivialises the crimes of genocide, crimes of aggression, crimes against humanity or war crimes, directed against a group of persons or a member of such a group on account of their race, religion, national or ethnic origin, descent or colour in a manner likely to incite to violence or hatred against such a group or a member of such a group.

(3) The attempt of criminal offence referred to in paragraph 1 and 2 of this Article shall be punishable.

Unlawful Entry into, Movement or Residence in the Republic of Croatia

Article 326

(1) Whoever enables or assists out of gain one or more persons who are not nationals of the Republic of Croatia to illegally enter, move or reside in the Republic of Croatia

shall be punished by imprisonment not exceeding three years.

(2) If during the commission of the criminal offence referred to in paragraph 1 of this Article the life or limb of a person illegally entering, moving or residing in the Republic of Croatia is endangered, or the said person is treated in an inhumane or degrading manner, or the offence is committed by a public official in the performance of his or her official duties,

the perpetrator shall be punished by imprisonment from six months to five years.

(3) The attempt of criminal offence referred to in paragraph 1 of this Article shall be punishable.

Conspiracy to Commit a Criminal Offence

Article 327

(1) Whoever conspires with another to commit a criminal offence for which a punishment of imprisonment exceeding three years may be imposed under the law shall be punished by imprisonment not exceeding three years.

(2) A perpetrator who uncovers the conspiracy referred to in paragraph 1 of this Article before the agreed upon criminal offence is committed may have his or her punishment remitted.

Criminal Association

Article 328

(1) Whoever organises or directs a criminal association shall be punished by imprisonment from six months to five years.

(2) Whoever participates in the association referred to in paragraph 1 of this Article but has not as yet committed any criminal offence for this association, or whoever carries out an act which in itself does not constitute a criminal offence but which he or she knows furthers the goal of a criminal association, or whoever financially or otherwise supports a criminal association

shall be punished by imprisonment not exceeding three years.

(3) The perpetrator of a criminal offence referred to in paragraph 1 or 2 of this Article who by timely disclosure of a criminal association prevents the commission of any of the criminal offences set forth in paragraph 4 of this Article or a member of a criminal association who discloses a criminal association before committing, as its member or on its behalf, any of the criminal offences set forth in paragraph 4 of this Article may have his or her punishment remitted.

(4) A criminal association shall be made up of three or more persons acting in concert with the aim of committing one or more criminal offences that are punishable with imprisonment for a term longer than three years and shall not include an association randomly formed for the immediate commission of one criminal offence.

Committing a Criminal Offence as a Member of a Criminal Association

Article 329

(1) Whoever, knowing about the aim of a criminal association or its criminal activities, commits a criminal offence as a member of such an association or incites another to commit a criminal offence as a member of such an association shall be punished by:

1. imprisonment from six months to five years in the case of a criminal offence for which a maximum penalty of three years is prescribed;

2. imprisonment from one to ten years in the case of a criminal offence for which a maximum penalty of five years is prescribed;

3. imprisonment from three to twelve years in the case of a criminal offence for which a maximum penalty of eight years is prescribed;

4. imprisonment from three to fifteen years in the case of a criminal offence for which a maximum penalty of ten or twelve years is prescribed;

5. imprisonment from five to twenty years in the case of a criminal offence for

which a maximum penalty of fifteen years is prescribed;

6. imprisonment for a term not less than ten years or to long-term imprisonment in the case of a criminal offence for which a maximum penalty of twenty years is prescribed.

(2) Whoever, knowing about the goal of a criminal association or its criminal activity, assists another to commit a criminal offence as a member of such an association shall be punished by imprisonment prescribed in paragraph 1 of this Article or his or her punishment may be mitigated .

(3) If the perpetrator referred to in paragraph 1 or 2 of this Article substantially contributes to the discovery of a criminal association, his or her punishment may be mitigated.

Making and Procuring Weapons and Means for Committing a Criminal Offence

Article 330

(1) Whoever makes or procures weapons, explosive devices, the means required for their making, or poisons which he or she knows are intended for the commission of a criminal offence, or enables another to obtain them

shall be punished by imprisonment not exceeding three years.

(2) Whoever makes or cedes to another a false key, master key, electronic device or any other means or device for breaking in, despite knowing it is intended for the commission of a criminal offence,

shall be punished to imprisonment not exceeding one year.

(3) The means referred to in paragraphs 1 and 2 of this Article shall be confiscated.

Unlawful Possession, Making and Procurement of Weapons and Explosive Devices

Article 331

(1) Whoever, without authorisation, makes, procures, possesses, sells or in any other way procures for himself or herself or another, firearms, ammunition, explosive devices or their component or spare parts, whose procuring, selling or possessing is prohibited to citizens, in the absence of prior authorisation,

shall be punished by imprisonment not exceeding three years.

(2) Whoever, without authorisation, possesses, procures, makes, sells or exchanges, imports or exports, large quantities of firearms, ammunition, explosive devices or their component or spare parts

shall be punished by imprisonment from six months to five years.

(3) The same punishment as referred to in paragraph 2 of this Article shall be inflicted on whoever makes or improves, produces, procures, stocks, offers for sale, sells or purchases, mediates in the purchase or sale, possesses, transfers or transports chemical or biological weapons or other means of combat prohibited under international law.

(4) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever sells or exports weapons to a country in which children are used as mercenaries.

(5) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever possesses, procures, makes, sells or exchanges, without authorisation, the means required for making firearms, ammunition or explosive devices.

(6) Firearms, ammunition, explosive devices and their component or spare parts shall be seized.

Disturbing the Peace of the Dead

Article 332

(1) Whoever, without authorisation, exhumes, digs up, demolishes, damages or otherwise grossly desecrates, a grave, burial site or memorial to the dead shall be punished by imprisonment not exceeding one year.

(2) Whoever, without authorisation, exhumes, takes away, damages, destroys, conceals or moves, the body, foetus, body part or ashes of a dead person, or whoever desecrates a body

shall be punished by imprisonment not exceeding two years.

(3) The attempt of criminal offence referred to in paragraph 2 of this Article shall be punishable.

TITLE XXXI

CRIMINAL OFFENCES AGAINST THE RIGHT TO VOTE

Violation of the Voters' Freedom of Choice

Article 333

Whoever, by the use of force, serious threat, bribery, or in any other unlawful way exerts an influence on a voter to vote at elections in a certain way or to refrain from voting,

shall be punished by imprisonment from six months to five years.

Denial of the Right to Vote

Article 334

Whoever in the exercise of an election-related duty entrusted to him or her unlawfully fails to register another on the electoral roll or removes him or her from this roll, or otherwise denies him or her the right to vote,

shall be punished by imprisonment not exceeding three years.

Abuse of the Right to Vote

Article 335

(1) A voter who, after having cast a vote, recasts his or her vote in the same elections or votes instead of another person under this person's name, shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever enables another to recast his or her vote.

Violation of the Secrecy of the Ballot

Article 336

Whoever violates, in the elections, the secrecy of the ballot or without the consent of a voter discloses how this voter voted,
shall be punished by imprisonment not exceeding one year.

Destruction and Falsification of Ballot Documentation

Article 337

(1) Whoever destroys, conceals, damages or takes away without authorisation any ballot document or object used for electoral purposes,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever lists on the electoral roll a nonexistent or deceased person or a person not entitled to vote.

Electoral Fraud

Article 338

Whoever by adding, subtracting or deleting votes or otherwise falsifies the election result,

shall be punished by imprisonment from six months to five years.

Bribing Representatives

Article 339

(1) Whoever, as a member of the Croatian Parliament, European Parliament or councillor of a representative body of a unit of local or regional self-government solicits or accepts a bribe or accepts an offer or a promise of a bribe in order to vote in a certain manner in the representative body,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever offers, promises or gives a bribe to a member of the Croatian Parliament, European Parliament or councillor of a representative body of a unit of local or regional self-government so that the latter would vote in a certain manner in the representative body.

TITLE XXXII

CRIMINAL OFFENCES AGAINST THE REPUBLIC OF CROATIA

High Treason

Article 340

Whoever by the use of force or by threat of use of force or in any other illegal manner jeopardises the territorial integrity or constitutional structure of the Republic of Croatia,

shall be punished by imprisonment for not less than five years.

Acceding to Occupation and Capitulation

Article 341

Whoever signs or accedes to capitulation or whoever accepts or accedes to occupation of the Republic of Croatia or a part of its state territory, shall be punished by imprisonment for not less than five years.

Preventing the Fight against Enemies

Article 342

(1) A citizen of the Republic of Croatia who in times of war or armed conflict in which the Republic of Croatia takes part prevents the citizens of the Republic of Croatia or of its allies to fight the enemies,

shall be punished by imprisonment from one to ten years.

(2) For the purpose of this Title, an alien residing in the Republic of Croatia shall also be deemed to be a citizen of the Republic of Croatia.

Serving in the Enemy's Army

Article 343

(1) A citizen of the Republic of Croatia who in times of war or armed conflict in which the Republic of Croatia takes part, serves in the enemy's army or is a member of other armed groups engaged in combat operations against the Republic of Croatia or its allies, shall be punished by imprisonment from three to fifteen years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever attempts to persuade, gathers together, takes away or otherwise recruits citizens of the Republic of Croatia to serve in the enemy's armed forces or armed groups engaged in combat operations against the Republic of Croatia or its allies, or to participate in the war or armed conflict against the Republic of Croatia or its allies.

Assisting the Enemy

Article 344

A citizen of the Republic of Croatia who in times of war or armed conflict in which the Republic of Croatia takes part, assists the enemy with the implementation of coercive measures against the citizens or who politically or economically collaborates with the enemy,

shall be punished by imprisonment from one to ten years.

Undermining the Military and Defensive Powers of the State

Article 345

Whoever destroys or renders unusable defence installations, facilities, positions, weapons or other military or defensive means, or enables them to fall into enemy hands, or surrenders troops to the enemy, or otherwise obstructs or jeopardises military and defensive measures and the power of the Croatian state,

shall be punished by imprisonment from three to fifteen years.

Coercion against the Most Senior State Officials of the Republic of Croatia

Article 346

(1) Whoever, in cases not falling under Article 97 of this Code, by the use of force or by threat of immediate use of force prevents the President of the Republic of Croatia,

the President of the Parliament or a member of the Croatian Parliament, the Prime Minister or a member of the Government of the Republic of Croatia, the president or a judge of the Constitutional Court of the Republic of Croatia from performing their duties or forces them to perform their duties in a certain manner,

shall be punished by imprisonment from one to eight years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article the life or limb of a person referred to in paragraph 1 of this Article is endangered or he or she is inflicted a bodily injury, or if during the commission of the said offence weapons or other dangerous instruments are used,

the perpetrator shall be punished by imprisonment from three to twelve years.

Disclosure of Secret Information

Article 347

(1) Whoever makes available to an unauthorised person secret information entrusted to him or her,

shall be punished by imprisonment from six months to five years.

(2) Whoever obtains a secret piece of information with the aim that he or she or another person uses it without authorisation, or whoever makes available to another such a piece of information which has come into his or her possession by accident,

shall be punished by imprisonment not exceeding three years.

(3) Whoever commits the offence referred to in paragraph 1 or 2 of this Article out of greed,

shall be punished by imprisonment from one to ten years.

(4) Whoever commits the criminal offence referred to in paragraph 1 or 2 of this Article in a state of war or imminent threat of war

shall be punished by imprisonment from three to twelve years.

(5) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence,

shall be punished by imprisonment not exceeding three years.

Espionage

Article 348

(1) Whoever makes available to a foreign state, foreign organisation, foreign legal person or a person working for them secret intelligence entrusted to him or her or which he or she has unlawfully obtained,

shall be punished by imprisonment from one to ten years.

(2) Whoever collects secret intelligence without authorisation with the aim of making it available to a foreign state, foreign organisation, foreign legal person or a person working for them,

shall be punished by imprisonment from six months to five years.

(3) Whoever organises for a foreign state or organisation an intelligence service in the territory of the Republic of Croatia, or joins a foreign intelligence service acting against the interests of the Republic of Croatia, or assists it in its work,

shall be punished by imprisonment from one to ten years.

(4) Whoever commits the criminal offence referred to in paragraph 1 or 3 of this Article in times of war or armed conflict in which the Republic of Croatia takes part,

shall be punished by imprisonment for not less than five years.

(5) Whoever commits the criminal offence referred to in paragraph 2 of this Article in times of war or armed conflict in which the Republic of Croatia takes part, shall be punished by imprisonment from three to fifteen years.

Damaging the Reputation of the Republic of Croatia

Article 349

Whoever exposes the Republic of Croatia, its flag, coat of arms, or national anthem to public ridicule, contempt or gross disparagement, shall be punished by imprisonment not exceeding one year.

Preparing the Commission of Criminal Offences against the Republic of Croatia

Article 350

Whoever prepares the commission of criminal offences referred to in Articles 340, 342 and 345 of this Code, shall be punished by imprisonment from six months to five years.

Punishment of the Most Serious Forms of Criminal Offences against the Republic of Croatia

Article 351

(1) If the criminal offence referred to in Article 340, 341, 347 or 348 of this Code is committed by the President of the Republic of Croatia, the Prime Minister or a member of the Government of the Republic of Croatia, or the President of the Croatian Parliament,

he or she shall be punished by imprisonment for not less than ten years or by long-term imprisonment.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on the perpetrator who by committing any of the criminal offences referred to in Articles 340 through 348 of this Code causes the death of one or more persons or large-scale destruction.

TITLE XXXIII

CRIMINAL OFFENCES AGAINST A FOREIGN STATE OR INTERNATIONAL ORGANISATION

Murder of an Internationally Protected Person

Article 352

(1) Whoever kills an internationally protected person shall be punished by imprisonment for not less than ten years or to long-term imprisonment.

(2) An internationally protected person shall mean a head of state, head of Government or minister for foreign affairs, whenever any such person is in a foreign state, and any official agent of an internationally recognised organisation, as well as members of their families accompanying them when they, their official premises, private accommodation

or means of transport can easily be recognised as enjoying special protection under international law.

Kidnapping of an Internationally Protected Person

Article 353

(1) Whoever kidnaps an internationally protected person, shall be punished by imprisonment from three to twelve years.

(2) If as a result of the commission of the criminal offence referred to in paragraph 1 of this Article the kidnapped person dies, the perpetrator shall be punished by imprisonment for not less than five years.

Attack on an Internationally Protected Person

Article 354

(1) Whoever commits violence against an internationally protected person or attacks his or her official premises, private accommodation or means of transport shall be punished by imprisonment from one to eight years.

(2) If as a result of the commission of the criminal offence referred to in paragraph 1 of this Article the person referred to in paragraph 1 of this Article dies, the perpetrator shall be punished by imprisonment from three to twelve years.

Threat to an Internationally Protected Person

Article 355

Whoever jeopardises the safety of an internationally protected person by a serious threat of committing against the said person any of the criminal offences referred to in Articles 352 through 354 of this Code,

shall be punished by imprisonment from six months to five years.

Damaging the Reputation of a Foreign State and International Organisation

Article 356

(1) Whoever exposes a foreign state, its flag, coat of arms or national anthem to public ridicule, contempt or gross disparagement shall be punished by imprisonment not exceeding one year.

(2) The same punishment as referred to in paragraph 1 of this Article shall be imposed on whoever exposes to ridicule, contempt or gross disparagement the United Nations, European Union, Council of Europe, International Red Cross or any other recognised international organisation.

(3) Criminal proceedings shall be initiated on the basis of an approval from the State Attorney of the Republic of Croatia who may grant such approval after having obtained consent from the state, international organisation or person against whom the criminal offence has been committed.

TITLE XXXIV

CRIMINAL OFFENCES AGAINST THE ARMED FORCES OF THE REPUBLIC OF CROATIA

Failure and Refusal to Carry out an Order

Article 357

(1) A member of the armed forces who fails or refuses to carry out an order of his or her superior given in the line of duty and thus seriously jeopardises the service shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed in a state of war or imminent threat to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment from six months to five years.

Refusal to Take Up Arms and Abuse of Arms

Article 358

(1) A member of the armed forces who refuses to take up or use arms, shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a member of the armed forces who uses arms in violation of an order or the rules of the service, unless thereby a more serious criminal offence is committed.

(3) If the criminal offence referred to in paragraph 1 or 2 of this Article is committed in a state of war or imminent threat to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment from six months to five years.

(4) There shall be no criminal offence referred to in paragraph 1 of this Article in the case of a member of the armed forces whose objection of conscience application is approved in the prescribed proceedings.

Opposition to a Guard or Sentry

Article 359

(1) A member of the armed forces who opposes a guard, sentry or other member of the armed forces in a similar service in the performance of their official duties, as well as a member of the armed forces who disobeys the latter's call or fails or refuses to carry out the latter's orders and thus seriously jeopardises the service, shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed in a state of war or imminent threat to the independence and unity of the Republic of Croatia, the perpetrator shall be punished by imprisonment from six months to five years.

Refusal to Obey

Article 360

(1) A member of the armed forces who together with other members of the armed forces defies an order by a superior given in the line of duty, or fails or refuses to obey an order (Article 357), or uses force or threat against a member of the armed forces (Article 314), or attacks a member of the armed forces performing his or her official duty (Article 315)

shall be punished by imprisonment from one to eight years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed using arms, in an organised manner or in a state of war or imminent threat to the independence and unity of the Republic of Croatia,

the perpetrator shall be punished by imprisonment from one to ten years.

(3) If as a result of the commission of the criminal offence referred to in paragraph 1 or 2 of this Article another person dies,

the perpetrator shall be punished by imprisonment from three to fifteen years.

(4) If a participant referred to in paragraph 1 of this Article obeys the order of a superior and desists from committing any of the criminal offences set forth in paragraph 1 of this Article,

he or she shall be punished by imprisonment not exceeding three years.

Mitigation of Punishment for Criminal Offences Referred to in Articles 357 and 360

Article 361

If the perpetrator of the criminal offence referred to in Article 357, paragraph 1, or Article 360, paragraph 1, of this Code was provoked by unlawful or harsh treatment by a member of the armed forces against whom the criminal offence has been committed, his or her punishment may be remitted.

Maltreatment and Degrading Treatment of a Subordinate or Junior Person in Service

Article 362

(1) A member of the armed forces who in service or in connection with the service maltreats his or her subordinate or junior person in service than him or her, or who treats the said person in a degrading manner or malevolently renders the service more difficult for him or her

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a member of the armed forces who requests from or forces his or her subordinate to maltreat another member of the armed forces or to treat him or her in a degrading manner or to render the service more difficult for him or her.

(3) If as a result of the criminal offence referred to in paragraph 1 or 2 of this Article the abused person's health is undermined, or if the criminal offence referred to in paragraph 1 or 2 of this Article is committed against a number of persons, or if the perpetrator persistently and repeatedly commits the same offence,

the perpetrator shall be punished by imprisonment from six months to five years.

Violation of Sentry, Internal or Other Similar Duty

Article 363

(1) A member of the armed forces who violates the regulations on sentry or internal or any other similar duty and thereby seriously jeopardises the service shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed at an arms, ammunition or explosive ordnances depot or another facility especially

important for defence purposes or if a serious bodily injury or extensive material damage is caused by the said offence,

the perpetrator shall be punished by imprisonment from one to eight years.

(3) If the criminal offence referred to in paragraph 1 or 2 of this Article is committed in a state of war or imminent threat to the independence and unity of the Republic of Croatia,

the perpetrator shall be punished by imprisonment from one to eight years.

Submitting False Reports and Failure to Report

Article 364

(1) A member of the armed forces who in performing his or her duty fails to submit a report or in a report suppresses a fact he or she should not suppress or submits a report the contents of which are not true and thus jeopardises the service

shall be punished by imprisonment not exceeding three years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed in a state of war or imminent threat to the independence and unity of the Republic of Croatia,

the perpetrator shall be punished by imprisonment from six months to five years.

(3) A member of the armed forces who in a state of war or immediate threat to the independence and unity of the Republic of Croatia fails to inform his or her superior or senior person or the military command of an event which evidently calls for the taking of immediate military measures

shall be punished by imprisonment not exceeding one year.

(4) The attempt of the criminal offence referred to in paragraph 1 of this Article shall be punishable.

Failure to Take Measures for the Protection of a Military Unit

Article 365

(1) A member of the armed forces who fails to take the prescribed, ordered or other obviously necessary measures for protecting the life and health of persons entrusted to him or her, securing and keeping in good repair facilities, objects or means ensuring combat readiness, ensuring regular supply of food, equipment and materials to the unit entrusted to him or her, keeping and caring for official animals, or timely and proper performance of security works or securing of facilities entrusted to him or her and thereby endangers the life or limb of people

shall be punished by imprisonment not exceeding three years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a serious bodily injury of a person or considerable material damage is caused,

the perpetrator shall be punished by imprisonment from one to eight years.

(3) If the criminal offence referred to in paragraph 1 or 2 of this Article is committed in a state of war or imminent threat to the independence and unity of the Republic of Croatia,

the perpetrator shall be punished by imprisonment from three to fifteen years.

(4) If the criminal offence referred to in paragraph 2 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment not exceeding three years and if the criminal offence referred to in paragraph 3 of this Article is committed by negligence, the perpetrator shall be punished by imprisonment from one to eight years

Failure to Take Security Measures during Military Exercises

Article 366

(1) Whoever during a military exercise, training or tests fails to take the prescribed, ordered or obviously necessary security measures or precautions and thereby endangers the life or limb of people,

shall be punished by imprisonment not exceeding three years.

(2) If as a result of the criminal offence referred to in paragraph 1 of this Article a serious bodily injury of a person or considerable material damage to is caused or if the criminal offence referred to in paragraph 1 of this Article is committed in a state of war or imminent threat to the independence and unity of the Republic of Croatia,

the perpetrator shall be punished by imprisonment from one to eight years.

(3) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence,

the perpetrator shall be punished by imprisonment not exceeding one year.

(4) If as a result of the criminal offence referred to in paragraph 3 of this Article a serious bodily injury of a person or considerable material damage is caused or if the criminal offence referred to in paragraph 3 of this Article is committed in a state of war or immediate threat to the independence and unity of the Republic of Croatia,

the perpetrator shall be punished by imprisonment not exceeding three years.

Ignoring the Call-Up Notice and Evading Military Service

Article 367

(1) Whoever, in a state of war or imminent threat to the independence and unity of the Republic of Croatia, for no justified reason fails to report at the set time for military service although he or she is called up by way of an individual or general call-up notice

shall be punished by imprisonment from six months to five years.

(2) Whoever calls on or instigates a number of persons to commit the criminal offence referred to in paragraph 1 of this Article

shall be punished by imprisonment not exceeding three years.

(3) The perpetrator of the criminal offence referred to in paragraph 1 of this Article who voluntarily reports to the competent state authority for military service may have his or her punishment remitted.

Evading Military Service by Mutilation or Deception

Article 368

(1) Whoever, with the aim that he or she or another evade military service or be assigned to an easier post, injures or otherwise renders himself or herself or another unfit for military service or a duty, where the other person has consented to this, or permits another to render him or her unfit for military service or a duty,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment referred to in paragraph 1 of this Article shall be inflicted on whoever, with the aim that he or she or another evade military service or be assigned to an easier post, simulates a disease, uses a forged document for himself or herself or another, or acts in any other deceitful manner.

(3) Whoever commits the offence referred to in paragraph 1 of this Article in a

state of war or imminent threat to the independence and unity of the Republic of Croatia shall be punished by imprisonment from six months to five years.

Illegal Exemption from Military Service

Article 369

Whoever in a state of war or imminent threat to the independence and unity of the Republic of Croatia abuses his or her position or authority in order that a member of the armed forces or a person subject to military duty be exempt from duty or appointed to an easier post

shall be punished by imprisonment from one to eight years.

Irregular or Careless Treatment of Entrusted Arms, Military Equipment and Other Defensive Means

Article 370

(1) Whoever irregularly or carelessly holds, keeps or handles arms, military equipment and other defensive means entrusted to him or her and thereby causes substantial damage to them, their destruction or disappearance

shall be punished by imprisonment not exceeding one year.

(2) The operator of the depot in which the armaments referred to in paragraph 1 of this Article are stored who fails to take measures to secure them or ensure their maintenance and thereby causes damage to these armaments, or their destruction or disappearance

shall be punished by imprisonment from six months to five years.

(3) If by the criminal offence referred to in paragraph 2 of this Article considerable material damage is caused,

the perpetrator shall be punished by imprisonment from one to eight years.

(4) If the criminal offence referred to in paragraph 2 of this Article is committed by negligence,

the perpetrator shall be punished by imprisonment not exceeding three years.

(5) If as a result of the criminal offence referred to in paragraph 4 of this Article the consequence referred to in paragraph 3 of this Article is caused,

the perpetrator shall be punished by imprisonment from six months to five years.

Unauthorised Entry into Military Facilities and the Making of Sketches or Drawings of Military Facilities and Implements of War

Article 371

(1) Whoever in a state of war or imminent threat to the independence and unity of the Republic of Croatia enters without authorisation, for the purpose of scouting, a military facility despite knowing that access is prohibited,

shall be punished by imprisonment not exceeding three years.

(2) Whoever in a state of war or imminent threat to the independence and unity of the Republic of Croatia makes sketches or drawings of military facilities or implements of war without authorisation or takes photographs of them or otherwise records them,

shall be punished by imprisonment from six months to five years.

Defection and Surrender to the Enemy

Article 372

(1) A member of the armed forces who in times of war or armed conflict defects to the enemy or the adverse party,

shall be punished by imprisonment for not less than five years.

(2) A member of the armed forces who in times of war surrenders to the enemy or the adverse party before having exhausted all possibilities of defence,

shall be punished by imprisonment from three to fifteen years.

Failure to Carry-out or Abandonment of Duty during Combat Operations

Article 373

(1) A member of the armed forces who during or immediately before combat operations fails to carry-out his or her duty and thereby causes damage to his or her military unit or combat situation,

shall be punished by imprisonment from three to fifteen years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on a member of the armed forces who during or immediately before combat operations fails to carry-out his or her duty or wilfully or deceitfully abandons his or her duty.

Abandonment of a Position Contrary to Orders

Article 374

A member of the armed forces who during or immediately before combat operations abandons, contrary to an order, a position with the unit entrusted to him or her before having exhausted all possibilities of defence,

shall be punished by imprisonment from three to fifteen years.

Premature Abandonment of a Damaged Vessel or Aircraft

Article 375

The commander of a warship or a member of the crew of a warship or warplane who in times of war or armed conflict abandons a damaged vessel or aircraft before having performed his or her duties according to vessel service regulations or flight regulations and rules on aircraft use,

shall be punished by imprisonment from one to eight years.

Leaving Undamaged Implements of War to the Enemy

Article 376

(1) A member of the armed forces who allows an essentially undamaged military depot, vessel, aircraft, tank or other similar implement of war to fall into enemy hands,

shall be punished by imprisonment from six months to five years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, contrary to an order, allows an essentially undamaged installation or other facilities important for defence to fall into enemy hands.

Undermining Combat Morale and Impairing Combat Situation

Article 377

(1) A member of the armed forces who during or immediately before combat operations, by throwing away arms or ammunition, fear mongering, provoking riots or creating confusion, or in any other way undermines a unit's combat morale, combat readiness or causes damage to the combat situation,

shall be punished by imprisonment from three to twelve years.

(2) A member of the armed forces who fails to take requisite measures against a subordinate who during or immediately before combat operations fuels fear among soldiers, provokes riots or creates confusion in a unit, or otherwise undermines a unit's combat morale or causes damage to the combat situation,

shall be punished by imprisonment from one to eight years.

Failure to Fulfil Material Obligations

Article 378

(1) Whoever, in a state of war or imminent threat to the independence and unity of the Republic of Croatia, fails to respond or objects, for no justified reason, contrary to statutory obligation, to the making of an inventory or review of manpower or an inventory or review of material resources that are on the list of material resources for defence purposes, or whoever on the occasion of the making of such an inventory or review gives false statements or information,

shall be punished by imprisonment not exceeding three years.

(2) The same punishment as referred to in paragraph 1 of this Article shall be inflicted on whoever, in a state of war or imminent threat to the independence and unity of the Republic of Croatia, fails for no justified reason, contrary to statutory obligation, to make available at the set time and in the prescribed condition, to the authority in charge of defence, material resources that are on the list of material resources for defence purposes.

Failure to Perform Duty during the Carrying Out of Mobilisation

Article 379

(1) A member of the armed forces or a public an official who, during the carrying out of mobilisation in a state of war or imminent threat to the independence and unity of the Republic of Croatia, fails to ensure, contrary to his or her duty, the reception, deployment and accommodation or supply of mobilised manpower, facilities, vehicles, machines, equipment and other resources that are on the list of material resources for defence purposes and thereby causes serious damaging consequences

shall be punished by imprisonment from six months to five years.

(2) If the criminal offence referred to in paragraph 1 of this Article is committed by negligence

the perpetrator shall be punished by imprisonment not exceeding three years.

Responsibility for a Criminal Offence Committed Pursuant to a Superior's Order

Article 380

A member of the armed forces who by acting on an order commits an unlawful act whereby the elements of a criminal offence are materialised shall be guilty only if he or she knew or if it was obvious that by carrying out the order he or she was committing an

unlawful act. The criminal offences referred to in Articles 88 and 90 of this Code shall always be obviously unlawful.

TITLE XXXV

TRANSITIONAL AND FINAL PROVISIONS

Article 381

(1) On the date of the entry into force of this Code, the following shall cease to have effect:

1. Criminal Code (Official Gazette 110/97, 27/98 – corrigendum, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08 and 57/11), with the exception of provisions of Articles 84, 85 and 86 which shall cease to have effect on the date of entry into force of a special act regulating the issues in question;

2. Act on the Criminal Offences against Capital Markets (Official Gazette 152/08);

3. provisions of Article 160 of the Act on the Execution of the Prison Sentence (Official Gazette 128/99, 55/00, 59/00, 129/00, 59/01, 67/01, 11/02, 190/03, 76/07, 27/08, 83/09, 18/11 and 48/11);

4. provisions of Article 31 of the Accounting Act (Official Gazette 109/07);

5. provisions of Article 188 of the Copyright and Related Rights Act (Official Gazette 167/03, 79/07 and 80/11);

6. provisions of Article 65 of the Act on Archive Material and Archives (Official Gazette 105/97, 64/00 and 65/09);

7. provisions of Article 49 of the Act on Medically Assisted Fertilisation (Official Gazette 88/09 and 137/09);

8. provisions of Articles 627 and 629 of the Companies Act (Official Gazette 111/93, 34/99, 121/99, 52/00, 118/03, 107/07, 146/08 and 137/09);

9. provision of Article 129a, paragraph 1, of the Compulsory Health Insurance Act (Official Gazette 150/08, 94/09, 153/09, 71/10, 139/10 and 49/11), while the former paragraph 2 shall become paragraph 1.

(2) On the date of entry into force of this Code, in Article 33, paragraph 1, of the Energy Act (Official Gazette 68/01, 177/04, 76/07, 152/08 and 127/10) the words "and/or that consumes energy without or bypassing measurement devices" shall be deleted.

Article 382

The Government of the Republic of Croatia shall start the process of alignment of the relevant provisions of the Criminal Procedure Act, the Act on the Liability of Legal Persons for Criminal Offences, the Juvenile Courts Act, the Act on the Protection of Persons with Mental Disorders, the Act on the Execution of the Prison Sentence, the Probation Act and other acts containing criminal and other provisions relevant to the application of this Code with the provisions of this Code.

Article 383

Within a period of 30 days from the date of the entry into force of this Code the competent ministers shall adopt the following regulations in line with the provisions of this Code:

1. the minister in charge of the judiciary shall adopt regulations on the procedure for deciding on the granting and the implementation of parole (Articles 59 through

63), on the exercise of protective supervision (Article 64), on the exercise of security measures (Articles 65 through 76), on criminal records and manner of using data from these records (Article 381, paragraph 1, item 1);

2. the minister in charge of the health care system shall adopt a list of therapeutic communities licensed to implement the security measure of mandatory addiction treatment (Article 69), a list of legal or physical persons licensed to implement the security measure of mandatory psychosocial treatment (Article 70) and a list of substances banned in sports (Articles 190 and 191).

Article 384

The execution of final criminal-law sanctions imposed in accordance with the provisions of the Criminal Code and other special regulations referred to in Article 381, paragraph 1, of this Code, the execution of which is pending or ongoing, shall be implemented in accordance with the provisions of this Code from the date of its entry into force.

Article 385

If by the entry into force of this Code the statute of limitations for the confiscation of material gain has not expired, the provision of Article 85, paragraph 4, of this Code shall be applied.

Article 386

This Code contains provisions that are in line with the following European Union acts:

1. Directive 2008/99/EC of the European Parliament and of the Council of 28 November 2002 on the protection of the environment through criminal law;

2. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals;

3. Directive 2010/45/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation;

4. Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements;

5. Directive 2009/123/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements;

6. Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste;

7. Seveso II Directive 96/82/EC, 2003/105/EC on the prevention of major industrial accidents and the limitation of their consequences if they occur;

8. Directive 2002/90/EC of the European Parliament and of the Council of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence;

9. Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation;

10. Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law;

11. Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property;

12. Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings;

13. Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime;

14. Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence;

15. Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism;

16. Council Framework Decision 2005/212/JHA of 24 February 2005 on confiscation of crime-related proceeds, instrumentalities and property;

17. Convention of 26 July 1995 drawn up on the basis of Article K.3 of the Treaty on European Union, on the protection of the European Communities' financial interests (OJ C 316, 27.11.1995, p. 49);

18. Protocol of 27 September 1996 drawn up on the basis of Article K.3 of the Treaty on European Union to the Convention on the protection of the European Communities' financial interests (OJ C 313, 23.10.1996, p. 2);

19. Second Protocol of 19 June 1997 drawn up on the basis of Article K.3 of the Treaty on European Union to the Convention on the protection of the European Communities' financial interests (OJ C 221, 19.7.1997, p. 12);

20. Convention implementing the Schengen Agreement.

Article 387

This Code shall be published in the Official Gazette and shall enter into force on 1 January 2013.

Class: 740-02/11-01/06
Zagreb, 21 October 2011

THE CROATIAN PARLIAMENT

THE PRESIDENT OF
THE CROATIAN PARLIAMENT

Luka Bebić, m.p.