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Republic of Moldova

PARLIAMENT

CODE No. 985
as of 18.04.2002

CRIMINAL CODE
of the Republic of Moldova*

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AMENDED

[Criminal Law 18 as of 15.02.18, Official Gazette 84-93/16.03.18 art.173](#)

[Resolution of the Constitutional Court 33 as of 07.12.17, Official Gazette 27-32/26.01.18 art.4. in fo 07.12.17](#)

[Criminal Law 225 as of 15.12.17, Official Gazette 464-470/29.12.17 art.790; in force 29.12.17](#)

[Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17](#)

[Resolution of the Constitutional Court 22 as of 27.06.17, Official Gazette 352-355/29.09.17 art.92; i force 27.06.17](#)

[Criminal Law 164 as of 20.07.17, Official Gazette 277-288/04.08.17 art.485](#)

[Criminal Law 149 as of 14.07.17, Official Gazette 277-288/04.08.17 art.481](#)

[Criminal Law 141 as of 13.07.17, Official Gazette 277-288/04.08.17 art.469](#)

[Criminal Law 119 as of 23.06.17, Official Gazette 277-288/04.08.17 art.463](#)

[Criminal Law 83 as of 25.05.17, Official Gazette 229-243/07.07.17 art.362](#)

[Criminal Law 49 as of 30.03.17, Official Gazette 155-161/19.05.17 art.253](#)

[Official Gazette of Romania 388 as of 11.11.16, Official Gazette 388-398/11.11.16 page 8](#)

[Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16](#)

[Criminal Law 233 as of 03.10.16, Official Gazette 343-346/04.10.16 art.709](#)

[Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686](#)

[Criminal Law 196 as of 28.07.16, Official Gazette 306-313/16.09.16 art.661](#)

[Criminal Law 201 as of 28.07.16, Official Gazette 293-305/09.09.16 art.630; in force 09.09.16](#)

[Criminal Law 152 as of 01.07.16, Official Gazette 245-246/30.07.16 art.517; in force 01.08.16](#)

[Criminal Law 134 as of 17.06.16, Official Gazette 245-246/30.07.16 art.515; in force 01.08.16](#)

[Criminal Law 123 as of 02.06.16, Official Gazette 232-244/29.07.16 art.492](#)

[Criminal Law 130 as of 09.06.16, Official Gazette 206-214/15.07.16 art.446](#)
[Criminal Law 121 as of 02.06.16, Official Gazette 184-192/01.07.16 art.395](#)
[Criminal Law 105 as of 26.05.16, Official Gazette 184-192/01.07.16 art.391](#)
[Criminal Law 106 as of 26.05.16, Official Gazette 169-183/24.06.16 art.359](#)
[Criminal Law 93 as of 13.05.16, Official Gazette 163-168/17.06.16 art.333](#)
[Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272](#)
[Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246](#)
[Criminal Law 223 as of 03.12.15, Official Gazette 361-369/31.12.15 art.681; in force 31.03.16](#)
[Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675](#)
[Criminal Law 36 as of 09.04.15, Official Gazette 93/14.04.15 art.134; in force 14.04.15](#)
[Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632](#)
[Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559](#)
[Criminal Law 173 as of 25.07.14, Official Gazette 231-237/08.08.14 art.531; in force 08.11.14](#)
[Criminal Law 56 as of 04.04.14, Official Gazette 86/05.04.14 art.207](#)
[Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14](#)
[Criminal Law 318 as of 20.12.13, Official Gazette 17-23/24.01.14 art.48](#)
[Criminal Law 315 as of 20.12.13, Official Gazette 17-23/24.01.14 art.42](#)
[Criminal Law 324 as of 23.12.13, Official Gazette 320-321/31.12.13 art.871; in force 01.01.14](#)
[Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794](#)
[Resolution of the Constitutional Court 18 as of 23.08.13, Official Gazette 182-185/23.08.13 art.27; in force 04.07.13](#)
[Criminal Law 145 as of 14.06.13, Official Gazette 161-166/26.07.13 art.516; in force 26.10.13](#)
[Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423](#)
[Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359](#)
[Criminal Law 53 as of 29.03.13, Official Gazette 97-103/03.05.13 art.320](#)
[Criminal Law 40 as of 21.03.13, Official Gazette 91/20.04.13 art.280](#)
[Criminal Law 38 as of 21.03.13, Official Gazette 75-81/12.04.13 art.233](#)
[Criminal Law 43 as of 22.03.13, Official Gazette 82/12.04.13 art.256](#)
[Criminal Law 20 as of 01.03.13, Official Gazette 64-68/29.03.13 art.199](#)
[Criminal Law 304 as of 26.12.12, Official Gazette 48/05.03.13 art.150; in force 05.03.13](#)
[Criminal Law 306 as of 26.12.12, Official Gazette 27-30/08.02.13 art.104](#)
[Criminal Law 290 as of 21.12.12, Official Gazette 27-30/08.02.13 art.102](#)
[Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855](#)
[Criminal Law 213 as of 12.10.12, Official Gazette 234-236/09.11.12 art.748](#)
[Criminal Law 128 as of 08.06.12, Official Gazette 143-148/13.07.12 art.473](#)
[Criminal Law 134 as of 14.06.12, Official Gazette 135-141/06.07.12 art.449](#)
[Criminal Law 34 as of 24.05.12, Official Gazette 126-129/22.06.12 art.405; in force 01.07.12](#)
[Criminal Law 77 as of 12.04.12, Official Gazette 103/29.05.12 art.347](#)
[Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334](#)
[Criminal Law 73 as of 12.04.12, Official Gazette 99-102/25.05.12 art.332](#)
[Criminal Law 33 as of 06.05.12, Official Gazette 99-102/25.05.12 art.330](#)
[Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77](#)
[Criminal Law 262 as of 19.12.11, Official Gazette 21-24/27.01.12 art.54](#)
[Criminal Law 181 as of 19.12.11, Official Gazette 1-6/06.01.12 art.4; in force 01.03.12](#)
[Criminal Law 206 as of 21.10.11, Official Gazette 197-202/18.11.11 art.571](#)
[Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363](#)
[Criminal Law 66 as of 07.04.11, Official Gazette 110-112/08.07.11 art.299](#)
[Criminal Law 65 as of 07.04.11, Official Gazette 110-112/08.07.11 art.297](#)
[Criminal Law 216 as of 17.09.10, Official Gazette 191-193/01.10.10 art.634](#)

[Criminal Law 173 as of 09.07.10, Official Gazette 155-158/03.09.10 art.553](#)
[Criminal Law 167 as of 09.07.10, Official Gazette 155-158/03.09.10 art.551](#)
[Criminal Law 108 as of 04.06.10, Official Gazette 117-118/09.07.10 art.363](#)
[Criminal Law 82 as of 07.05.10, Official Gazette 87-90/04.06.10 art.252](#)
[Criminal Law 131-XVIII as of 23.12.09, Official Gazette 23-24/12.02.10 art.35](#)

NOTE:

Within the code, the terms „physical or mental handicap” are replaced by the term „disabilities” by the *Criminal Law 201 as of 28.07.16, OG293-305/09.09.16 art.630; in force 09.09.16.*

Within the code, the phrases „administrative liability” and „administrative sanction” are respectively replaced by the phrases „contraventional liability” and „contraventional sanction” by *Criminal Law 131-XVIII as of 23.12.09, OG23-24/12.02.10 art.35.*

* Republished based on article III lett. c) of Law no. 277-XVI as of 18 December 2008, Official Gazette of the Republic of Moldova, 2009, no. 41- 44, art.120.

The amendments and supplementations operated by Law no. 277-XVI as of 18 December 2008, Official Gazette of the Republic of Moldova, 2009, no. 41-44, art. 120 shall enter into force on 24 May 2009.

The Parliament adopts this code.

GENERAL PART

Chapter I

CRIMINAL CODE AND THE PRINCIPLES OF ITS APPLICATION

Article 1. Criminal Law of the Republic of Moldova

(1) This code is the only criminal law of the Republic of Moldova.

(2) The Criminal Code is the legislative act that contains legal norms that establish the general and special principles and provisions of the criminal law, determines the acts that constitute offences and provides the punishments that apply to offenders.

(3) This code applies in compliance with the provisions of the Constitution of the Republic of Moldova and the international acts to which the Republic of Moldova is a party. If there are inconsistencies with international acts with respect to fundamental human rights, the international regulations have priority and apply directly.

Article 2. Purpose of the criminal law

(1) The criminal law protects against the offences the person, the rights and freedoms

thereof, the property, the environment, the constitutional order, the sovereignty, the independence and territorial integrity of the Republic of Moldova, the peace and security of mankind, as well as the entire rule of law.

(2) The criminal law is also aimed at preventing the commission of new offences.

Article 3. Principle of legality

(1) No one shall be found guilty of committing an offence, as well as subjected to criminal punishment, except by a court decision and in accordance with the law.

(2) The extensive unfavorable interpretation and the application of the criminal law by analogy are forbidden.

Article 4. Principle of humanism

(1) All legal regulations are intended to defend with priority the person as the supreme value of society, the rights and freedoms thereof.

(2) The criminal law does not have as purpose incurring physical suffering or harming human dignity. No one shall be subjected to torture, cruel, inhuman or degrading punishment or treatment.

Article 5. Principle of democratism

(1) Persons who committed offences are equal before the law and are subject to criminal liability regardless of gender, race, color, language, religion, political opinion or any other opinion, national or social origin, membership of a national minority, property, birth or any other status.

(2) The defense of a person's rights and interests cannot be achieved by violating the rights and interests of another person or community.

Article 6. Principle of personal nature of criminal liability

(1) The person is subject to criminal liability and criminal punishment only for acts committed with guilt.

(2) Only the person who deliberately or imprudently committed an act provided by the criminal law is subject to criminal liability and criminal punishment.

Article 7. Principle of individualization of criminal liability and criminal punishment

(1) When applying the criminal law account shall be taken of the nature and prejudicial degree of the offence committed by the offender and the circumstances of the case that mitigate or aggravate the criminal liability.

(2) No one shall be subjected twice to criminal prosecution and criminal punishment for one and the same act.

Article 8. Criminal law action over time

The criminal nature of the act and the punishment for it are established by the criminal law in force at the time of committing the act.

Article 9. Time of committing the act

The time of committing the act is considered the time when the prejudicial action (inaction) was committed, irrespective of the time when the consequences occurred.

Article 10. Retroactive effect of criminal law

(1) The criminal law that eliminates the criminal nature of the act, that mitigates the punishment or otherwise improves the status of the person who committed the offence has retroactive effect, namely it extends to the persons who committed the respective acts until the entry into force of this law, as well as to the persons who serve the punishment or served the punishment, but who were previously convicted.

(2) The criminal law that increases the punishment or aggravates the status of the person guilty of committing an offence does not have a retroactive effect.

Article 10¹. Application of the more favorable criminal law in case of final sentences

(1) If, after the final judgment of conviction and until the complete serving of the punishment with deprivation of liberty, community service or fine, a law that provides one of these types of punishment but with a lower maximum is adopted, the applied sanction shall be reduced to this maximum if it exceeds the maximum provided by the new law for the committed offence.

(2) If, after the final decision of the conviction for life imprisonment and until its execution, a law stipulating for the same deed only the punishment of imprisonment, the punishment for life imprisonment is replaced by the maximum punishment imposed by the new law for that offence.

(3) If the new law provides instead of the imprisonment punishment only the punishment by community service or fine, the applied punishment shall be replaced by community service if there are no prohibitions for its application, without exceeding the maximum provided by the new law. If the new law provides instead of the imprisonment punishment only the punishment by fine, the applied punishment shall be replaced by fine, without exceeding the maximum provided by the new law. Taking into account the part served from the imprisonment punishment, serving the punishment by community service or, as the case may be, fine may be entirely or partially eliminated.

(4) The complementary punishments, the safety measures not provided by the new law shall no longer be served, and those having a correspondent in the more favorable new law shall be served within the context and limits provided by this law.

(5) If a provision of the new law refers to definitively imposed punishments, account shall be taken, in the case of punishments served until its entry into force, of the reduced or replaced punishment in compliance with the provisions of paragraphs (1) to (4).

(6) If the act for which the person is serving the punishment is no longer deemed an offence in compliance with the provisions of the new law, but constitutes a contravention, the contraventional sanction shall no longer apply, irrespective of the category and size of the provided sanction.

(7) In case due to the retroactive effect of the criminal law, it is imposed to reestablish the act set by an irrevocable court judgment, the court, settling the issue regarding the enforcement of the respective judgment, shall reclassify the act and apply the punishment by setting the maximum of the sanction provided by the criminal law that is more

favorable to the sentenced person, if the punishment set by the irrevocable judgment is higher than the maximum provided by the new criminal law, or shall maintain the punishment set by the irrevocable judgment.

[Art.10¹ par.(7) introduced by the Criminal Law 82 as of 07.05.10, Official Gazette 87-90/04.06.10 art.252]

Article 11. Application of the criminal law in space

(1) All persons that committed offences on the territory of the Republic of Moldova shall be subject to criminal liability in compliance with this code.

(2) Citizens of the Republic of Moldova and stateless persons with permanent residence on the territory of the Republic of Moldova who committed offences outside the territory of the country are subject to criminal liability in compliance with this code.

(3) Foreign citizens and stateless persons who do not permanently reside on the territory of the Republic of Moldova and who committed offences outside the territory of the country are subject to criminal liability in compliance with this code and shall be held criminally liable on the territory of the Republic of Moldova if the committed offences are directed against the interests of the Republic of Moldova, against the rights and freedoms of the citizens of the Republic of Moldova, against the peace and security of mankind or constitute war crimes, as well as for the offences provided by the international treaties to which the Republic of Moldova is a party, if they were not convicted in the foreign state.

(4) Criminal law does not include the offences committed by diplomatic representatives of foreign states or by other persons who, in compliance with international treaties, are not subject to the criminal jurisdiction of the Republic of Moldova.

(5) The offences committed in the territorial waters and airspace of the Republic of Moldova are deemed committed on the territory of the Republic of Moldova. A person who committed a criminal offence on a vessel or airplane registered in a harbour or airport of the Republic of Moldova and located outside the water space or airspace of the Republic of Moldova may be subject to criminal liability in compliance with this code, if the international treaties to which the Republic of Moldova is a party do not provide otherwise.

(6) Based on this code, the persons who committed offences on board of a military vessel or airplane belonging to the Republic of Moldova, regardless of its place, are also subject to criminal liability.

(7) The punishments and criminal antecedents for offences committed outside the territory of the Republic of Moldova are taken into account, according to this code, for the individualization of the punishment for a new offence committed by the same person on the territory of the Republic of Moldova, as well as for settling the amnesty issues under reciprocity conditions based on the court judgment.

Article 12. Place of committing the act

(1) The place of committing the act is considered the place where the prejudicial action (inaction) was committed, irrespective of the time when the consequences occurred.

(2) The place of committing the transnational offence is considered as such if:
a) the offence was committed on the territory of the Republic of Moldova and on the territory of at least another state;

- b) the offence was committed on the territory of the Republic of Moldova, but a substantial part of its organization and control took place in another state, and vice versa;
- (c) the offence was committed on the territory of the Republic of Moldova, with the involvement of an organized criminal group or a criminal organization (association) carrying out criminal activity in more than one state, and vice versa;
- d) the offence was committed on the territory of the Republic of Moldova but has serious consequences in another state, and vice versa.

Article 13. Extradition

(1) Citizens of the Republic of Moldova and persons who were granted political asylum in the Republic of Moldova, in the case of committing an offence abroad, may not be extradited and are subject to criminal liability according to this code.

(2) Foreign citizens and stateless persons who committed offences outside the territory of the Republic of Moldova but who are on the territory of the country may be extradited only based on an international treaty to which the Republic of Moldova is a party or under reciprocity conditions under a court judgment unless there are serious grounds to consider that they are at risk of being subjected to death penalty, torture or other inhuman or degrading treatment.

[Art.13 par.(2) amended by the Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

Chapter II

OFFENCE

Article 14. Concept of offence

(1) The offence is a prejudicial act (action or inaction), provided by the criminal law, committed with guilt and subject to criminal punishment.

(2) The act or inaction which, although formally, contains the signs of an act provided by this code, but lacking importance does not have the prejudicial degree of an offence does not constitute an offence.

Article 15. Prejudicial degree of the offence

The prejudicial degree of an offence is determined according to the signs that characterize the elements of the offence: the object, the objective side, the subject and the subjective side.

Article 16. Classification of offences

(1) Depending on the prejudicial nature and degree, the offences provided by this code are classified in the following categories: minor, less serious, serious, particularly serious and exceptionally serious.

(2) The acts for which the criminal law provides for the maximum punishment by imprisonment for up to 2 years inclusively are considered as minor offences.

(3) The acts for which the criminal law provides for the maximum punishment by imprisonment for up to 5 years inclusively are considered as less serious offences.

(4) The acts for which the criminal law provides for the maximum punishment by imprisonment for up to 12 months inclusively are deemed as serious offences.

(5) The intentional offences for which the criminal law provides for maximum punishment by imprisonment for a term that exceeds 12 years are deemed as particularly serious offences.

(6) The intentional offences for which the criminal law provides for life imprisonment are considered as exceptionally serious offences.

Article 17. Intentional offence

It is considered that an offence was committed intentionally if the person who committed it was aware of the prejudicial nature of its action or inaction, foresaw its prejudicial consequences, desired them or consciously admitted the occurrence of these consequences.

Article 18. Offence committed by imprudence

It is considered that an offence was committed by imprudence if the person who committed it was aware of the prejudicial nature of its action or inaction, foresaw its prejudicial consequences, but recklessly considered that they would be avoided or disregarded the prejudicial nature of its action or inaction, did not foresee the possibility of occurrence of its prejudicial consequences, although it should have and could have foreseen them.

Article 19. Offence committed with two forms of guilt

If, as a result of intentionally committing the offence, there are more serious consequences which, according to the law, entail the increase of the criminal punishment and were not covered by the intention of the perpetrator, the criminal liability for such consequences occurs only if the person foresaw the prejudicial consequences, but recklessly considered that they would be avoided or if the person did not foresee the possibility of occurrence of these consequences, although it should have and could have foreseen them. Consequently, the offence is considered intentional.

Article 20. The act committed without guilt (fortuitous case)

The act is considered committed without guilt if the person who committed it was not aware of the prejudicial nature of its action or inaction, did not foresee the possibility of occurrence of its prejudicial consequences and, according to the circumstances of the case, neither should have nor could have foreseen them.

Article 21. Subject of the offence

(1) The responsible individuals who, at the time of committing the offence, reached the age of 16 are subject to criminal liability.

(2) Individuals aged between 14 and 16 are subject to criminal liability only for committing the offences provided at art.145, 147, 151, 152 par.(2), art.164, 166 par.(2) and (3), art.171, 172, 175, 186-188, 189 par. (2)–(6), art. 190 par. (2)–(5), art. 192 par. (2)–(4), art. 192¹ par. (2) and (3), 196 par.(4), art.197 par.(2), art.212 par.(3), art.217 par.(4) lett.b), art.217¹ par.(3) and par.(4) lett.b) and d), art.217³ par.(3) lett.a) and b), art.217⁴, art.217⁶ par.(2), art.260, 268, 270, 271, art.275, 280, 281, 283-286, 287 par.(2) and (3), art.288 par.(2), art.290 par.(2), art.292 par.(2), 317 par.(2), art.342.

[Art.21 par.(2) amended by the Criminal Law 134 as of 14.06.12, Official Gazette 135-141/06.07.12 art.449]

(3) A legal entity, except for public authorities, is subject to criminal liability for an act provided for by the criminal law if it did not fulfill or inadequately fulfilled the direct provisions of the law establishing duties or interdictions regarding the performance of a

specific activity and at least one of the following circumstances is acknowledged: (a) the act was committed in the interest of the respective legal entity by a natural person empowered with management functions, who acted independently or as part of a body of the legal entity;

b) the act was admitted or authorized, or approved, or used by the person empowered with management functions;

c) the act was committed due to lack of supervision and control by the person empowered with management functions.

[Art.21 par.(3) in the edition of the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

(3¹) A natural person is considered empowered with management functions if it has at least one of the following functions:

a) representing the legal entity;

b) making decisions on behalf of the legal entity;

c) exercising the control within the legal entity.

[Art.21 par.(3¹) introduced by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

(4) Legal entities, except for public authorities, are subject to criminal liability for the offences for which a sanction is imposed for legal entities in the special part of this code.

(5) The criminal liability of the legal entity does not exclude the liability of the natural person for the committed offence.

Article 22. Responsibility

Responsibility is the psychological state of the person who has the ability to understand the prejudicial nature of the act, as well as the ability to manifest its will and direct its actions.

Article 23. Irresponsibility

(1) A person is not subject to criminal liability if while committing a prejudicial act it was in an irresponsibility state, namely it was not able to realize its actions or inactions or direct them due to a chronic psychic illness, a temporary psychiatric disorder or other pathological condition. With respect to such person, based on a court judgment, medical coercive measures provided by this code may be applied.

(2) A person is not subject to punishment if, although it committed the offence in a responsibility state, before the sentence was delivered by the court it suffered from a mental illness that deprived it of the possibility of realizing its actions or inactions or direct them. With respect to such person, based on a court judgment, medical coercive measures may be applied and after healing - it may be subject to punishment.

Article 23¹. Diminished responsibility

(1) A person who committed an offence as a result of a psychiatric disorder, acknowledged by medical expertise performed in the established manner, due to which it could not entirely realize the nature and legality of its acts or could not entirely manage them is subject to reduced criminal liability.

(2) The court, when establishing the punishment or security measures, takes into account the existing psychiatric disorder, which however does not exclude criminal liability.

Article 24. Liability for the offence committed in a state of intoxication

A person who committed an offence in a state of intoxication, produced by alcohol or other substances, is not exempted from criminal liability. The causes of the intoxication, its degree and influence on committing the offence shall be taken into account for establishing the punishment.

Article 25. Stages of criminal activity

(1) The offence is considered committed if the committed act meets all the constituent signs of the offence components.

(2) The preparation for an offence and the attempted offence are considered uncommitted offences.

(3) The liability for the preparation of an offence and attempted offence is established, according to the corresponding article of the Special Part of this code, as for the committed offence, with reference to art. 26 and 27, in compliance with the provisions of art.81.

Article 26. Preparation for an offence

(1) Preparation for an offence is considered the prior understanding to commit an offence, the purchase, manufacture or adaptation of the means or instruments, or otherwise the intentional creation of conditions for its commission if, for reasons independent of the will of the perpetrator, the offence did not produce its effect.

(2) Only the persons who committed the preparation for a less serious, serious, particularly serious or exceptionally serious offence are subject to criminal liability and criminal punishment.

Article 27. Attempted offence

An attempted offence is considered to be the intentional action or inaction directly intended to the commission of an offence if, for reasons independent of the will of the perpetrator, it did not produce its effect.

Article 28. Single offence

The single offence represents an action (inaction) or a system of actions (inactions) that is established according to the provision of a single norm of the criminal law.

Article 29. Continuous offence

(1) A continuous offence is considered to be the act that is characterized by the uninterrupted commission, for an indefinite time, of the criminal activity. In the case of continuous offence, there is no plurality of offences.

(2) The continuous offence ends as of the time when the criminal activity ceases or due to the occurrence of events that prevent this activity.

Article 30. Prolonged offence

(1) Prolonged offence is considered to be the offence committed with single intent, characterized by two or more identical criminal actions committed with one purpose, constituting an offence as a whole.

(2) Prolonged offence is consumed since the last action or crime was committed.

Article 31 - excluded

Article 32. Plurality of offences

The plurality of offences constitutes, as the case may be, multiple offences or recidivism.

Article 33. Multiple offences

(1) Multiple offences are considered to be the commission by a person of two or more offences if the person was not finally convicted for any of them and if the criminal liability prescription term did not expire, except for the cases in which the commission of two or more offences is provided by the articles of the special part of this code as a circumstance that aggravates the punishment.

(2) Multiple offences may be real and ideal.

(3) The real multiple offences apply when a person, by two or more actions (inactions), commits two or more offences.

(4) The ideal multiple offences apply when a person commits an action (inaction) that meets the elements of several offences.

Article 34. Recidivism

(1) Recidivism is considered the intentional commission of one or more offences by a person with criminal antecedents for an intentional offence.

(2) Recidivism is deemed dangerous:

[Art.34 par.(2), lett.a) repealed by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

b) if a person previously convicted of a serious, particularly serious or exceptionally serious offence intentionally committed again a serious or particularly serious offence.

[Art.34 par.(2), lett.b) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(3) Relapse is deemed extremely dangerous:

[Art.34 par.(3), lett.a) repealed by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

b) if a person previously convicted of an exceptionally serious offence committed again a serious, particularly serious or exceptionally serious offence. *[Art.34 par.(3), lett.b) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]*

(4) For determining the state of relapse in the cases provided at paragraphs (1) - (3), account is also taken of the final conviction sentences ruled abroad, recognized by the court of the Republic of Moldova.

(5) For determining the state of relapse, no account is taken of the criminal antecedents:

a) for the offences committed during minority;

b) for the offences committed by imprudence;

b¹) for the offences for which the conviction was with the postponement of the sentence execution and if it was not canceled and the person was not ordered to execute the sentence in prison; (Art.34 par.(5), lett.b¹) introduced by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370 / 20.10.17 art.616; in force 20.12.17] c) for the acts that do not constitute offences according to this code;

d) extinguished or in case of rehabilitation, in compliance with the provisions of art. 111 and 112;

e) if the person was convicted with conditional suspension of the execution of the sentence.

Chapter III

CAUSES THAT ELIMINATE THE CRIMINAL NATURE OF THE ACT

Article 35. Causes that eliminate the criminal nature of the act

The following are deemed causes that eliminate the criminal nature of the act:

- a) self-defense;
- b) detention of the offender;
- c) state of extreme necessity;
- d) physical or psychological constraint;
- e) established risk;
- f) execution of the superior's order or disposition.

Article 36. Self-defense

(1) The act provided by the criminal law committed in self-defense does not constitute an offence.

(2) A person is considered to be in self-defense if it commits the act in order to reject a direct, immediate, material and real attack against it, another person or against a public interest and which seriously endangers the attacker or its rights or public interest.

(3) A person who commits the act provided at paragraph (2) in order to prevent the intrusion, accompanied by dangerous violence for the life or health of the person or the threat of such violence, in a living space or in another room, is also considered to be in self-defense.

Article 37. Detention of the offender

The act provided by the criminal law committed in view of the detention of the offender and its surrender to the law enforcement bodies does not constitute an offence.

Article 38. State of extreme necessity

(1) The act provided by the criminal law committed in a state of extreme necessity does not constitute an offence.

(2) The person that commits the act in order to save its life, its bodily integrity or health or of another person or a public interest from an imminent danger that cannot be otherwise eliminated is in a state of extreme necessity.

(3) The person who, at the time of committing the act, realizes that it causes obviously more serious consequences than those which could have been produced if the danger had not been removed is not in a state of extreme necessity.

Article 39. Physical or psychological constraint

(1) The act provided by the criminal law which caused damage to the interests protected by law as a result of physical or psychological constraint does not constitute an offence if, as a result of such constraint, the person could not direct its actions.

(2) The criminal liability for causing damage to the interests protected by the criminal law by psychological or physical constraint, following which the person maintains the possibility of directing its actions, is established under the conditions of art.38.

Article 40. Established risk

(1) The act provided by the criminal law which caused damage to the interests protected by the law in the case of established risk for the fulfillment of socially useful purposes does not constitute an offence.

(2) The risk is considered established if the socially useful purpose pursued could not be fulfilled without a certain risk and if the person who admitted it took the necessary measures to prevent the damage to the interests protected by the law.

(3) The risk cannot be considered established if it was knowingly combined with the

danger to the person's life or the danger of causing an ecological or social disaster.

Article 40¹. Execution of the superior's order or disposition

(1) The act provided by the criminal law committed by a person in order to execute an order or disposition of the superior, that is mandatory for it, does not constitute an offence if the order or disposition was not manifestly illegal and if the person who executed it did not know that the order or disposition was illegal. The person who issued the illegal order or disposition is subject to criminal liability for the committed act.

(2) The person who committed an intentional offence in order to execute the manifestly illegal order or disposition of the superior is subject to criminal liability on general grounds. Failure to execute the manifestly illegal order or disposition excludes criminal liability.

(3) For the purposes of this article, the superior's order or disposition to commit genocide or an offence against humanity is manifestly illegal.

**Chapter IV
PARTICIPATION**

Article 41. Participation

The intentional cooperation of two or more persons in order to commit an intentional offence is considered participation.

Article 42. Participants

(1) Participants are persons who contribute to committing an offence as author, organizer, instigator or accomplice.

(2) The author is the person who directly commits the offence provided by the criminal law, as well as the person who committed the offence by means of persons who are not subject to criminal liability due to age, irresponsibility or due to other causes provided by this code.

(3) The organizer is the person who organized the commission of an offence or directed its realization, as well as the person who created an organized criminal group or criminal organization or directed the activity thereof.

(4) The instigator is the person who, by any means, causes another person to commit an offence.

(5) The accomplice is the person who contributed to the commission of the offence by advice, indications, supply of information, provision of means or instruments or removal of obstacles, as well as the person who previously promised to favor the offender, conceal the means or instruments for committing the offence, its traces or the objects acquired by criminal means, or the person who previously promised to purchase or sell such objects.

(6) The participants must meet the signs of the subject of the offence.

Article 43. Forms of participation

Depending on the degree of coordination of participants' actions, the following forms of participation are distinguished: a) simple participation; b) complex participation; c) organized criminal group; d) criminal organization (association).

Article 44. Simple participation

The offence is considered committed with simple participation if for its commission two or more persons jointly participated as co-authors, each realizing the objective side of the offence.

Article 45. Complex offence

(1) The offence is considered committed with complex participation if for its commission the participants contributed as author, organizer, instigator or accomplice.

(2) The objective side of the offence with complex participation can be achieved: a) by a single author;

b) by two or more authors.

Article 46. Organized criminal group

The organized criminal group is a stable group of people who organized in advance to commit one or more offences.

Article 47. Criminal organization (association)

(1) A criminal organization (association) is considered a reunion of criminal groups organized in a stable community, whose activity is based on division between the members of the organization and its structures, the functions of management, assurance and execution of the criminal intentions of the organization to the purpose of influencing the economic and other activities of natural and legal entities or controlling it, in other forms, in view of obtaining advantages and achieving economic, financial or political interests.

(2) The offence is considered committed by a criminal organization if it was committed by one of its members in its own interest or by a person who is not a member of the respective organization, upon its delegation.

(3) The organizer or leader of the criminal organization is the person who created the criminal organization or who directs it.

(4) The organizer or the leader of the criminal organization is liable for all the offences committed by this organization.

(5) The member of the criminal organization is subject to criminal liability only for the offences in whose preparation or commission it participated.

(6) The member of the criminal organization may be exonerated from criminal liability in case it voluntarily declared the existence of the criminal organization and helped to discover the offences committed by it or contributed to unmasking the organizers, leaders or members of the respective organization.

Article 48. Excess author

The commission by the author of criminal actions that were not covered by the intention of the other participants is considered as excess author. For the excess author, the other participants are not subject to criminal liability.

Article 49. Favoring

Favoring the offender, as well as concealing the means or instruments for committing the offence, its traces or the objects obtained by criminal means, entail criminal liability under the conditions of art.323 only if they were not promised in advance.

Chapter V

CRIMINAL LIABILITY

Article 50. Criminal liability

Public conviction, in the name of the law, of the criminal offences and of the persons who committed them is considered criminal liability, a conviction that can be preceded by the coercive measures provided by the law.

Article 51. Basis of criminal liability

(1) The real basis of criminal liability is the prejudicial act committed and the composition of the offence, provided by the criminal law, represents the legal basis of criminal liability.

(2) Only the person who is guilty of committing the offence provided by the criminal law is subject to criminal liability.

Article 52. Composition of the offence

(1) The composition of the offence is considered to be the totality of objective and subjective signs, established by the criminal law, that classify a prejudicial act as an actual offence.

(2) The composition of the offence represents the legal basis for the classification of the offence according to a specific article of this code.

Chapter VI

RELEASE FROM CRIMINAL LIABILITY

Article 53. Release from criminal liability

The person who committed an act containing the signs of the composition of the offence may be released from criminal liability by the prosecutor during the criminal prosecution and by the court in the case ruling, in the case of:

- a) minors;
- b) contraventional liability,
- c) voluntary renunciation to committing the offence,
- d) active repentance,
- e) change of status,
- f) conditional release;
- g) prescription of criminal liability.

Article 54. Release from criminal liability of minors

(1) A person under the age of 18 who committed a minor or less serious offence for the first time may be released from criminal liability in compliance with the provisions of the criminal procedure if it was acknowledged that its correction is possible without being subject to criminal liability.

(2) The educational coercive measures provided by art.104 apply to the persons released from criminal liability in accordance with paragraph (1).[Art.54 par.(2) amended by the Criminal Liability 123 as of 02.06.16, Official Gazette 232-244/29.07.16 art.492]

Article 55. Release from criminal liability connected to contraventional liability

(1) The person who committed a minor or less serious offence for the first time, except for the offences provided at art. 181¹, 256, 303, 314, art. 326 par. (1) and (1¹), art. 327 par. (1), art. 328 par. (1), art. 332 par. (1), art. 333 par. (1), art. 334 par. (1) and (2), art. 335 par. (1) and art. 335¹ par. (1), may be released from criminal liability and be subject to contraventional liability in case it admitted its guilt, remedied the damage caused by the offence and if it was acknowledged that correction is possible without being subject to criminal liability.

[Art.55 par.(1) amended by the Criminal Law 93 as of 13.05.16, Official Gazette 163-168/17.06.16 art.333]

[Art.55 par.(1) amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(2) The following contraventional sanctions apply to the persons released from criminal liability in compliance with par. (1):

- a) fine of up to 150 conventional units;
- b) deprivation of the right to perform a specific activity for a period of 3 months to one year;
- c) deprivation of the right to hold certain positions for a period of 3 months to one year;
- d) deprivation of the special right to drive vehicles for a period of 6 months to 3 years;
- e) deprivation of the special right to hold a weapon and a firearm for a period of 3 months to one year;
- f) community service for a period of 10 to 60 hours;
- g) contraventional arrest of up to 30 days.

[Art.55 par.(2) in the edition of the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.55 par.(2) amended by Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.55 par.(2) amended by the Criminal Law 131-XVIII as of 23.12.09, Official Gazette 23-24/12.02.10 art.35]

(3) Deprivation of the right to perform a specific activity, deprivation of the right to hold certain functions, deprivation of the special right may also be applied as complementary sanctions.

[Art.55 par.(3) introduced by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

Article 56. Release from criminal liability in relation to the voluntary renunciation to committing the offence

(1) The person ceasing to prepare the offence or the cessation of the actions (inactions) directly aimed at committing the offence is considered a voluntary renunciation to committing the offence, if the person was aware of the possibility of committing the offence.

(2) The person cannot be subject to criminal liability for the offence if it voluntarily and definitively renounced to committing it.

(3) The person who voluntarily renounced to committing the offence is subject to criminal liability only if the committed act contains another committed offence.

(4) The organizer and the instigator of the offence are not subject to criminal liability if by a timely notification of the law enforcement bodies or by other means they prevented the author from committing the offence. The accomplice of the offence is not subject to criminal liability if it took all the measures that depended on it to prevent the commission of the offence.

Article 57. Release from criminal liability in relation to active repentance.

(1) A person who committed a minor or less serious offence for the first time may be released from criminal liability if, after committing the offence, it voluntarily decided to report itself, actively contributed to its discovery, compensated for the amount of material damage caused or otherwise remedied the damage caused by the offence.

(2) A person who, under the conditions of paragraph (1), committed an offence of another category may be released from criminal liability only in the cases provided by the corresponding articles of the Special Part of this code.

Article 58. Release from criminal liability in relation to the change of status

(1) A person who committed a minor or less serious offence for the first time may be released from criminal liability if, due to the change of the status, it is established that the person or the act committed no longer poses a social danger.

Article 59. Conditional release from criminal liability

With respect to a person accused of committing a minor or less serious offence, who admits its guilt and does not pose a social danger, the criminal prosecution may be conditionally suspended, with the subsequent release from criminal liability in compliance with the criminal procedure, if the correction of such person is possible without applying a criminal punishment.

Article 60. Prescription of criminal liability

(1) The person is released from criminal liability if the following deadlines expired as of the day when the offence was committed:

- a) 2 years after the commission of a minor offence
- b) 5 years after the commission of a less serious offence;
- c) 15 years after the commission of a serious offence;
- d) 20 years after the commission of a particularly serious offence;
- e) 25 years after the commission of an exceptionally serious offence.

(2) The prescription starts to run as of the day when the offence was committed until the final judgment of the court.

(3) In case the person commits a new offence, the prescription is calculated separately for each offence.

(4) The prescription shall be interrupted if, until the expiry of the terms provided at paragraph (1), the person commits an offence for which, according to this code, the imprisonment punishment may be imposed for more than 2 years. The calculation of the prescription in this case starts from the moment of committing a new offence.

(5) The application of the prescription is suspended if the person who committed the offence avoids the criminal prosecution or trial. In these cases, the prescription application is resumed as of the person's detention or as of its self-denunciation. However the person cannot be subject to criminal liability if 25 years have passed as of when the offence was committed and the prescription has not been interrupted by committing a new offence.

(6) Applying the prescription to the person who committed an exceptionally serious offence is decided by the court. If the court does not consider possible to apply the prescription and release from criminal liability, life imprisonment shall be replaced with 30 years imprisonment.

(7) The terms of the prescription of criminal liability are reduced by half for the persons who were minors at the time of committing the offence.

(8) The prescription does not apply to the persons who committed offences against human peace and security, war crimes, torture, inhuman or degrading treatment or other offences provided by the international treaties to which the Republic of Moldova is a party, irrespective of the date when they were committed.

[Art.60 par.(8) amended by the Criminal Law 56 as of 04.04.14, Official Gazette 86/05.04.14 art.207]

[Art.60 par.(8) amended by the Criminal Law 252 as of 08.11.12, Official Gazette 263-

Chapter VII

CRIMINAL PUNISHMENT

Article 61. The concept and purpose of criminal punishment

(1) Criminal punishment is a measure of state coercion and a means of correction and re-education of the convict applied by the courts, in the name of the law, to the persons who committed offences, causing certain lacks and restrictions on their rights.

(2) The punishment is aimed at restoring social equity, correcting and resocializing the convict, as well as preventing the commission of new offences both by the convicts and by other persons. The execution of the punishment must not cause physical suffering or undermine the dignity of the convicted person.

[Art.61 par.(2) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

Article 62. Categories of punishments applied to natural persons

(1) The following punishments may be applied to the natural persons who committed offences:

a) fine;

b) deprivation of the right to hold certain positions or exercise a specific activity;

c) withdrawal of the military or special degree, special title, qualification

(classification) degree and state distinctions;

[Art.62 par.(1), lett.c) amended by the Criminal Law 65 as of 07.04.11, Official Gazette 110-112/08.07.11 art.297]

d) community service;

e) - excluded

f) imprisonment;

g) life imprisonment.

(2) Imprisonment and life imprisonment apply only as main punishments.

(3) Community service may be applied as main punishment or in the case of conviction with conditional suspension of execution of the punishment - as an obligation for the probation period or, as the case may be, for the trial period.

[Art.62 par.(3) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(4) The fine, the deprivation of the right to hold certain positions or exercise a specific activity apply both as main punishments and as complementary punishments.

(5) Withdrawal of military or special degree, special title, qualification (classification) degree and state distinctions apply only as a complementary punishment.

[Art.62 par.(5) amended by the Criminal Law 65 as of 07.04.11, Official Gazette 110-112/08.07.11 art.297]

Article 63. Categories of punishments applied to legal entities

(1) The following punishments may be applied to legal entities:

a) fine;

b) deprivation of the right to exercise a specific activity;

c) liquidation.

(2) The fine applies as a main punishment.

(3) The deprivation of the legal entity of the right to exercise a specific activity and its liquidation apply both as main punishments and as complementary punishments.

Article 64. Fine

(1) The fine is a pecuniary sanction applied by the court in the cases and within the limits provided by this code.

(2) The fine is established in conventional units. The conventional unit of fine is equal to lei 50.

[Art.64 par.(2) amended by Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(3) The amount of the fine for natural persons is set within the limits of 500 to 3000 conventional units, and for the offences committed in material interest - up to 20000 conventional units, based on the amount of the conventional unit upon committing the offence. The amount of the fine is established depending on the gravity of the offence committed and on the material status of the offender and its family. Taking into account the circumstances of the case, the court may order the payment of the fine by installments for up to 5 years.

[Art.64 par.(3) amended by Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.64 par.(3) in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(3¹) In the case of minor or less serious offences, the convicted person is entitled to pay half of the set fine if it pays it within maximum 72 hours as of the date when the judgment becomes enforceable. In such case, it is considered that the sanction of the fine is entirely executed.

[Art.64 par.(3¹) introduced by the Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632]

(4) In the cases provided at art.21 par. (3), the amount of the fine for legal entities is set within the limits of 1500 to 60000 conventional units, depending on the nature and gravity of the offence committed, the size of the damage caused, taking into account the economic-financial standing of the legal entity. In case of malicious evasion by the legal entity from paying the set fine, the court may replace the outstanding amount of the fine by prosecuting the patrimony.

[Art.64 par.(4) amended by Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.64 par.(4) amended by Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(5) In case of malicious evasion of the convict from paying the fine set as main or complementary punishment, the court may replace the outstanding amount of the fine by imprisonment within the limits of the terms of maximum punishment, provided by the respective article of the Special Part of this code. The amount of the fine is replaced by imprisonment, by calculating one month imprisonment for 100 conventional units.

[Art.64 par.(5) amended by Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.64 par.(5) amended by Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(6) The fine as complementary punishment can only be applied in the cases in which it is provided as such for the related offence.

(7) If the convict is unable to pay the fine set as main or complementary punishment, the court may, in compliance with the provisions of art.67, replace the outstanding amount of the fine by community service, by calculating 60 hours of community service for 100 conventional units of fine.

[Art.64 par.(7) amended by 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

Article 65. Deprivation of the right to hold certain positions or exercise a specific activity

(1) The deprivation of the right to hold certain positions or exercise a specific activity consists in forbidding the holding of a position or exercising of an activity of the nature of the one performed by the convict in committing the offence.

(2) The deprivation of the right to hold certain positions or exercise a specific activity may be established by the court for a period of 1 to 5 years, and in the cases expressly provided in the Special Part of this code - for a term of one year to 15 years.

[Art.65 par.(2) amended by Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

(3) The deprivation of the right to hold certain positions or exercise a specific activity may be applied as a complementary punishment and in the cases in which it is not provided as a punishment for the offences based on the Special Part of this code, if, taking into account the nature of the offence committed by the guilty party in the performance of its work duties or during the performance of a specific activity, the court shall consider it impossible to maintain the right to hold certain positions or exercise a specific activity.

(4) When applying the punishment by the deprivation of the right to hold certain positions or exercise a specific activity as a complementary punishment to the fine or community service, its term is calculated as of the date of the final judgment, and for its application as a punishment complementary to imprisonment, its term is calculated as of the date of execution of the main punishment.

Article 66. Withdrawal of the military or special degree, the special title, the degree of qualification (classification) and the state distinctions

In the case of a conviction for a serious, particularly serious or exceptionally serious offence, the court, taking into account the circumstances in which the offence was committed, may withdraw the military or special degree, the special title, the degree of qualification (classification) and the state distinctions.

[Art.66 amended by Criminal Law 65 as of 07.04.11, Official Gazette 110-112/08.07.11 art.297]

Article 67. Community service

(1) Community service consists in engaging the convict, outside the basic service or study hours, in work, established by the local public administration authorities.

(1¹) In the case of militaries in service and low-time militaries, community service consists in engaging the convicts during free time, established in compliance with the requirements of military regulations, in work, set by the commander of the military unit.

(2) Community service is established for 60 to 240 hours and is executed from 2 to 4 hours a day and in the case of the convict that is not engaged in basic or study activities,

upon the request or based on its agreement - up to 8 hours a day.

[Art.67 par.(2) amended by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

(2¹) After ruling the judgment, the president of the court hearing explains the essence of the punishment by community service, which is recorded in the minutes of the court hearing.

[Art.67 par.(2¹) introduced by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(2²) The person convicted of community service shall sign in the court a commitment by which it undertakes to be present, within 5 days as of the final judgment, to the probationary body in whose territorial jurisdiction it is domiciled or, as the case may be, to the commander of the military unit.

[Art.67 par.(2²) introduced by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(3) In case of malicious evasion by the convict from community service, it is replaced by imprisonment, by calculating a day of imprisonment for 4 hours of community service. In this case, the term of imprisonment may be lower than 3 months.

[Art.67 par.(3) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(4) Community service cannot be applied to contract militaries and to the persons who have not reached the age of 16.

[Art.67 par.(4) in the edition of Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.67 par.(4) amended by the Criminal Law 201 as of 28.07.16, Official Gazette 293-305/09.09.16 art.630; in force 09.09.16]

(5) Community service shall be provided for up to 18 months, which is calculated from the date of the final judgment.

(6) The militaries in service and low-order militaries convicted of community service execute this punishment within the military unit.

Article 68 - excluded

Article 69 - excluded

Article 70. Imprisonment

(1) The imprisonment consists in the deprivation of liberty of the person guilty of committing an offence by its imposed isolation from the normal living environment and its placement in a penitentiary for a certain period, based on a court judgment.

(2) The imprisonment is established for a period of 3 months to 20 years.

(3) For establishing the imprisonment punishment for the person who, on the date of committing the offence, had not reached the age of 18, the term of imprisonment shall be set from the maximum punishment, provided by the criminal law for the offence committed, reduced by half.

(3¹) For applying the punishment to persons that reached the age of 18 but not the age of 21, who committed an offence at the age of 18 to 21 years, the maximum punishment is reduced by one third. In case the court, considering the personality of the offender, comes to the conclusion that only by applying the punishment within the general limits will the purpose of the criminal punishment be achieved, it may rule a punishment within

the limits provided by the criminal law for the offence committed. The necessity to apply the punishment within the general limits shall be argued by the court.

[Art.70 par.(3¹) introduced by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(4) For establishing the final punishment in case of multiple offences, the imprisonment punishment may not exceed 25 years for adults , 20 years for persons who reached the age of 18 but not the age of 21, and 12 years and 6 months for minors, and in case of multiple sentences - of 30 years for adults , 25 years for persons who reached the age of 18 but not the age of 21, and 15 years for minors.

[Art.70 par.(4) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(5) In case of replacement of life imprisonment punishment by a milder punishment, as a pardon, a 30-year imprisonment applies.

Article 71. Life imprisonment

(1) Life imprisonment consists in depriving the convict of freedom for the rest of its life.

(2) Life imprisonment is established only for exceptionally serious offences.

(3) Life imprisonment cannot be applied to women and minors.

Article 72. Categories of penitentiaries in which the imprisonment punishment is served

(1) The imprisonment punishment is served in the following penitentiaries:

- a) of open type;
- b) of semi-closed type;
- c) of closed type.

(2) In open penitentiaries, the persons sentenced to imprisonment serve the punishment for offences committed by imprudence.

(3) In semi-closed penitentiaries, the persons sentenced to imprisonment serve the punishment for minor, less serious and serious offences committed intentionally.

(4) In closed penitentiaries, the persons sentenced to imprisonment serve the punishment for particularly serious and exceptionally serious offences.

[Art.72 par.(4) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(5) Persons who did not reach the age of 18 shall serve the imprisonment punishment in penitentiaries for minors, considering the personality of the convict, the criminal antecedents and the prejudicial degree of the offence committed.

(6) Convicted women execute imprisonment punishment in penitentiaries for women.

(7) The change of the penitentiary category is carried out by the court in accordance with the law.

Article 73. Deprivation of a legal entity of the right to exercise a specific activity

(1) The deprivation of a legal entity from the right to exercise a specific activity consists in establishing a prohibition to conclude certain transactions, to issue shares or other securities, to receive subsidies, reliefs and other benefits from the state or to exercise other activities.

(2) The deprivation of the right to exercise a specific activity may be limited to a certain territory or to a certain period of the year and is established for a term of up to 5

years or for an unlimited term.

Article 74. Liquidation of the legal entity

(1) The liquidation of the legal entity consists in its dissolution, with the occurrence of the consequences provided by the civil law.

(2) The liquidation of the legal entity is established if the court acknowledges that the gravity of the offence committed makes it impossible to maintain such a legal entity and to extend its activity.

Chapter VIII

INDIVIDUALIZATION OF PUNISHMENTS

Article 75. General criteria for individualizing a punishment

(1) A person found guilty of committing an offence shall be subject to an equitable punishment within the limits set in the Special Part of this code and in strict compliance with the provisions of the General Part of this code. For determining the category and term of the punishment, the court takes into account the seriousness of the committed offence, the motif, the personality of the culprit, the circumstances of the case that mitigate or aggravate the liability, the influence of the punishment applied on the correction and reeducation of the culprit, as well as the living conditions of its family.

(2) In the case of the punishment alternatives for the committed offence, the imprisonment punishment has an exceptional nature and applies when the seriousness of the offence and the personality of the offender impose the imprisonment punishment, and another punishment is insufficient and would not achieve its purpose. A harsher punishment, among the alternative ones provided for the commission of the offence, is established only if a milder punishment, among the mentioned ones, shall not ensure the fulfillment of the punishment purpose. The exceptional nature upon applying the imprisonment punishment shall be argued by the court.

[Art.75 par.(2) in the edition of Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(3) For committing a minor or less serious offence, the punishment is applied to the minor only if it is considered that the educational measures are not sufficient for correcting the minor.

Article 76. Mitigating circumstances

(1) For establishing the punishment, mitigating circumstances are considered:

- a) the commission for the first time a minor or less serious offence;
- b) the commission of the offence by a minor or by a person who has reached the age of 18 but has not reached the age of 21 ;

[Art.76 par. (1), lett. b) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364 -370 / 20.10.17 art.616; in force 20.12.17]

- c) the commission of the offence as a result of several personal or family difficult circumstances;
- d) the commission of the act by a person with diminished responsibility;
- e) the prevention by the culprit of the prejudicial consequences of the committed offence, the voluntary remedy of the caused damage or the removal of the caused damage;
- f) self-denunciation, active contribution to the discovery of the offence or to the

identification of the offenders or the recognition of guilt;

g) the illegality or immorality of the victim's actions, if these caused the offence;
h) the commission of the offence as a result of the physical or psychological constraint, that does not eliminate the criminal nature of the act or because of the material, service dependence or other dependence;
i) the commission of the offence by a person under a state of intoxication, caused by the involuntary or forced use of the substances referred to at art.24 or by the use of these substances without being aware of their effect; j) the commission of the offence by exceeding the legal limits of self-defense, detention of the offender, state of extreme necessity, justified risk or as a result of the execution of the superior's order or disposition; {kt15} k) the serious damage by the committed offence of its perpetrator or the weight of the punishment imposed on the latter, due to its old age, state of health or other circumstances;

l) the expiry, as of when the offence was committed, of at least 2/3 of the prescription term for the criminal liability provided for such offence, or the exceeding of the reasonable term for examining the case, taking into account the nature of the act, if the delay was not caused by the perpetrator.

(2) The court may consider also other circumstances as mitigating circumstances, not provided at par.(1).

(3) For establishing the punishment, the court does not consider as attenuating the circumstance provided by the law as a constituent element of the offence.

Article 77. Aggravating circumstances

(1) For establishing the punishment, aggravating circumstances are considered:

a) the commission of the offence by a person that was previously convicted of a similar offence or other acts relevant to the case;
b) the occurrence of serious consequences by committing the offence;
c) the commission of the offence by any form of participation;
d) the commission of the offence for social, national, racial or religious hatred reasons;
e) the commission of the offence knowingly against a minor or a pregnant woman or taking advantage of the known or obvious state of the helplessness of the victim, due to old age, illness, disability or other factor;
f) the commission the offence to a person in relation to its fulfillment of the work or public service obligations;
g) the commission of the offence by means of or in the presence of minors, persons in difficulty, mentally retarded or dependent on the perpetrator;

[Art.77 par. (1), lett.g) amended by Criminal Law 196 as of 28.07.16, Official Gazette 306-313/16.09.16 art.661]

h) the commission of the offence by acts of extreme cruelty or mockery of the victim;
i) the commission of the offence by means that pose an increased social danger;
j) the commission of the offence by a person under a state of intoxication, caused by the use of those substances indicated at art24. The court has the right, depending on the nature of the offence, not to consider it as an aggravating circumstance;
k) the commission of the offence by the use of a weapon, ammunition, explosive substances or devices imitating them, specially prepared technical means, harmful and radioactive substances, medicinal preparations and of other chemical-pharmacological

preparations, as well as by applying physical or psychological constraint;

(m) the commission of the offence by taking advantage of the exceptional state, natural disasters and mass disorders;

n) committing the offence by the use of trust.

(2) If the circumstances referred to at par.(1) are provided at the corresponding articles of the Special Part of this code as signs of these offence constituents, they cannot be simultaneously considered as aggravating circumstances.

Article 78. Effects of mitigating and aggravating circumstances

(1) If the court acknowledges mitigating circumstances related to the commission of the offence, the main punishment shall be reduced or changed as follows:

a) if the minimum term of the imprisonment punishment provided at the corresponding article of the Special Part of this code is less than 10 years, the punishment may be

reduced to this minimum,

b) if the fine is applied, it can be reduced to the lower limit,

c) if life imprisonment is provided for the committed offence, it is replaced by 15 to 25 year imprisonment.

(2) If the court acknowledges mitigating circumstances related to the commission of the offence, the complementary punishment provided by the law for the committed offence may be removed.

(3) In case of aggravating circumstances, the maximum punishment provided at the corresponding article of the Special Part of this code may be applied.

(4) In case of multiple aggravating and mitigating circumstances, the reduction of the punishment to the minimum or its increase up to the maximum provided at the corresponding article of the Special Part of this code is not mandatory.

(5) If there are exceptional mitigating circumstances, the punishment may be applied in accordance with the provisions of art.79.

Article 79. Applying the milder punishment than the one provided by the law

(1) Taking into account the exceptional circumstances of the case, related to the purpose and reasons of the act, role of the culprit in committing the offence, its conduct during and after committing the offence, other circumstances that substantially diminish the seriousness of the act and its consequences, as well as the active contribution of the participant in an offence committed in group upon its discovery, the court may impose a punishment below the minimum limit provided by the criminal law for the respective offence, or a milder one, of another category, or may not apply the mandatory complementary punishment. The minority of the person that committed the offence is considered an exceptional circumstance. The commission of the offence by persons who reached the age of 18 but did not reach the age of 21 may be considered by the court as an exceptional circumstance.

(Art.79 par. (1) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370 / 20.10.17 art.616; in force 20.12.17]

(1¹) Both a mitigating circumstance and multiple such circumstances related to the situations mentioned at par.(1) may be deemed exceptional (1).

[Art.79 par.(1¹) introduced by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(2)- excluded

(3) In case of conviction of adult persons for committing particularly serious offences, the court may apply a punishment below the minimum limit provided by the criminal law, but representing at least two thirds of the minimum punishment provided by this code for the offence committed.

(4) The provisions of par.(1) shall not apply to adult persons in case of applying the life imprisonment punishment, in case of offence recidivism or commission of offences provided at art. 166¹ par. (2)–(4).

[Art.79 par.(4) amended by Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

Article 80. Applying the punishment in case of concluding the guilt admission agreement

In case the accused person concludes a guilt admission agreement and the court accepts this agreement, the punishment for the imputed offence shall be reduced by one third of the maximum punishment provided for such offence.

Article 81. Applying the punishment for the uncommitted offence

(1) When applying the punishment for the uncommitted offence, account shall be taken of the circumstances based on which the offence was not finally committed.

(2) The size of the punishment for the preparation for an offence that does not constitute recidivism may not exceed half the maximum of the most severe punishment provided at the corresponding article of the Special Part of this code for the offence committed.

(3) The size of the punishment for attempted offence that does not constitute recidivism may not exceed three quarters of the maximum of the most severe punishment provided at the corresponding article of the Special Part of this code for the offence committed.

(4) Life imprisonment does not apply to the preparation for an offence and to the attempted offence.

Article 82. Application of the punishment for recidivism

(1) When applying the punishment for dangerous and very dangerous recidivism, account shall be taken of the number, nature, severity and consequences of previously committed offences, the circumstances under which the previous punishment was insufficient for the correction of the culprit, as well as the nature, severity and consequences of the new offence.

[Art.82 par.(1) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(2) The size of the punishment for dangerous and particularly dangerous recidivism may not be less than one third of the maximum punishment provided at the corresponding article of the Special Part of this code. In case only mitigating circumstances are established, the court may set the punishment within the limits provided for the offence in the Special Part of this code.

[Art.82 par.(2) in the edition of Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

Article 83. Application of the punishment for participation

The organizer, the instigator and the accomplice to an offence, provided for by the criminal law, committed intentionally shall be sanctioned by the punishment provided by the law for the perpetrator. Upon establishing the punishment, account shall be taken of

each person's contribution to the commission of the offence, as well as of the provisions of art.75.

Article 84. Application of punishment in case of multiple offences

(1) If a person is found guilty of committing two or more offences without having been convicted of any of them, the court shall set, by ruling the punishment for each offence, the final punishment for multiple offences by cumulation, in whole or in part, of the punishments applied, but for a term not exceeding 25 years of imprisonment, and for the persons who have not reached the age of 18 and for the persons who have reached the age of 18 but have not reached the age of 21 and have not been convicted for more than 12 years and 6 months. In case the person is found guilty of committing two or more minor and/or less serious offences, the final punishment may also be established by the harsher punishment absorbing the lighter punishment.

[Art.84 par.(1) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.84 par.(1) amended by Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

(2) To the main punishment applied in the case of multiple offences, any of the complementary punishments provided at the corresponding articles of the Specific Part of this code may be added, which establish liability for the offences for whose commission the person was found guilty. The final complementary punishment established by the cumulation, in whole or in part, of the complementary punishments applied may not exceed the maximum term or size provided by the General Part of this code for this category of punishments.

(3) If main categories of punishments are established for the offences considered as multiple offences, whose cumulation is not provided by art. 87, and the court finds no grounds for absorbing a punishment by another, they shall be served independently.

(4) According to the provisions of par.(1) - (3), the punishment shall also be established if, after the ruling of the sentence, it is acknowledged that the convicted person is also guilty of committing another offence perpetrated before the ruling of the sentence in the first case. In this case, the term of the punishment shall include the duration of the punishment served, wholly or partially, based on the first sentence.

(5) In case of multiple offences, when a life imprisonment punishment and one or more imprisonment punishments or other categories of punishments were established, life imprisonment is applied as final punishment.

Article 85. Application of punishment in case of cumulation of sentences

(1) If, after ruling the sentence but before entirely serving the punishment, the convicted persons committed a new offence, the court adds, wholly or partially, to the punishment applied by the new sentence the unserved part of the punishment established by the previous sentence. In this case, the final punishment may not exceed the 30-year imprisonment term and for those who have not reached the age of 18 and for those who have reached the age of 18 but have not reached the age of 21 that have never been convicted - the term of 15 years.

[Art.85 par.(1) amended by Criminal Code 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(2) The cumulation of complementary punishments in case of cumulation of sentences

is performed under the conditions of art.84 par. (2).

(3) The final punishment in case of cumulation of sentences must be higher than the punishment set for committing a new offence and also than the unserved part of the punishment ruled by the previous sentence of the court.

(4) Upon cumulation of sentences, if one of the sentences establishes life imprisonment punishment, the final punishment shall be life imprisonment.

Article 86. Application of punishment in case of a foreign state judgment

(1) In case of a foreign state judgment, the court replaces the deprivation of liberty sanction ruled in the foreign state by a sanction provided by its own criminal law for the same act, without aggravating the criminal status of the convicted person established by the foreign state judgment. If the law of the foreign state provides a lower sanction than the minimum provided by the domestic law, the court shall not be bound by this minimum and shall apply a sanction corresponding to the sanction ruled in the foreign state.

(2) Any part of the sanction ruled in the foreign state and any period of provisional detention served by the convicted person shall be fully deducted by the court judgment on the recognition of the foreign state judgment.

(3) For serving the foreign state judgment on the application of a fine or confiscation of an amount of money, the court shall determine its amount in the national currency, applying the official exchange rate of the currency of the Republic of Moldova(ut2) valid on the date of ruling the judgment on the recognition of the foreign state judgment, without exceeding the maximum sanction set by the foreign state for such an act.

[Art.86 par.(3) amended by Criminal Code 33 as of 06.05.12, Official Gazette 99-102/25.05.12 art.330]

(4) The fines and confiscations of assets resulting from serving the judgments of a foreign state shall be borne by the Republic of Moldova, without prejudice to the rights of third states.

Article 87. Modality of setting the term of the final punishment in the case of cumulation of various punishments

(1) Upon cumulation of various main punishments applied in the case of multiple offences or cumulation of sentences, a prison day corresponds to 4 hours of community service.

[Art.87 par.(1) amended by Criminal Law163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(2) The other punishments cumulated with imprisonment shall be served independently.

Article 88. Calculation of punishment terms and computation of preventive detention

(1) The terms of deprivation of the right to hold certain positions or exercise a specific activity and the imprisonment terms are calculated in months and years and those for community service - in hours.

(2) Upon computation or cumulation of the punishments mentioned at par.(1), except for community service, as well as upon replacement of the punishment, the calculation thereof in days is admitted.

(3) The time of a person under pre-trial preventive detention is included in the imprisonment term, calculating one day for one day and in the term of community service

- calculating a day of preventive detention for 4 hours of community service.

[Art.88 par.(3) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(4) The duration of preventive detention and the duration of imprisonment punishment, applied by court judgment, for the offence committed abroad are included in the punishment term, in the case of extradition of the person under the legal conditions, calculating one day for one day.

(5) The court, taking into account the term of preventive detention, mitigates the punishment set or releases completely from execution the convicted person who was under preventive detention until the case was assigned to trial, upon the establishment of the fine as the main punishment, the deprivation of the right to hold certain positions or exercise a specific activity.

(6) The time during which the convicted person undergoes hospital treatment during the execution of the punishment is included in the duration of the execution of the punishment, unless it caused the illness itself, a fact acknowledged during the execution of the punishment. The duration of the execution of the community service punishment does not include the time when the convicted person is missing from the workplace.

Chapter IX

RELEASE FROM CRIMINAL LIABILITY

Article 89. Concept and categories of release from criminal punishment

(1) Release from criminal punishment means the exemption of a person who committed an offence from the actual, partial or total execution of the criminal punishment ruled by a court judgment.

(2) The release from criminal punishment is performed by:

- a) conviction with conditional suspension of the execution of the punishment;
- b) conditional release from punishment prior to the term;
- c) replacement of the unexecuted part of the punishment by a milder punishment;
- d) the release of minors from punishment;
- e) the release from punishment due to the change of the situation;
- f) the release from execution of the punishment of seriously ill persons;
- g) postponement of execution of the punishment for pregnant women and persons who have children aged up to 8 years.

[Art.89 par.(2), lett.g) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(3) The persons released from criminal punishment are subject to probation, and militaries - the probationary period.

[Art.89 par.(3) introduced by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

Article 90. Conviction with conditional suspension of the punishment execution

(1) If, upon establishing the imprisonment punishment for a maximum of 5 years for intentional offences and maximum 7 years for offences committed by imprudence, the court, taking into account the circumstances of the case and the personality of the culprit, concludes that it is not reasonable for it to execute the set punishment, may order the

conditional suspension of the execution of the punishment applied to the culprit, indicating in the judgment the grounds for the conviction with conditional suspension of the execution of the punishment and the probationary period or, if applicable, the probationary term. In this case, the court orders the non-execution of the applied punishment if, during the probationary period or, as the case may be, the probationary term established by it, the convict does not commit a new offence and, by fulfilling the probation conditions or the probationary term, it justifies the trust bestowed upon it. The control over the conduct of those convicted with conditional suspension of the execution of the punishment is exercised by the competent bodies and over the conduct of militaries by the related military command.

[Art.90 par.(1) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.90 par.(1) amended by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

(2) The probationary period or, as the case may be, the probationary term is established by the court within the limits of 1 year to 5 years.

[Art.90 par.(2) amended by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

(3)- excluded

(4) The conviction with conditional suspension of the execution of the punishment does not apply to the persons who committed particularly serious and exceptionally serious offences, as well as in case of dangerous or particularly dangerous recidivism.

[Art.90 par.(4) in the edition of Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(5) Complementary punishments may be established in case of conviction with conditional suspension of the execution of the punishment.

(6) By applying the conviction with the conditional suspension of the execution of the punishment, the court may oblige the convict:

a) not to change its domicile and/or residence without the consent of the competent body;

(Art.90 par. (6), lett.a) amended by Criminal Law 138 as of 03.12.15, Official Gazette 361-369 / 31.12.15 art.675 }

b) not to attend certain places;

c) to be subject to treatment in case of alcoholism, drug addiction, addiction or venereal disease;

c¹) to participate in a special treatment or counseling program in order to reduce the violent behavior;

[Art.90 par.(6), lett.c¹) introduced by Criminal Law 167 as of 09.07.10, Official Gazette 155-158/03.09.10 art.551]

d) to provide material support to the victim's family;

e) to remedy the caused damage within the term established by the court;

f) to participate in probational programs;

[Art.90 par.(6), lett.f) introduced by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

f)- excluded

g) to provide community service;

[Art.90 par.(6), lett.g) introduced by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

h) to be subject to electronic monitoring but for not more than 12 months.

[Art.90 par.(6), lett.h) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.90 par.(6), lett.h) introduced by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

(7) During the probationary period or as the case may be probationary term the court, upon the request of the body exercising control over the conduct of the person convicted with conditional suspension of the execution of the punishment, may cancel entirely or partially the obligations previously established to the convict or add new ones.

[Art.90 par.(7) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.90 par.(7) amended by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

(8) If, after the expiry of at least half of the probationary period or, as the case may be, the probationary term, the person convicted with conditional suspension of the execution of the punishment had a fair and exemplary conduct, fully remedied the damage, the court, upon the request of the body exercising control over the conduct of the person convicted with conditional suspension of the execution of the punishment, may rule a sentence on the cancellation of the conviction and extinction of the criminal antecedents.

[Art.90 par.(8) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.90 par.(8) amended by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

(8¹) In case the complementary punishment has also been established for the person convicted with conditional suspension of the execution of the punishment, the provisions of par. (8) shall not apply until the full execution of the complementary punishment.

[Art.90 par.(8¹) introduced by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(9) In case during the probationary period or, as the case may be, the probationary term the person convicted with conditional suspension of the execution of the punishment systematically violates the established obligations or, until the expiration of the probationary term, has intentionally not fulfilled the obligation to remedy the caused damage the court, upon the proposal of the body exercising control over the conduct of the persons convicted with conditional suspension, may rule a decision on the cancellation of the conviction with conditional suspension of the execution of the punishment and submission of the convict to execute, totally or partially, but not less than one third of the punishment established by the court judgment.

[Art.90 par.(9) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.90 par.(9) amended by the Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

(10) If the person convicted with conditional suspension of the execution of the

punishment commits during the probationary period or, as the case may be, the probationary term a new intentional offence, the court shall establish a punishment under the conditions of art. 85 if, as the case may be, the provisions of par. (11) of this article are not applicable.

[Art.90 par.(10) amended by the Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

(11) If the person convicted with conditional suspension of the execution of the punishment commits during the probationary period or, as the case may be, the probationary term an offence by imprudence or a less serious intentional offence, the issue of the cancellation or maintenance of the conviction with conditional suspension of the execution of the punishment shall be settled by the court, upon the proposal of the body exercising supervision over the conduct of those convicted with the suspension of the execution of the punishment.

[Art.90 par.(11) amended by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

Article 90¹. Conviction with partial suspension of the execution of imprisonment punishment

(1) In case the court, taking into account the circumstances of the case and the personality of the culprit, concludes that it is not reasonable for it to execute the whole imprisonment punishment in the penitentiary, it may order the partial suspension of the execution of the punishment applied to the culprit, indicating in the judgment the period of execution of the imprisonment punishment and the probationary period or, as the case may be, the probationary term, as well as the grounds for the conviction with the partial suspension of the execution of the punishment. The first part of the punishment is executed in the penitentiary and the rest of the punishment is suspended.

(2) In case of minor or less serious offences, the part of the punishment that must be executed in the penitentiary may be reduced to the minimum provided in this code.

(3) In case of serious offences, the part of the punishment that must be executed in the penitentiary must not be less than half the punishment established by the court.

(4) This article does not apply to particularly serious and exceptionally serious offences, as well as to the offences provided at art. 165, art. 166¹ par. (2)–(4), art. 171–175¹, 201¹, 206, 208, 208¹ and 208².

(5) Upon the release of the person for executing the part of the conditionally suspended punishment, the obligations provided at art. 90 par. (6) may be applied.

(6) In case the person convicted with the partial suspension of the execution of the imprisonment punishment commits during the probationary period or, as the case may be, the probationary term, a new intentional offence or systematically violates the established obligations, the court shall impose a punishment under the conditions of art. 85 if, as the case may be, the provisions of par. (7) of this article are not applicable.

(7) In case the person convicted with the partial suspension of the execution of the imprisonment punishment commits, during the probationary period or as the case may be the probationary term, an offence by imprudence or an intentional minor or less serious offence, the issue of cancellation or maintenance of the conviction with partial suspension of the execution of the imprisonment punishment shall be settled by the court upon the request of the body exercising the supervision over the conduct of the persons convicted

with the suspension of the execution of the punishment.

[Art.90¹ introduced by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

Article 91. Conditional release from punishment prior to the term

(1) The conditional release from the punishment prior to the term may be applied to the person serving an imprisonment punishment if it completed the individual program of punishment execution, entirely remedied the damage caused by the offence for which it was convicted, unless it proves that it did not have any possibility to fulfill them and if it is acknowledged that its correction is possible without the full execution of the punishment. The person may also be released, entirely or partially, from the complementary punishment.

[Art.91 par.(1) in the edition of Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.91 par.(1) amended by Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

[Art.91 par.(1) amended by Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632]

(2) Applying conditional release from punishment prior to the term, the court may order the convict to fulfill the obligations provided at art.90 par.(6) within the punishment term not yet executed.

(3) The conditional release from punishment prior to the term shall be applied to convicts by the court at the place of execution of the punishment, based on the action taken by the institution enforcing the punishment, upon the request of the convict or its defender under the conditions provided at art. 266 and 267 of the Enforcement Code and only after observing the established extrajudicial procedure.

[Art.91 par.(3) amended by Criminal Law 163 as of 20.07.17, 364-370/20.10.17 art.616; in force 20.12.17]

[Art.91 par.(3) amended by Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632]

(4) The conditional release from punishment prior to the term may be applied if the convict, who at the time of committing the offence reached the age of 21, actually served:

[Art.91 par.(4) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

a) at least half, but not less than 90 days of imprisonment, of the term of punishment established for committing a minor or less serious offence;

[Art.91 par.(4), lett.a) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

b) at least two thirds of the term of punishment established for committing a serious, particularly serious or exceptionally serious offence, as well as of the punishment imposed on the person who was previously conditionally released from the punishment prior to the term, if the conditional release from the punishment prior to the term was cancelled under the conditions of par. (8);

[Art.91 par.(4), lett.b) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.91 par.(4), lett.c) repealed by Criminal Law 163 as of 20.07.17, Official Gazette

364-370/20.10.17 art.616; in force 20.12.17]

(5) The person executing the life imprisonment punishment may be conditionally released from the punishment prior to the term if the court considers that there is no need to further execute the punishment and if that person actually served at least 30 years of imprisonment, without taking into account the privileged compensation of the working days.

[Art.91 par.(5) amended by Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632]

(6) The conditional release from punishment prior to the term may be applied to minors, to the persons who reached the age of 18 but not the age of 21 and to the persons who reached the age of 60, if they actually served:

[Art.91 par.(6) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

a) at least one third of the term of punishment established for committing a minor or less serious offence;

b) at least half the term of punishment established for committing a serious offence;

c) at least two thirds of the term of punishment established for committing a particularly serious or exceptionally serious offence.

[Art.91 par.(6¹) repealed by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.91 par.(6¹) introduced by Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632]

[Art.91 par.(6²) repealed by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.91 par.(6²) introduced by Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632]

(7) The control over the conduct of those conditionally released from punishment prior to the term is exercised by the probation bodies and over the conduct of military by the related military command.

[Art.91 par.(7) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(8) If, within the unexecuted term of punishment: (a) the convict deliberately evades the fulfillment of the obligations established by the court upon the application of conditional release from punishment prior to the term, the court, upon the proposal of the body indicated at par.7), may rule a decision on the cancellation of conditional release from punishment prior to the term and refer the convict to serve the unexecuted term of punishment;

[Art.91 par.(8), lett.a) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

b) the convict commits a new offence by imprudence, the cancellation or maintenance of conditional release from punishment prior to the term is decided by the court;

c) the convict intentionally commits a new offence, the court establishes its punishment under the conditions of art.85. Similarly, the punishment is also applied in the case of committing a new offence by imprudence if the court cancels the conditional release from punishment prior to the term.

Article 92. Replacement of the unexecuted part of the punishment by a milder punishment

(1) As regards the persons who serve imprisonment punishment for committing a minor or less serious offence, the court, taking into account their conduct during the execution of the punishment, may rule a decision on the replacement of the unexecuted part of the punishment by a milder punishment. The person may also be released, entirely or partially, from the complementary punishment.

[Art.92 par.(1) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.92 par.(1¹) repealed by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.92 par.(1¹) introduced by Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632]

[Art.92 par.(1²) repealed by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.92 par.(1²) introduced by Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632]

(2) The replacement of the unexecuted part of the punishment by a milder punishment may be applied only after the convict has actually served at least one third of the term of punishment for a minor or less serious offence and half the term of punishment for a serious offence.

[Art.92 par.(2) amended by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.92 par.(2) in the edition of Criminal Law 82 as of 29.05.14, Official Gazette 319-324/24.10.14 art.632]

(3) Upon the replacement of the unexecuted part of the punishment by a milder punishment, the court may choose any milder punishment among the ones specified at art.62, within the limits provided for each category of punishments.

(4) Upon the replacement of the unexecuted part of the punishment by a milder punishment, the court may oblige the convict to fulfill the obligations provided at art. 90 par. (6) within the unexecuted term of punishment to which it was convicted.

[Art.92 par.(4) introduced by Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

Article 93. Release of minors from punishment

The minors convicted of committing a minor, less serious or serious offence, shall be released from punishment by the court if it is established that the purposes of the punishment can be achieved by applying the educational coercive measures provided at art. 104.

[Art.93 in the edition of the Criminal Law 123 as of 02.06.16, Official Gazette 232-244/29.07.16 art.492]

Article 94. Release from punishment due to the change of the status

The person who committed a minor or less serious offence may be released from punishment if it is acknowledged that on the case hearing date, due to the change of the situation, the committed act lost its prejudicial nature and by virtue of the irreproachable conduct after committing the offence, the respective person can be corrected without

serving the punishment.

Article 95. Release from punishment of seriously ill persons

(1) The person who, during the execution of the punishment, suffered from a mental illness, that deprived it of the possibility to realize its actions or to direct them, is released from the execution of the punishment. The court may apply medical coercive measures to such person.

(2) The person who, until the ruling of the sentence or during the execution of the punishment, has suffered from a serious illness other than that specified at par.(1), that prevents the execution of the punishment, may be released from the execution of the punishment by the court.

[Art.95 par.(2) amended by the Criminal Law 213 as of 12.10.12, Official Gazette 234-236/09.11.21 art.748]

(3)- *excluded*

(4) The persons mentioned at par. (1) and (2), in case of their recovery, may be subject to punishment if the prescription terms provided at art.60 and 97 did not expire. The change of the conditional release of the persons mentioned at par. (1) and (2) with the execution of the punishment in penitentiary shall be performed upon the request of the representative of the body enforcing the sentence, based on a control carried out at least every 12 months.

[Art.95 par.(4) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

Article 96. Postponement of executing the punishment for pregnant women and persons having children of up to 8 years of age

[Art.96 name amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370 / 20.10.17 art.616; in force 20.12.17]

(1) Pregnant women and the persons who have children aged under 8, except for those sentenced to imprisonment for a term longer than 5 years for serious, particularly serious and exceptionally serious offences, offences provided at chapter I, II, III, VII, VIII, XIII și XVII, the court may postpone the execution of the punishment until the child reaches the age of 8.

[Art.96 par.(1) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(1¹) Upon postponing the execution of punishment under the conditions of par. (1) of this article, the court can oblige the convicted person to fulfill the obligations provided at art. 90 par. (6) may be applied.

[Art.96 par.(1¹) introduced by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(2) In case any of the convicted persons mentioned at par.(1) refuses to exercise its parental rights and obligations or breaches the probation conditions following the warning issued by the body exercising control over the conduct of the convicted person for which the execution of the punishment was postponed, the court may, upon the proposal of the nominated body, cancel the postponement of the execution of the punishment and send the sentenced person to execute the punishment at the place established in the court judgment.

[Art.96 par.(2) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

[Art.96 par.(2) amended by the Criminal Law 138 as of 03.12.15, Official Gazette 361-369/31.12.15 art.675]

(3) When the child reaches the age of 8, the court upon the request of the probationary body:

[Art.96 par.(3) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

a) releases the convicted person from the execution of the unexecuted part of the punishment;

[Art.96 par. (3), lett.a) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370 / 20.10. 17 art.616; in force 20.12.17]

b) replaces the unexecuted part of the punishment with a milder punishment;

c) sends the convicted person to the appropriate institution to execute the unexecuted part of the punishment.

[Art.96 par.(3), lett.c) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

(4) If during the period of postponement of the punishment the convicted person commits a new offence, the court sets a punishment under the conditions of art.85.

[Art.96 par.(4) amended by the Criminal Law 163 as of 20.07.17, Official Gazette 364-370/20.10.17 art.616; in force 20.12.17]

Article 96¹. Ordering the compulsory admission to a phthisiopneumological institution

If the person in respect of whom the issue of the release from punishment under art. 91-96 is examined is sick of tuberculosis, the court may order, based on the request of the penitentiary institution administration, its compulsory admission to a phthisiopneumological institution.

Article 97. Prescription of execution of the conviction sentence

(1) The conviction sentence is not enforced if it has not been performed within the following terms, calculated as of the day when it was ruled as final:

a) 2 years, in case of conviction for a minor offence (ut4) b) 6 years in case of conviction for a less serious offence, c) 10 years, in case of conviction for a serious offence, d) 15 years, in case of conviction for a particularly serious offence; (e) 20 years in case of conviction for an exceptionally serious offence.

(2) The terms of prescription of the execution of the punishment is reduced in half for the persons who on the date of committing the offence were minors.

(3) The prescription is interrupted if the person evades the execution of the punishment or if until the expiry of the terms provided at par. (1) and (2), it intentionally commits a new offence. In case of evading the execution of the punishment, the prescription term starts from the moment when the person is present for the execution of the punishment or from the moment of its detention, and in case a new offence is committed - from the moment of its commission.

(4) The prescription does not eliminate the execution of the main punishments set for the offences against peace and security of mankind or for war crimes, provided at art.135-137, 139 and 143.

Chapter X

SECURITY MEASURES

Article 98. Purpose and types of security measures

(1) The security measures are aimed at eliminating a danger and preventing the commission of the acts provided by the criminal law.

(2) Security measures are:

a) medical coercive measures;

b) educational coercive measures;

[Art.98 par.(2), lett. b¹) repealed by the Criminal Law 315 as of 20.12.13, Official Gazette 17-23/24.01.14 art.42]

[Art.98 par.(2), lett. b¹) declared unconstitutional by the Resolution of the Constitutional Court 18 as of 23.08.13, Official Gazette 182-185/23.08.13 art.27; in force 04.07.13]

[Art.98 par.(2), lett.b¹) introduced by the Criminal Law 34 as of 24.05.12, Official Gazette 126-129/22.06.12 art.405; in force 01.07.12]

c) expulsion;

d) special confiscation;

e) extended confiscation.

[Art.98 par.(2), lett.e) introduced by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

Article 99. Applying medical coercive measures

Persons who committed acts provided by the criminal law in a state of irresponsibility or who committed such acts in a state of responsibility, of reduced responsibility but who, until the ruling of the sentence or during the execution of the punishment, suffered from a mental illness, due to which they are incapable of realizing their actions or directing them, the court may apply the following medical coercive measures to be taken by the curative institutions of the healthcare institutions:

a) admission to a psychiatric institution with ordinary supervision,

b) admission to a strictly supervised psychiatric institution.

Article 100. Admission to a psychiatric institution

(1) The admission to a psychiatric institution with ordinary supervision may be applied by the court to an alienated person who, due to the psychological condition and the nature of the prejudicial act committed, needs hospital care and treatment under normal supervision conditions.

(2) The admission to a psychiatric institution with rigorous supervision may be applied by the court to an alienated person who, due to the mental state and the nature of the prejudicial act committed, presents a particular danger to society and needs hospital care and treatment under rigorous supervision conditions.

(3) The persons admitted to psychiatric institutions with rigorous supervision are detained under conditions that exclude the possibility of committing a new prejudicial act.

Article 101. Establishing, changing, extending and terminating the application of medical coercive measures to alienated persons

(1) The court, considering it necessary to apply a medical coercive measure, chooses its form depending on the person's mental illness, nature and prejudicial degree of the committed act. The person subject to forced treatment or its representative is entitled to ask an independent medical institution for an opinion on the health condition of the

person to whom medical coercive measures are applied.

(2) The court shall order, on the basis of the opinion of the medical institution, the cessation of the application of medical coercive measures in the case of the person's recovery or of a change of the nature of the disease that excludes the necessity to apply such measures.

(3) The change of the medical coercive measure or the extension of the term of its application shall also be performed by the court, both ex officio and upon the request of the respective person or of its representative, based on a control carried out at least once every 6 months, regarding the need to apply such measure.

(4) If the court does not consider it necessary to apply medical coercive measures to an alienated person and in case of cessation of applying such measures, it may entrust it to the care of relatives or guardians, but under mandatory medical supervision.

Article 102. Deduction of the duration of application of medical coercive measures

(1) The person who, after committing the offence or during the execution of the punishment, suffered from a mental illness, due to which it was incapable of realizing its actions or directing them, the court may apply the punishment after its recovery if the prescription term has not expired or if there are no other grounds for its release from criminal liability and punishment.

(2) In case of applying the punishment after its recovery, the duration of application of medical coercive measures is deducted from the punishment term.

Article 103. Applying medical coercive measures to alcoholics and drug addicts or placing them under trusteeship

(1) In case the offence is committed by an alcoholic or a drug addict, if there is an appropriate medical opinion, the court ex officio or upon the request of the workforce or healthcare institution, together with the punishment for the committed offence, may apply forced medical treatment to this person.

(2) The persons mentioned at par.(1), sentenced to non-custodial punishments, shall be subjected to forced treatment in special medical institutions.

(3) If the persons mentioned at par.(1) were sentenced to imprisonment punishment, they shall be subjected to forced medical treatment during execution of the punishment and after release from the detention facilities, if it is necessary to continue such treatment, they shall be treated in special medical institutions.

(4) The cessation of forced medical treatment is ruled by the court upon the proposal of the medical institution where the respective person is treated.

(5) If the offence was committed by a person that is under alcohol abuse and consequently puts its family in a difficult material situation, the court, while applying the non-custodial punishment for the committed offence, is entitled, upon the request of the workforce or of the close relatives of the respective person, to place it under trusteeship.

Article 104. Applying educational coercive measures

(1) To the persons released from criminal liability in compliance with art. 54 or criminal punishment in compliance with art. 93, the following educational coercive measures apply:

[Art.104 par.(1) amended by the Criminal Law 123 as of 02.06.16, Official Gazette 232-244/29.07.16 art.492]

a) warning;

b) entrusting the minor for supervision to the parents, the persons who replace them or to the specialized state bodies;

c) ordering the minor to remedy the damage caused. When applying this measure, the minor's material condition is taken into account;

d) obliging the minor to attend a psychological rehabilitation course;

[Art.104 par.(1), lett.d) amended by the Criminal Law 123 as of 02.06.16, Official Gazette 232-244/29.07.16 art.492]

e) obliging the minor to attend the compulsory education course;

[Art.104 par.(1), lett.e) in the edition of the Criminal Law 123 as of 02.06.16, Official Gazette 232-244/29.07.16 art.492]

f) obliging the minor to participate in a probation program.

[Art.104 par.(1), lett.f) introduced by the Criminal Law 123 as of 02.06.16, Official Gazette 232-244/29.07.16 art.492]

(2) The enumeration at par.(1) is exhaustive.

(3) Several educational coercive measures may be applied to the minor at the same time.

(4) In the case of systematic evasion of the minor from the educational coercive measures, upon the proposal of the specialized state body, the prosecutor cancels the applied measures and sends the case to the court, and in case the respective measures were ruled by the court, it dismisses them and orders the referral of the criminal case to the prosecutor or, as the case may be, establishes a punishment provided by the law for the committed act.

[Art.104 par.(4) in the edition of the Criminal Law 123 as of 02.06.16, Official Gazette 232-244/29.07.16 art.492]

(5) Educational coercive measures apply to minors until they reach the majority, depending on the prejudicial nature and extent of the committed offence.

[Art.104 par.(5) introduced by the Criminal Law 123 as of 02.06.16, Official Gazette 232-244/29.07.16 art.492]

[Art.104¹ repealed by the Criminal Law 315 as of 20.12.13, Official Gazette 17-23/24.01.14 art.42]

[Art.104¹ declared unconstitutional by the Resolution of the Constitutional Court 18 as of 23.08.13, Official Gazette 182-185/23.08.13 art.27; in force 04.07.13]

[Art.104¹ introduced by the Criminal Law 34 as of 24.05.12, Official Gazette 126-129/22.06.12 art.405; in force 01.07.12]

Article 105. Expulsion

(1) Foreign citizens and stateless persons who were convicted of committing offences may be forbidden to remain on the territory of the country.

(2) In case expulsion accompanies the imprisonment punishment, the execution of the expulsion shall take place after the execution of the punishment.

(3) Upon taking the decision to expel the persons provided at par.(1), the right to respect for their private life shall be taken into account.

Article 106. Special confiscation

(1) Special confiscation consists in the forced and free of charge transfer into state property of the assets indicated at par. (2). If these assets no longer exist, cannot be found or recovered, the countervalue thereof is confiscated.

[Art.106 par.(1) in the edition of the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

[Art.106 par.(1) amended by the Criminal Law 33 as of 06.05.12, Official Gazette 99-102/25.05.12 art.330]

(2) The following assets (including currency values) are subject to confiscation:

[Art.106 par.(2) amended by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

a) used or intended to commit an offence;

[Art.106 par.(2), lett.a) in the edition of the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

b) resulting from offences, as well as any proceeds from the capitalization of such assets;

[Art.106 par.(2), lett.b) in the edition of the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

c) delivered to determine the commission of an offence or to reward the offender;

[Art.106 par.(2), lett.d) repealed by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

e) held contrary to the legal provisions;

(f) converted or transformed, partially or entirely, from the assets resulting from offences and from proceeds of these assets;

g) which make the object of money laundering or financing of terrorism offences.

[Art.106 par.(2), lett.g) in the edition of the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

(2¹) If the goods resulting from offences and the proceeds of these assets were merged with the assets legally acquired, that part of the assets or their countervalue corresponding to the value of the assets resulting from offences and the proceeds of these assets is confiscated.

[Art.106 par.(2¹) amended by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

(3) If the assets mentioned at par. (2) lett. a) and b) belong or were onerously transferred to a person who did not know and should not have known about the purpose of use or origin of the assets, their countervalue is confiscated. If the respective assets were transferred free of charge to a person who did not know and should not have known about the purpose of use or origin thereof, the assets are confiscated.

[Art.106 par.(3) in the edition of the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

(4) Special confiscation may be applied even if a criminal punishment is not set for the perpetrator.

(5) Special confiscation is not applied to offences committed through a media institution or any other mass communication means.

Article 106¹. Extensive Confiscation

(1) Other assets than those indicated at art. 106 are subject to confiscation, in case the person is convicted for committing the offences referred to at articles 158, 165, 206, 208¹, 208², 217–217⁴, 218–220, 236–240, 243, 248–253, 256, 260³, 260⁴, 279, 280, 283, 284, 290, 292, 302, 324–329, 330², 332–335¹ and if the act was committed in material interest.

(2) Extended confiscation is ordered if the following conditions are cumulatively met:
a) the value of the assets acquired by the convicted person for 5 years before and after committing the offence, until the date of adopting the sentence, substantially exceeds the income legally acquired by it;

b) the court acknowledges, based on the evidence administered in the file, that the respective assets result from criminal activities of the nature provided at par. (1).

(3) For applying the provisions of par. (2) account shall be taken also of the value of the assets transferred by the convicted person or a third person to a family member, to the legal entities upon which the convicted person holds control or to other persons who knew or should have known about the illicit acquisition of the assets.

(4) In determining the difference between the legal income and the value of the acquired assets, the value of the assets on the date of their acquisition and the expenses incurred by the convicted person, including the persons mentioned at par. (3) shall be taken into account.

(5) If the assets subject to confiscation are not found or were merged with the legally acquired assets, money and goods that cover the value thereof are confiscated instead.

(6) The goods and money obtained from capitalization or use of the assets subject to confiscation, including the goods in which the assets resulting from the criminal activities were transformed or converted, as well as the income or benefits obtained from such assets are confiscated.

(7) Confiscation may not exceed the value of the assets acquired during the period provided at par. (2) lett. a), that exceeds the level of legal income of the convict.

[Art.106¹ introduced by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

Chapter XI

CAUSES THAT ELIMINATE THE CRIMINAL LIABILITY OR THE CONSEQUENCES OF THE CONVICTION

Article 107. Amnesty

(1) Amnesty is the act that has the effect of eliminating the criminal liability or punishment, either by reducing the punishment applied or by commuting it.

(2) Amnesty does not have any effect on the security measures and rights of the injured person.

(3) Amnesty does not apply in the case of the commission of offences provided at art. 166¹ par. (2)–(4), as well as to persons who committed offences against minors under art. 171–175¹, 201, 206, 208, 208¹ and 208².

[Art.107 par.(3) amended by the Criminal Law 43 as of 22.03.13, Official Gazette 82/12.04.13 art.256]

[Art.107 par.(3) introduced by the Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

Article 108. Pardon

(1) Pardon is the act by which the convict is released, totally or partially, from the established punishment or the established punishment is commuted.

(2) Pardon is granted by the President of the Republic of Moldova individually.

(3) Pardon has no effect on complementary punishments, unless otherwise ordered by

the act of pardon.

(2) Pardon has no effect on the security measures and rights of the injured person.

(5) Pardon does not apply to persons who committed offences against minors provided at art. 171–175¹, 201, 206, 208, 208¹ and 208².

[Art.108 par.(5) amended by the Criminal Law 43 as of 22.03.13, Official Gazette 82/12.04.13 art.256]

Article 109. Reconciliation

(1) Reconciliation is the act of eliminating criminal liability for a minor or less serious offence and in case of minors, and for a serious offence the offences provided at chapters II to VI of the Special Part, as well as in the cases provided by the criminal procedure if the person does not have criminal antecedents for similar offences committed intentionally or if in its respect the cessation of the criminal proceedings was not ordered, as a result of reconciliation, for similar offences committed intentionally over the past five years.

[Art.109 par.(1) amended by the Criminal Law 130 as of 09.06.16, Official Gazette 206-214/15.07.16 art.446]

(2) Reconciliation is personal and produces legal effects from the time the criminal prosecution is initiated until the panel of judges withdraws for deliberation.

(3) For people lacking exercise capacity, reconciliation is done by their legal representatives. Those with limited exercise capacity may be reconciled with the consent of the persons provided by the law.

(5) Reconciliation does not apply to persons who committed against minors offences provided at art. 171–175¹, 201, 206, 208, 208¹ and 208².

[Art.109 par.(4) amended by the Criminal Law 43 as of 22.03.13, Official Gazette 82/12.04.13 art.256]

Article 110. Notion of criminal antecedents

Criminal antecedents represent a legal status of the person, that results from the moment of the final conviction sentence, generating legal unfavorable consequences for the convict until the time of extinction of the criminal antecedents or rehabilitation.

Article 111. Extinction of criminal antecedents

(1) The following persons are deemed to have no criminal antecedents:

- a) released from criminal punishment;
- b) released, according to the amnesty act, from criminal liability;
- c) released, according to the amnesty or pardon act, from the execution of the punishment ruled by the conviction sentence;
- d) convicted with conditional suspension of the execution of the punishment if, within the probationary period, the conviction with conditional suspension of the execution of the punishment was not cancelled;
- e) sentenced to a milder punishment than imprisonment - after the execution of the punishment;

f) - excluded

- g) sentenced to imprisonment for committing a minor or less serious offence - if 2 years passed after the execution of the punishment;
- h) sentenced to imprisonment for committing a serious offence - if 6 years passed after the execution of the punishment;
- i) sentenced to imprisonment for committing a particularly serious offence - if 8 years

passed after the execution of the punishment; j) sentenced to imprisonment for committing an exceptionally serious offence - if 10 years passed after the execution of the punishment.

(2) If the convict, in the manner established by law, was released prior to the term from executing the punishment or the unexecuted part of the punishment was replaced by a milder punishment, the term of extinction of the criminal antecedents is calculated starting from the actual term of the executed punishment, from the moment of release from the execution of the main and complementary punishment.

(3) Extinction of criminal antecedents cancels all incapacities and decays of rights related to criminal antecedents.

Article 112. Judicial rehabilitation

(1) If the person who executed the criminal punishment has proved to have an irreproachable conduct, upon its request, the court may cancel the criminal antecedents until the expiry of the terms of extinction thereof. The conditions for receiving the request for judicial rehabilitation may be the following:

- a) the convict has not committed a new offence; b) at least half of the term provided at art. 11 (1) and (2) has expired;
- c) the convict has had an irreproachable conduct;
- d) the convict has entirely paid all civil damages it was ordered to pay, as well as the legal expenses;
- e) the convict has insured existence by work or other honest means, has reached retirement age or is incapable of work.

(2) Rehabilitation cancels all incapacities and decays of rights related to criminal antecedents.

(3) In case of rejection of the rehabilitation request, a new request may only be filed after one year.

(4) The cancellation of the judicial rehabilitation occurs if, after its award, it was discovered that the rehabilitated person had had another conviction which, if it had been known, would have led to the rejection of the rehabilitation request.

Chapter XII

CLASSIFICATION OF THE OFFENCE

Article 113. Notion of classification of the offence

(1) The classification of the offence is the determination and the legal acknowledgment of the exact correspondence between the signs of the prejudicial act committed and the signs of the composition of the offence, provided by the criminal norm.

(2) The official classification of the offence is carried out at all stages of the criminal proceedings by the persons conducting the criminal investigation and by the judges.

Article 114. Classification of offences in case of multiple offences

The classification of offences in case of multiple offences, as determined at art.33, is carried out by invoking all articles or paragraphs of a single article of the criminal law that provide the prejudicial acts committed.

Article 115. Classification of offences in case of multiple criminal norms

(1) Multiple criminal norms imply the commission of a prejudicial act by a person or by a group of persons, wholly covered by the provisions of two or more criminal norms and

constituting a single offence.

(2) Selecting one of the multiple norms that most accurately reflects the legal nature of the prejudicial act committed is carried out under the conditions of art.116-118.

Article 116. Classification of offences in case of competition between the general and special norms

(1) A general norm is the criminal norm that provides two or more prejudicial acts and a special norm - the criminal norm that provides only the particular cases of these acts.

(2) In case of competition between the general norm and the special one, only the special norm applies.

Article 117. Classification of offences in case of competition between two special norms

The competition between two special norms has the following varieties:

a) between the composition of the offence with mitigating circumstances and another one with aggravating circumstances - the offence is classified based on the one with mitigating circumstances;

b) between two components of offences with mitigating circumstances - the offence is classified based on the criminal norm that provides the milder punishment;

c) between two components of offences with aggravating circumstances - the offence is classified based on the criminal norm that provides a more severe punishment.

Article 118. Classification of offences in case of competition between a part and a whole

(1) Competition between a part and a whole is the existence of two or more criminal norms, one of them including entirely the prejudicial act and the others - only parts of it.

(2) The classification of offences in case of competition between a part and a whole is carried out based on the norm that includes entirely all the signs of the prejudicial act.

Chapter XIII

MEANING OF CERTAIN TERMS OR PHRASES IN THIS CODE

Article 119. General provisions

Any time the criminal law uses a term or a phrase as the ones defined in this chapter, its meaning is that provided at the following articles.

Article 120. Territory

The territory of the Republic of Moldova and the territory of the country refers to the area of land and the waters between the borders of the Republic of Moldova, with its underground and air space.

Article 121. State secret

The state secret refers to the information defined as such by Law no. 245-XVI of 27 November 2008 regarding state secret.

[Art.121 in the edition of the Criminal Law 66 as of 07.04.11, Official Gazette 110-112/08.07.11 art.299]

Article 122. The person benefitting from international protection

The person benefitting from international protection refers to:

a) the head of the foreign state, including every member of the collegiate body exercising the functions of the head of state according to the constitution of that state, or the head of the government or the minister of the foreign affairs of the foreign state, as well as their

family members that accompany them;

b) any representative or person with responsibility position of the foreign state or any person with responsibility position or other agent of the international intergovernmental organization who, according to international law, is entitled to special protection against any attack on it, its freedom and dignity, as well as the members of their family who live with them.

Article 123. The person with a responsibility position, the public person and the person with a public dignity position

[Art.123 title in the edition of the Criminal Law 245 as of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

(1) The person with responsibility position refers to the person who, in an enterprise, institution, state organization or local public administration or in a subdivision thereof, is granted certain rights and obligations in view of exercising the functions of public authority or the disposition or organizational-economic administrative actions, permanently or provisionally, by the law, by appointment, election or by virtue of an assignment.

(2) A public person refers to: a civil servant, including a civil servant with special status (collaborator of the diplomatic service, customs service, defense, national security and public order bodies, other person holding special or military ranks); the employee of the autonomous or regulatory public authorities, of state or municipal enterprises, of other legal entities of public law; the employee in the cabinet of persons with public dignity positions; the person authorized or entrusted by the state to provide on its behalf public services or fulfill public interest activities.

[Art.123 par.(2) in the edition of the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(3) The person with public dignity position refers to: the person whose appointment or election is regulated by the Constitution of the Republic of Moldova or who is invested in office by appointment or by election by the Parliament, the President of the Republic of Moldova or the Government, another person with public dignity position established by law; the person to whom the person with public dignity position delegated its powers.

[Art.123 par.(3) amended by the Criminal Law 152 as of 01.07.16, Official Gazette 245-246/30.07.16 art.517; in force 01.08.16]

[Art.123 par.(3) amended by the Criminal Law 318 as of 20.12.13, Official Gazette 17-23/24.01.14 art.48]

[Art.123 par.(3) introduced by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

Article 123¹. Foreign public person and international official

(1) The foreign public person refers to: any person, appointed or elected, who holds a legislative, executive, administrative or judicial mandate of a foreign state; the person who exercises a public position for a foreign state, including a foreign public body or a foreign public enterprise; the person who acts as a juror within the judicial system of a foreign state.

(2) International official refers to: the official of an international or supranational public organization or any person authorized by such an organization to act on its behalf; the member of a parliamentary assembly of an international or supranational organization;

any person exercising judicial functions in an international court, including the person in charge of the registry.

[Art.123¹ introduced by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

Article 124. The person who manages a commercial, public or other non-state organization

The person who manages a commercial, public or other non-state organization refers to the person to whom certain rights and obligations in view of exercising the disposition or organizational-economic administrative functions or actions, permanently or provisionally, within the indicated organization or in a subdivision thereof.

Article 125. Illegal performance of entrepreneurial activity

Illegal performance of entrepreneurial activity refers to:

- a) the performance of entrepreneurial activity without registration (re-registration) at the authorized bodies;
- b) the performance of certain types of activity prohibited by the law;
- c) the performance of entrepreneurial activity through branches, representative offices, subsidiaries, sections, shops, warehouses, commercial units and other unregistered units in the manner established by law;
- d) the performance of entrepreneurial activity without the use of trademarks and factory marks and without the fiscal codes in the documents, where their use or indication is provided by law, or the performance of this activity by using foreign or plastic tax codes.

Article 126. Particularly large proportions, large proportions, considerable damage and essential damage

(1) The large proportions refer to the value of stolen, acquired, received, manufactured, destroyed, used, transported, stored, marketed goods crossed over the customs border, the value of the damage caused by a person or a group of persons, which exceeds 20 expected monthly average salaries, established by the Government Decision in force at the time of committing the act.

[Art.126 par.(1) in the edition of Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(1¹) The particularly large proportions refer to the value of stolen, acquired, received, manufactured, destroyed, used, transported, stored, marketed goods crossed over the customs frontier, the value of the damage caused by a person or group of persons, which exceeds 40 expected monthly average salaries, established by the Government Decision in force at the time of committing the act.

[Art.126 par.(1¹) introduced by Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The substantial or essential nature of the damage caused is established by taking into account the value, quantity and significance of the goods for the victim, its material condition and income, the existence of maintained persons, other circumstances that essentially influence the victim's material condition, and in case of prejudice to the rights and interests protected by law - the extent of the violation of fundamental human rights and freedoms.

(3)- excluded

Article 126¹. Means from external funds

Means from external funds refer to the financial and material resources allocated as grants, subsidies, credits, donations, loans, humanitarian aid by other states, the European Community or international institutions, organizations and associations, foreign natural or legal persons, guaranteed or contracted by the state, as well as non-refundable ones.

[Art.126¹ introduced by the Criminal Law 105 as of 26.05.16, Official Gazette 184-192/01.07.16 art.391]

Article 127. War time

War time refers to the interval from the date of declaring the mobilization or the beginning of the war operations until the date of the army's transition to the state of peace.

Article 127¹. Person protected by the international humanitarian law

The person protected by the international humanitarian law refers to:

a) in an international armed conflict: any person protected under the Geneva Conventions of 12 August 1949 on the protection of war victims and the Additional Protocol I of 8 June 1977 on the protection of victims of international armed conflict, in particular the sick, the wounded, the shipwrecked, the war prisoners and the civil persons;

b) in an armed conflict without international nature: any person protected according to art. 3 of the Geneva Conventions of 12 August 1949 and the Additional Protocol II of 8 June 1977 on the protection of victims of non-international armed conflicts (the sick, wounded, shipwrecked, the persons who are not directly involved in military operations and who are under the power of the enemy side

c) in an armed conflict with or without international nature: members of the armed forces and combatants of the enemy side who put down their weapons or who, for any other reason, can no longer defend themselves and who are not under the power of the enemy side.

[Art.127¹ introduced by the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 128. Military offences

(1) Military offences refer to the offences provided by this code against the established modality of accomplishment of the military service, committed by the persons performing the military service by contract, within a limited term or a reduced term or as concentrated or mobilized reservists.

(2) The militaries who committed offences are bound by criminal liability in compliance with the provisions of the general and special parts of this code.

Article 129. Weapons

(1) Weapons refer to instruments, parts or devices declared as such by law.

(2) Any other objects that could be used as weapons or that were used for attack are assimilated to weapons.

Article 130. Mercenary

Mercenary refers to the person specially recruited inside the country or abroad to fight in an armed conflict that takes part in military operations in order to obtain a personal benefit or remuneration promised by or on behalf of a party to the conflict, who is neither a citizen of the party to the conflict nor a resident of the territory controlled by the party to the conflict, is not a member of the armed forces of a party to the conflict and has not been delegated by a state other than the party to the conflict, for an official mission as a member of the armed forces of that state.

[Art.130 in the edition of the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 131. Act committed in public

The act committed in public refers to the act committed:

- a) at a place which, by its nature or purpose, is always accessible to the public, even if at the time of committing the offence there was no person at that place, but the perpetrator was aware that the act could become public;
- (b) at any other place accessible to the public if, at the time of committing the act, two or more persons were present;
- c) at a place inaccessible to the public, with the intent, however, that the act be heard or seen, if it was committed against two or more persons;
- d) in a meeting or gathering between several persons, except for the gatherings that may be considered to be of a family nature, due to the nature of the relationships between the persons involved;
- e) by any means, the perpetrator being aware that the act may become public.

Article 132. Means of transportation

Means of transportation refers to all types of motor vehicles, tractors and other types of self-propelled machinery, trams and trolleybuses, as well as motorcycles and other mechanical means of transportation.

Article 132¹. Assets

Assets, in the sense of art. 106, 243 and 279, refer to financial assets, any category of tangible or intangible, movable or immovable assets, as well as deeds or other legal instruments in any form, including electronic or digital format, that certify a title or right, including any share (interest) related to these assets.

[Art.132¹ introduced by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

Article 133. Cultural values

Religious or secular cultural values refer to the values indicated in the Convention of 14 November 1970 of the United Nations Educational, Scientific and Cultural Organization on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Article 133¹. Family member

A family member refers to:

- a) in case of cohabitation: the persons in marriage, divorce, under guardianship and trusteeship, their relatives, affinities, the spouses of relatives, the persons in a relationship similar to those between the spouses (cohabitation) or between the parents and children;
- b) in case of separate living: the persons in marriage, divorce, their relatives, affinities, the adoptive children, the persons under trusteeship, the persons who are or have been in relationships similar to the ones between the spouses (cohabitation).

[Art.133¹ in the edition of the Criminal Law 196 as of 28.07.16, Official Gazette 306-313/16.09.16 art.661]

[Art.133¹ introduced by the Criminal Law 167 as of 09.07.10, Official Gazette 155-158/03.09.10 art.551]

Article 134. Kinship

- (1) Kinship refers to the relationship based on a person's descent from another person

or on the fact that several persons have a common ancestor. In the first case, the kinship is in a straight line and in the second case - in a collateral line.

(2) The degree of kinship is established by the number of births.

(3) The kinship of one of the spouses refers to the affinities of the other spouse. The line and degree of affinity are assimilated to the line and degree of kinship.

(4) Close kinship refers to parents, children, adoptive parents, adopted children, brothers and sisters, grandparents and their grandchildren.

Article 134¹. Drugs, precursors, ethnobotanics and their analogs

(1) Drugs refer to narcotics or psychotropic plants or substances or mixtures containing such plants or substances, as established by the Government.

(2) Narcotics refer to the substances listed in the annexes to the United Nations Single Convention on Narcotic Drugs of 1961, as amended by the Protocol of 1972, and provided by the Government's normative acts.

(3) Psychotropic substances refer to the substances listed in the annexes to the Convention on Psychotropic Substances of 1971 and provided by the Government's normative acts.

(4) Precursor refers to a substance of natural or synthetic origin used as a raw material for the production of narcotics or psychotropic substances.

(5) Ethnobotanical products (ethnobotanics) refer to the mixtures of powders and/or herbs or mixtures of herbs and various parts of plants sprayed with chemicals, that produce changes inducing physiological and/or mental, hallucinogenic effects and/or psychoactive actions.

(6) Analog of narcotics or psychotropic substances refers to any substance or combination of substances of natural or synthetic origin, in any physical state, or to any product, plant, fungus or parts thereof, that has the capacity of producing psychoactive effects and that, irrespective of its content, name, method of administration, presentation or advertising, is or may be used instead of a narcotic, psychotropic preparation or a preparation with psychotropic effect or instead of a plant or substance under national and/or international control.

(7) The lists of narcotics, psychotropic substances and precursors are approved, amended and supplemented by the Government.

(8) In case of stealing, misappropriation, extortion or other illegal actions with drugs, precursors, ethnobotanics or their analogs, their proportions - small, large or particularly large - are determined according to the small, large or particularly large quantities established by the Government.

(9) The trafficking of drugs, precursors, ethnobotanics and their analogs refers to any operations such as experimentation, development, production (manufacture), preparation, cultivation, extraction, processing, transformation, possession, storage, keeping, delivery, release, distribution, dispatch, transport, acquisition (purchase), sale, destruction, import, export, use, promotion thereof and other related activities.

[Art.134¹ in the edition of the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 134². Aircraft in flight and aircraft in service

(1) An aircraft is considered to be in flight from the moment when, once boarding is completed, all the exterior doors of that aircraft have been closed, until the moment when

one of these doors is open for landing. In case of forced landing, it is considered that the flight continues until the moment when the competent authorities take control of the aircraft, as well as the persons and goods on board.

(2) An aircraft is considered to be in service from the moment when the ground staff or crew begins to prepare it for a specific flight, until the expiration of a 24-hour term after any landing. The service period covers in any case the entire duration of flight of the aircraft.

Article 134³. Fixed platform

Fixed platform refers to an artificial island, installation or work permanently attached to the seabed for exploration and exploitation of resources or for other economic purposes.

Article 134⁴. Explosive or other lethal device

Explosive device or other lethal device refers to:

- (a) the explosive or incendiary weapon or device intended or capable of causing death, serious injury to bodily integrity or health or essential material damage;
- (b) the weapon or device designed or capable of causing death, serious injury to bodily integrity or health or essential material damage by the release, dissemination or action of toxic chemicals, biological agents or toxins or other analogous substances, radiation or radioactive substances.

Article 134⁵. State or governmental object

State or governmental object refers to a permanent or temporary object or a means of transportation that is used or occupied by representatives of the state, members of the Government, of the legislative or judicial body, or by persons with a position of responsibility or officials of a public authority or of any other public body or institution, or by officials or persons with a position of responsibility of an intergovernmental organization, in connection with the performance of their professional duties.

Article 134⁶. Infrastructure object

Infrastructure object refers to any object under public or private property that provides or distributes services to the population, such as sewage, water, energy, fuel or telecommunications.

Article 134⁷. Public place of use

Public place of use refers to parts of a building, land, street, navigable channel or of other place that are accessible or open to the public permanently, periodically or occasionally and that include any commercial, business, cultural, historical, educational, religious, state, entertainment, recreational place or any other similar place accessible or open to the public.

Article 134⁸. Nuclear material

(1) Nuclear material refers to: plutonium, except for plutonium whose isotopic concentration in plutonium 238 exceeds 80%; uranium 233; uranium enriched in uranium 235 or 233; uranium containing the mixture of isotopes found in nature other than in the form of ore or ore residue; any material containing one or more of the elements mentioned at this paragraph.

(2) Uranium enriched in uranium 235 or uranium 233 refers to uranium containing either uranium 235 or uranium 233 or these two isotopes in such a quantity that the ratio between the sum of these two isotopes and isotope 238 is higher than the ratio between isotope 235 and isotope 238 from natural uranium.

Article 134⁹. Nuclear installation

Nuclear installation refers to:

- (a) the installation, including buildings and related equipment, in which nuclear material is produced, processed, used, handled, temporarily stored or permanently deposited and which, if damaged or if interventions are produced to it, may lead to the release of significant amounts of radiation or radioactive material;
- (b) any nuclear reactor, including reactors installed on air, maritime, road or rail means of transportation or on space objects in order to be used as a source of energy for the purpose of propulsion of such means of transportation or spatial objects or for any other purposes;
- (c) any building or any type of transport used for the production, storage, processing or transport of radioactive material.

Article 134¹⁰. Radioactive device

Radioactive device refers to:

- (a) any explosive nuclear device;
- (b) any radioactive material dispersing device or radiation releasing device which, due to its radiological properties, may cause death, serious injury to bodily integrity or health or essential damage to property or the environment.

Article 134¹¹. Terrorist offence

A terrorist offence refers to one of the offences provided at art. 140¹, 142, 275, 278, 278¹, 279¹, 279², 279³, 280, 284 par. (2), art. 289¹, 292 par. (1¹) and par. (2) in the part concerning the acts provided at par. (1¹), art. 295, 295¹, 295², 342 and 343.

[Art.134¹¹ amended by the Criminal Law 119 as of 23.06.17, Official Gazette 277-288/04.08.17 art.463]

[Art.134¹¹ amended by the Criminal Law 134 as of 14.06.12, Official Gazette 135-141/06.07.12 art.449]

Article 134¹². Intoxication

(1) Intoxication refers to the psycho-functional disorder of the body resulting from the consumption of alcohol, drugs and/or other substances with similar effects.

[Art.134¹² par.(1) amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

(2) Minimum alcohol intoxication state refers to the condition of the person with a blood alcohol concentration from 0.3 to 0.5 g/l or the alcohol vapors concentration in the exhaled air from 0.15 to 0.3 mg/l.

[Art.134¹² par.(2) amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.134¹² par.(2) amended by the Criminal Law 145 as of 14.06.13, Official Gazette 161-166/26.07.13 art.516; in force 26.10.13]

(3) Acute alcohol intoxication state refers to the condition of the person with a blood alcohol concentration from 0.5 g/l and more or the alcohol vapors concentration in the exhaled air from 0.3 mg/l and more.

[Art.134¹² par.(2) amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.134¹² par.(3) amended by the Criminal Law 145 as of 14.06.13, Official Gazette 161-166/26.07.13 art.516; in force 26.10.13]

Article 134¹³. Bank administrator

Bank administrator, in the sense of art. 191 par. (2¹), art. 197 par. (3), art. 239¹ par. (2) and art. 239², refers to the person defined as such by the Financial Institutions Law no. 550-XIII of 21 July 1995.

[Art.134¹³ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

SPECIAL PART

Chapter I

OFFENCES AGAINST PEACE AND SECURITY OF MANKIND, WAR CRIMES

Article 135. Genocide

The commission, with the intention to destroy, in whole or in part, a national, ethnic, racial or religious group, of one of the following acts:

- a) killing the group members;
 - b) harm to bodily integrity or health of the group members;
 - c) subjecting the group to conditions of existence that may lead to its total or partial physical destruction;
 - d) imposing measures to the purpose of preventing births within the group;
 - e) forced transfer of children from a group to another group,
- is punishable by imprisonment from 15 to 20 years or by life imprisonment.

[Art.135 in the edition of the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 135¹. Offences against humanity

(1) The commission, in a generalized or systematic attack launched against a civil population aware of such attack, of one of the following acts:

- a) subjecting to slavery or human trafficking;
- b) forced deportation or transfer, in violation of the general rules of international law, of persons that are lawfully on the territory where the attack was launched;
- c) arrest or other form of deprivation of physical freedom in violation of the general rules of international law;
- d) torture of a person under the guard of the perpetrator or over whom the latter exercises control in any other way, causing serious injury to bodily integrity or health, pain or psychological suffering, that exceed the consequences of the sanctions permitted by international law;
- (e) rape, sexual exploitation, coercion to prostitution, illegal detention of a woman impregnated in a forced way, for the purpose of altering the ethnic composition of a population, forced sterilization or any other form of sexual violence;
- f) persecution of a group or a determined community, by depriving them of fundamental human rights or by restricting the exercise of such rights, on political, racial, national, ethnic, cultural, religious, sexual grounds or according to other criteria recognized as inadmissible by the international law;
- (g) causing the forced disappearance of a person, in order to escape from the protection of the law, by kidnapping, arrest or detention, based on the order of a state or political organization or by their authorization, support or permission, followed by the refusal to admit that such person is deprived of freedom or to provide real information on the fate reserved to it or the place where it is, as soon as such information was requested;

h) the application of apartheid practices;
i) other inhuman acts of a similar nature that intentionally cause serious physical or mental suffering or serious injury to bodily integrity or health of the person, shall be punished by imprisonment from 10 to 20 years.

(2) The commission, under the conditions indicated at par. (1), of one of the following acts:

a) killing one or more persons;
b) subjecting a population or parts of it, to the purpose of destroying it wholly or partially, to living conditions destined to determine its physical destruction is punishable by imprisonment from 15 to 20 years or by life imprisonment.

[Art.135¹ introduced by the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 136. Ecocide

The intentional mass destruction of the flora or fauna, the intoxication of the atmosphere or water resources, as well as the commission of other actions that may cause or that have caused an ecological disaster, shall be punished by imprisonment from 10 to 15 years.

Article 137. War crimes against individuals

(1) The commission of one of the following acts in an international armed conflict:

a) coercion, by violence or threat, of one or more persons provided at art. 127¹ lett. a) to enlist in the enemy armed forces;

b) to force the enemy's citizens to take part in military operations directed against their country, even if they were enlisted in the armed forces of this enemy before the armed conflict began;

c) the unlawful keeping in detention or the unjustified delay of the repatriation of one or more persons provided at art. 127¹ lett. a);

d) the direct or indirect transfer, by an agent of the occupying party, of a part of the civil population to which it belongs, in the occupied territory, the deportation or transfer by it, inside or outside the occupied territory, of the entire civil population of that territory or of a part thereof,

shall be punished by imprisonment from 3 to 10 years.

(2) Exposing, in an armed conflict with or without international nature, a person protected by the humanitarian international law to the danger of death or serious injury to health by:

a) performing any kind of experiments that are not determined by a medical, therapeutical, hospital treatment to which the person did not voluntarily, expressly and priorly consent and which are not performed in its interests;

b) the collection of tissues or organs for transplant, except for blood or skin sampling for therapeutic purposes in compliance with the generally accepted medical principles and with the voluntary, express and prior consent of the person;

c) subjection to unrecognized medical treatment methods, without being necessary for the health of the person and without its voluntary, express and prior consent, is punishable by imprisonment from 8 to 12 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years.

(3) The commission, in an armed conflict with or without international nature, against

one or more persons protected by the humanitarian international law, of one of the following acts:

- a) the intentional infliction of serious physical or psychological suffering or serious injury to bodily integrity or health;
- b) the application of torture or the subjection to inhuman or degrading treatment, as well as mutilation;
- c) rape, sexual exploitation, coercion to prostitution, illegal detention of a woman impregnated in a forced way, to the purpose of altering the ethnic composition of a population, forced sterilization or any other violent sexual act;
- d) taking hostages;
- e) deportation or forced transfer, in violation of the general rules of international law, of persons who are legally on the territory where the armed conflict takes place;
- f) the recruitment and incorporation of children who have not reached the age of 18 in the national armed forces and their determination by any means to actively participate in military operations;
- g) the deprivation of the right to be tried by a lawfully constituted and impartial court, the ruling of the punishment or execution of the punishment without complying with legal and impartial proceedings, which should provide the guarantees imposed by the international law,

shall be punished by imprisonment from 10 to 20 years.

(4) The commission, in an armed conflict with or without international nature, of the murder of one or more persons protected by the humanitarian international law shall be punished by imprisonment from 15 to 20 years or by life imprisonment.

[Art.137 in the edition of the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 137¹. War crimes against property and other rights

(1) The commission, in an armed conflict with or without international nature, of one of the following acts:

- a) the destruction, appropriation or confiscation of goods of the enemy side, in violation of the international law and without being justified by military necessities;
 - b) plundering of a locality, including the assaulted one,
- is punishable by imprisonment from 3 to 10 years.

(2) The declaration, in an international armed conflict, as being extinguished, suspended or inadmissible in court, the rights and actions of one or more citizens of the enemy side

shall be punished by imprisonment from 5 to 10 years.

(3) Plundering on the battlefield of the dead or wounded committed in an armed conflict with or without international nature is punishable by imprisonment from 8 to 15 years.

[Art.137¹ introduced by the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 137². Use of forbidden means of warfare

The use, in an armed conflict with or without international nature, of:

- a) poisoning or poisonous weapons;
- b) asphyxiating, toxic or similar gases, as well as any similar liquids, materials or

processes;

c) weapons, missiles, materials likely to cause unnecessary physical suffering;

d) bullets which expand or easily flatten in the human body, such as bullets whose hard shell does not completely cover its middle or are perforated by cuts,
is punishable by imprisonment from 7 to 15 years.

[Art.137² introduced by the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 137³. Use of prohibited methods of warfare

(1) The injury to a person provided at art. 127¹ lett. c) or the injury, by resorting to perfidy, of a member of the enemy armed forces or a combatant of the enemy forces, committed in an armed conflict with or without international nature, shall be punished by imprisonment from 5 to 8 years.

(2) The declaration, in an armed conflict with or without international nature, that there will be no mercy for the defeated
shall be punished by imprisonment from 7 to 12 years.

(3) The triggering, in an armed conflict with or without international nature, of an attack:

a) against the civil population or civilians that do not directly participate in hostilities;

b) against civil assets protected by the humanitarian international law, especially buildings intended for religious cult, education, art, science or charity, against historical monuments, hospitals and places where the sick or wounded are gathered, as well as against settlements, dwellings or constructions that are not defended and are not used as military objectives;

c) against the personnel of the humanitarian aid or peacekeeping mission, against facilities, material, units or vehicles used under the Charter of the United Nations, provided that they be entitled to the protection guaranteed by the humanitarian international law to civilians and civil goods;

d) against buildings, material, units and sanitary means of transportation and the personnel using the distinctive signs provided by the Geneva Conventions of 12 August 1949;

e) knowing that it shall cause civilian casualties among the civil population, civilian injuries, damage to civil assets or extensive, lasting and serious damage to the environment, which would be manifestly disproportionate to the actual and directly anticipated military advantage,

shall be punished by imprisonment from 8 to 15 years.

(4) The use, in an armed conflict with or without international nature, of:

a) fighting methods capable of causing unnecessary physical suffering;

b) intentional starvation of civilians by depriving them of the goods indispensable for survival or intentional prevention thereof from receiving aid, contrary to the humanitarian international law;

c) a person protected by the international humanitarian law to the purpose of preventing certain military points, areas or forces from becoming the target of the military operations of the enemy side;

is punishable by imprisonment from 8 to 15 years.

(5) The murder of one or more persons provided at art. 127¹ lett. c), committed by

resorting to perfidy in an armed conflict with or without international nature is punishable by imprisonment from 15 to 20 years or by life imprisonment.

[Art.137³ introduced by the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 137⁴. The unlawful use of distinctive signs of international humanitarian law

The unlawful use of the distinctive signs provided by the Geneva Conventions of 12 August 1949, the parliamentary flag, the flag, the military badges or enemy uniform or of the United Nations Organization, as a means of protection in an armed conflict with or without international nature, if it caused: a) serious injury to the bodily integrity or health of one or more persons, b) the death of one or more persons, is punishable by imprisonment from 7 to 15 years.

[Art.137⁴ introduced by the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 138. Giving or executing a manifestly illegal order. Failure to exercise or inappropriate exercise of due control

(1) Execution of a manifestly illegal order aimed at committing the offences provided at art. 135–137⁴

is punishable by imprisonment from 5 to 10 years.

(2) The giving, by the hierarchical superior or by the person holding the command of the armed forces, within an armed conflict with or without international nature, of a manifestly illegal order aimed at committing the offences provided at art. 135–137⁴

is punishable by imprisonment from 8 to 15 years.

(3) The failure to exercise or the inappropriate exercise of the control due by a military chief or by the person holding the command of the armed forces, that led to the commission of the offences provided at art. 135–137⁴

is punishable by imprisonment from 6 to 12 years.

[Art.138 in the edition of the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 139. Planning, preparing, launching or conducting the war

(1) The planning, preparation or launching of the war is punishable by imprisonment from 8 to 15 years.

(2) Conducting the war

is punishable by imprisonment from 10 to 20 years or by life imprisonment.

Article 140. Propaganda of war

(1) The propaganda of war, the dissemination of tendentious or invented information, instigating war or any other actions aimed at the outbreak of a war, verbally committed, in writing, by radio, television, cinema or other means,

are punishable by a fine of up to 1500 conventional units or by imprisonment for up to 6 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.140 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The Commission of the actions provided at par.(1) by a person with public dignity position(ut4) [Art.140 par. (2) amended by the Criminal Law 245 of 02.12.11, Official

Gazette 25-28 / 03.02.12 art.77]

is punishable by a fine from 1500 to 2000 conventional units or by imprisonment from 3 to 7 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.140 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

Article 140¹. Use, development, production, otherwise acquiring, processing, holding, storing or preserving, directly or indirectly transferring, storing, transporting of weapons of mass destruction

(1) Use, development, production, otherwise obtaining, processing, holding, keeping or preserving, directly or indirectly transferring, storing, transporting of chemical weapons, biological weapons, nuclear weapons, nuclear explosive devices or other weapons of mass destruction in violation of the provisions of national legislation or international treaties to which the Republic of Moldova is a party

are punishable by a fine from 3000 to 5000 conventional units or by imprisonment from 8 to 12 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for 2 to 5 years, and the legal entity is punishable by a fine from 5000 to .8000 conventional units with the deprivation of the right to exercise a specific activity for 2 to 5 years or by its liquidation.

(2) The same actions:

a) - excluded

b) committed by two or more persons;

c) committed by an organized criminal group or by a criminal organization;

d) resulting in causing particularly large damage;

e) resulting in the death of the person

are punishable by imprisonment from 16 to 20 years, and the legal entity is punishable by a fine from 8000 to 10000 conventional units or by its liquidation.

(3) Design, production, otherwise acquiring, holding, storing, transferring or transporting the equipment, material, software or related technology that essentially contributes to the design, production or delivery of weapons of mass destruction knowing that such equipment, material, software or technology is intended for this purpose is punishable by a fine from 1000 to 3000 conventional units or by imprisonment for up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a term of up to 5 years, by a fine imposed on the legal entity from 3000 to 5000 conventional units with the deprivation of the right to exercise a specific activity for up to 5 years or by the liquidation of the legal entity.

(4) Designing, producing, otherwise acquiring, holding, storing, transferring or transporting the raw material, special fissible material, equipment or material designed or prepared for the processing, use or manufacture of special fissible material, knowing that this raw material, material or equipment is destined for use in the nuclear explosion activity or in another nuclear activity that contravenes the international treaties to which the Republic of Moldova is a party

is punishable by imprisonment for up to 5 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed on the legal entity from 4000 to 7000 conventional units with the

deprivation of the right to exercise a specific activity for a period of 2 to 5 years or by the liquidation of the legal entity.

Article 141. Activity of mercenaries

(1) The participation of the mercenary in an armed conflict, military actions or other violent actions aimed at overthrowing or undermining the constitutional order or violating the territorial integrity of the state is punishable by imprisonment from 3 to 7 years.

(2) Employment, training, financing or other insurance of mercenaries, as well as their use in armed conflict, military actions or other violent actions aimed at overthrowing or undermining the constitutional order or violating the territorial integrity of the state are punishable by imprisonment from 5 to 10 years.

Article 142. Attack on the person benefitting from international protection

(1) Committing an act of violence against the office, home or means of transportation of the person benefitting from international protection, if such an act could endanger the life, health or freedom of the person concerned, is punishable by imprisonment from 5 to 10 years.

(2) The kidnapping or commission of another attack on the person benefitting from international protection or its freedom is punishable by imprisonment from 7 to 15 years.

(3) The murder of the person benefitting from international protection is punishable by imprisonment from 16 to 20 years or by life imprisonment.

(4) The actions provided at par. (1) or (2), committed for the purpose of causing the war or international conflict, are punishable by imprisonment from 8 to 15 years or by life imprisonment.

(5) The threat of committing an action provided at par. (1), (2), (3) or (4), if there was a danger of accomplishing such threat, is punishable by imprisonment from 3 to 7 years.

[Art.143 repealed by the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 144. Cloning

Creating human beings by cloning is punishable by imprisonment from 7 to 15 years.

Chapter II

OFFENCES AGAINST HUMAN LIFE AND HEALTH

Article 145. Intentional murder

(1) A person's murder is punishable by imprisonment from 10 to 15 years.[Art.145 par.(1) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2) Murder committed:

- a) with premeditation;
- b) from material interest;

c) - excluded

- d) in relation to the fulfillment by the victim of the labor or public obligations;
- e) knowingly against a minor or pregnant woman or taking advantage of the known or

obvious helplessness state of the victim due to old age, illness, disability or other factor;
e¹) against a family member;

[Art.145 par. (2), lett.e¹) introduced by the Criminal Law 196 as of 28.07.16, Official Gazette 306-313 / 16.09.16 art.661]

f) with the kidnapping or taking the person as hostage;

g) against two or more persons;

h) against a representative of the public authority or against a military or against their close relatives, during or in connection with the fulfillment by the representative of the public authority or military of the work obligations

i) by two or more persons;

j) with great cruelty and for sadistic reasons;

(k) to the purpose of concealing another offence or facilitating its commission;

l) for reasons of social, national, racial or religious hatred;

m) by means harmful to the life or health of several persons;

n) to the purpose of collecting and/or using or selling the victim's organs or tissues;

o) by a person who previously committed an intentional murder provided at par.(1);

p) based on an order

is punishable by imprisonment from 15 to 20 years or by life imprisonment.

[Art.145 par.(2) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(3)- excluded

Article 146. Murder committed in a state of affection

The murder suddenly committed in a state of affection, caused by acts of violence or serious insults or other illegal or immoral acts of the victim,

is punishable by imprisonment for up to 5 years.

Article 147. Infanticide

The murder of a newborn child, committed during birth or immediately after birth by the mother who was in a state of physical or mental disorder, with diminished discernment, caused by the birth,

is punishable by imprisonment for up to 5 years.

Article 148. Depriving of life at the will of the person (euthanasia)

The deprivation of life of the person in connection with an incurable disease or the unbearable nature of physical suffering, if there was a victim's wish or, in the case of minors, of their relatives,

is punishable by imprisonment for up to 6 years.

Article 149. Deprivation of life by imprudence

(1) The deprivation of life by imprudence

is punishable by imprisonment for up to 3 years.

(2) The deprivation of life by imprudence of two or more persons

is punishable by imprisonment from 2 to 6 years.

Article 150. Determination to suicide

(1) The determination to suicide or attempted suicide by systematic persecution, slander, offense or humiliation of the victim's dignity by the culprit

is punishable by imprisonment for up to 4 years.

(2) Determination to suicide or attempted suicide of:

a) - excluded

b) a minor;

c) a person who is under a material dependence or other dependence towards the culprit;

d) by cruel behavior;

e) - excluded

is punishable by imprisonment from 2 to 6 years.

Article 151. Serious intentional injury to a person's bodily integrity or health

(1) The serious intentional injury to a person's bodily integrity or health, that is dangerous to life or that has caused the loss of sight, hearing, speech or other organ or the termination of its functioning, a mental illness or other harm to health, accompanied by the stable loss of at least one third of the work capacity or that led to the interruption of pregnancy or an irreparable disfigurement of the face and/or adjacent regions, is punishable by imprisonment from 5 to 10 years.

[Art.151 par.(1), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2) The same action committed:

a)- excluded

b) knowingly against a minor or a pregnant woman, or taking advantage of the known or obvious state of helplessness of the victim, due to old age, illness, disability or other factor;

c) against a person in connection with the fulfillment of its labor or public obligations;

d) by two or more persons;

e) with particular cruelty and for sadistic reasons;

[Art.151 par. (2), lett.e) in the edition of the the Criminal Law 252 as of 08.11.12, Official Gazette 263-269 / 21.12.12 art.855]

f) by dangerous means for the life or health of several persons;

g) from material interest;

h) - excluded

i) for reasons of social, national, racial or religious hatred;

j) against two or more persons;

k) by an organized criminal group or criminal organization;

l) in order to collect and/or use or sells the victim's organs or tissues;

m) based on an order

is punishable by imprisonment from 10 to 12 years.

[Art.151 par.(2), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(3)- excluded

(4) The actions provided at par.(1) or (2), that caused the death of the victim, are punishable by imprisonment from 12 to 15 years.

[Art.151 par.(4), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 152. Average intentional injury to bodily integrity or health

(1) The mean intentional injury to bodily integrity or health, that is not dangerous for life and did not cause the consequences provided at art.151, but that was followed either by the prolonged health disorder or by a considerable and stable loss of less than one third

of the work capacity, is punishable by community service from 200 to 240 hours or by imprisonment for up to 5 years.

[Art.152 par.(1) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2) The same action committed:

a)- excluded

b) against two or more persons;

c)- excluded

c¹⁾ knowingly against a minor or pregnant woman or taking advantage of the known or obvious state of helplessness of the victim, due to old age, illness, disability or other factor; d) to a person in connection with the fulfillment of its labor or public obligations; e) by two or more persons;

f) with particular cruelty, as well as for sadistic reasons;

[Art.152 par. (2), lett.f) in the edition of the the Criminal Law 252 as of 08.11.12, Official Gazette 263-269 / 21.12.12 art.855]

g) by dangerous means for the life or health of several persons;

h) from material interest;

i)- excluded

j) for reasons of social, national, racial or religious hatred;

k) based on an order

is punishable by imprisonment from 5 to 7 years.

[Art.152 par.(2), sanction amended by the the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 153 - excluded

Article 154 - excluded

Article 155. Threat of murder or serious injury to bodily integrity or health

The threat of murder or serious injury to bodily integrity or health, if there was a danger of this threat being committed,

is punishable by fine from 550 to 750 conventional units or by community service from 180 to 240 hours or by imprisonment from 1 to 3 years.

[Art.155 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.155 sanction amended by the Criminal Law the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 156. Serious or average injury to bodily integrity or health in a state of affection

The serious or average injury to bodily integrity or health in a state of affection suddenly occurred, caused by acts of violence, serious insults or other illegal or immoral acts of the victim, is punishable by fine from 550 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.156 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

Article 157. Serious or average injury to bodily integrity or health caused by imprudence

The serious or average injury to bodily integrity or health caused by imprudence is

punishable by fine of up to 650 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.157 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

Article 158. Trafficking of human organs, tissues and cells

(1) Illicit collection of human tissues and/or cells by their extraction from the body of a living or deceased person by unauthorized persons and/or in unauthorized institutions according to the legislation or without complying with the legal provisions that refer to the consent of the person to their donation, or in order to obtain income therefrom, as well as the illegal sale, procurement, stealing, use, keeping, possession, transmission, receipt, import, export or transportation thereof

is punishable by imprisonment from 2 to 5 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed to the legal entity from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.158 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The same actions committed with human organs or parts thereof are punishable by imprisonment from 5 to 12 years with deprivation of the right to hold certain positions or to exercise a specific activity for a period of 2 to 5 years, by a fine applied to the legal entity from 4000 to 6000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.158 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par. (1) or (2), committed:

- a) by a person who previously committed an act provided at par. (1) or (2);
 - b) by physical or psychological constraint;
 - c) against two or more persons;
 - d) against a pregnant woman or a child;
 - e) by two or more persons;
 - f) by a public person, a person with a responsibility position, a person with a public dignity position, a foreign public person or an international official,
- are punishable by imprisonment from 7 to 15 years with deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed on the legal entity from 6000 to 8000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.158 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The actions provided at par. (1), (2) or (3):

- a) committed by an organized criminal group or a criminal organization;
 - b) resulting in serious injury to bodily integrity or health, death of the person or its suicide,
- are punishable by imprisonment from 10 to 20 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years, by a fine imposed on the legal entity from 8000 to 10000 conventional units with the deprivation of

the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.158 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.158 in the edition of the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

Article 159. Illegal induction of abortion

(1) The interruption of the pregnancy course by any means committed:

- a) outside medical institutions or medical offices authorized to this purpose;
- b) by a person without special higher medical studies;
- c) in the case of pregnancy that exceeds 12 weeks, in the absence of medical indications, established by the Ministry of Health;
- d) in the case of medical contraindications for such surgery;
- e) in unsanitary conditions

is punishable by a fine from 550 to 850 conventional units or by the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years or by imprisonment for up to 2 years.

[Art.159 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The same action:

- b) which caused by imprudence a serious or average injury to bodily integrity or health;
- c) which caused by imprudence the death of the victim;

is punishable by imprisonment from 1 to 6 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

Article 160. Illegal surgical sterilization

(1) The illegal surgical sterilization by a physician

is punishable by a fine of up to 550 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

[Art.160 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The same action committed:

- a) in non-specialized medical units;
- b) by a person without special higher medical studies

is punishable by a fine from 550 to 850 conventional units or by imprisonment up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.160 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(3) The actions provided at par.(1) or (2), which:

b) caused by imprudence a prolonged health disorder or a serious injury to bodily integrity or health;

c) caused by imprudence the death of the patient,

are punishable by imprisonment from 3 to 6 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

Article 161. Artificial insemination or embryo implantation without the patient's consent

The performance by the physician of artificial insemination or embryo implantation without the written consent of the patient is punishable by a fine of up to 650 conventional units or by community service from 150 to 240 hours, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years.

[Art.161 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

Article 162. Failure to provide help to a patient

(1) Not giving help to a patient without justified grounds by a person who, by virtue of law or special rules, was obliged to provide it is punishable by a fine from 550 to 850 conventional units or by community service from 100 to 240 hours.

[Art.162 par.(1) sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The same act that caused by imprudence:

a) a serious injury to bodily integrity or health;
b) the death of the patient
is punishable by imprisonment for up to 5 years with deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

Article 163. Leaving a person in a danger condition

(1) Knowingly leaving without helping a person who is in a life-threatening condition and is deprived of the possibility to save itself because of the young or old age, disease or helplessness, if the culprit knew of the danger and had the possibility to grant help to the injured person or if the culprit itself subjected it to a life-threatening condition, is punishable by a fine of up to 550 conventional units or by community service from 180 to 240 hours, or by imprisonment of up to 2 years.

[Art.163 par.(1) sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The same act that caused by imprudence:

a) a serious injury to bodily integrity or health;
b) the death of the victim
is punishable by imprisonment for up to 4 years.

Chapter III

OFFENCES AGAINST HUMAN FREEDOM, HONOR AND DIGNITY

Article 164. Kidnapping a person

(1) The kidnapping of a person is punishable by imprisonment from 3 to 6 years.

[Art.164 par.(1) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2) The same action committed:

b) against two or more persons;
c) knowingly against a minor or a pregnant woman or taking advantage of the known or obvious helplessness state of the victim, due to the old age, disease, disability or other

factor;(ut4) e) by two or more persons;
f) from material interest;
g) with the use of a weapon or other objects used as a weapon
is punishable by imprisonment from 6 to 10 years.

[Art.164 par.(2) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(3) The actions provided at par.(1) or (2), which:

a) were committed by an organized criminal group or by a criminal organization;
b) caused by imprudence a serious injury to bodily integrity or health or the death of the victim,

are punishable by imprisonment from 10 to 13 years.

[Art.164 par.(3) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 164¹. Kidnapping of the minor by close relatives

The kidnapping of the minor by close relatives
is punishable by a fine of up to 650 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 6 months.

[Art.164¹ sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

Article 165. Human trafficking

(1) The recruitment, transportation, transfer, housing or reception of a person, with or without its consent, for the purpose of commercial or non-commercial sexual exploitation, through forced labor or services, for begging, slavery or conditions similar to slavery, use in armed conflicts or criminal activities, collection of organs, tissues and/or cells, as well as the use of women as surrogate mothers, committed by:

[Art.165 par.(1), disposition amended by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

a) threat with the application of or application of physical or psychological violence that is not dangerous to the life and health of the person, including by kidnapping, confiscation of documents and by servitude, to the purpose of returning a debt whose amount is not reasonably established, as well as by threatening to disclose confidential information to the victim's family or other natural and legal persons;

b) embezzlement;

(c) abuse of a position of vulnerability or abuse of power, giving or receiving payments or benefits in order to obtain the consent of a person who has control over another person
is punishable by imprisonment from 6 to 12 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity is punishable by a fine of 4000 to 6000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.165 par. (1), the sanction amended by the Criminal Law 207 of 29.07.16, Official Gazette 369-378 / 28.10.16 art.751; in force 07.11.16]

[Art.165 par. (1), sanction amended by the Criminal Law 270 of 07.11.13, Official Gazette 290 / 10.12.13 art.794]

(2) The same actions committed:

(a) by a person who previously committed an act provided at paragraph (1);

b) against two or more persons;

c) against a pregnant woman;

d) by two or more persons;

e) by a public person, by a person with a position of responsibility, by a person with a public dignity position, by a foreign public person or by an international official;

[Art.165 par.(2), lett.e) in the edition of the Criminal Law 270 as of 07.11.13, Official Gazette 290 / 10.12.13 art.794]

(Art.165 par. (2), e) amended by the Criminal Law 245 of 02.12. 11, Official Gazette 25-28 / 03. 02.12 art.77]

f) by applying dangerous violence to the person's life, physical or mental health; g) with extreme cruelty to ensure the subordination of the person or the use of rape, physical dependence, weapon, shall be punished by imprisonment from 7 to 15 years, the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine of 6000 to 8000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.165 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.165 par.(2), sanction amended by the Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

(3) The actions provided at par.(1) or (2):

a) committed by an organized criminal group or a criminal organization;

a¹) accompanied by the contamination with a venereal disease or with AIDS disease;

[Art. 165 par. (3), lett.a¹) introduced by the Criminal Law 270 of 07.11.13, Official Gazette 290 / 10.12.13 art.794] } b) resulted in a serious injury to bodily integrity or mental illness, death or suicide of the person,

are punishable by imprisonment from 10 to 20 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years, and the legal entity is punishable by a fine from 7000 to 9000 conventional units, by the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

(4) The victim of human trafficking is released from criminal liability for the offences committed by it in connection with this procedural capacity.

Article 165¹. Use of the results of the work or services of a person who is a victim of human trafficking

(1) The use of products and/or services that result from exploitation in human trafficking or child trafficking offences, provided by a person about whom the beneficiary knows to be the victim of these offences, if this act does not meet the elements of human trafficking or child trafficking,

is punishable by imprisonment from 2 to 5 years, by a fine imposed on the legal entity from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.165¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The person who committed the act provided at par. (1) is released from criminal liability in case it voluntarily admitted that other persons committed human trafficking or child trafficking offences, assisted in the discovery of the offences or actively contributed to the investigation of such cases.

[Art.165¹ introduced by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

Article 166. Illegal deprivation of liberty

(1) The illegal deprivation of a person's liberty, if the action is not connected to its kidnapping, is punishable by community service from 120 to 240 hours or by imprisonment of up to 2 years.

(2) The same action committed:

- a) - *excluded*
 - b) against two or more persons;
 - c) knowingly against a minor or a pregnant woman or taking advantage of the known or obvious state of helplessness of the victim, due to old age, illness, disability or other factor;
 - d) by two or more persons;
 - e) by applying violence hazardous for the life or health of the person;
 - f) by the use of a weapon or other objects used as a weapon
- shall be punished by imprisonment from 3 to 7 years.

[Art.166 par.(2), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(3) The actions provided at paragraphs (1) or (2), if they caused by imprudence the serious injury to the bodily integrity or health or the death of the victim, shall be punished by imprisonment from 7 to 12 years.

[Art.166 par.(3), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 166¹. Torture, inhuman or degrading treatment

(1) The intentional infliction of pain or physical or mental suffering, which is inhuman or degrading treatment, by a public person or by a person who de facto exercises the powers of a public authority or by any other person acting with official title or with the express or tacit consent of such a person

shall be punished by imprisonment from 2 to 6 years or by a fine from 1150 to 1350 conventional units, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years.

[Art.166¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The actions provided at par. (1):

- a) knowingly committed against a minor or a pregnant woman or taking advantage of the known or obvious state of helplessness of the victim due to old age, illness, disability or other factor;
- b) committed against 2 or more persons;
- c) committed by 2 or more persons;
- d) committed by using a weapon, special tools or other objects adapted to that purpose;

e) committed by a person with a responsibility position or by a person with a public dignity position;
f) that, by imprudence, caused a serious or average injury to bodily integrity or health;
g) that by imprudence caused the person's death or suicide
are punishable by imprisonment from 3 to 8 years or by a fine from 1350 to 1600 conventional units, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 5 to 10 years.

[Art.166¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(3) Torture, namely any intentional act by which pain or physical or mental suffering is inflicted upon a person in order to obtain information or confessions from that person or from a third person, to punish it for an act which it or a third person committed or is suspected of committing, to intimidate or exert pressure on it or a third person, or for any other reason based on a form of discrimination of any kind, when such a pain or suffering is caused by a public person or by a person who de facto exercises the powers of a public authority or by any other person acting with official title or with the express or tacit consent of such a person

is punishable by imprisonment from 6 to 10 years with the deprivation of the right to hold certain positions or exercise a specific activity from 8 to 12 years.

(4) The actions provided at par. (3):

a) knowingly committed against a minor or a pregnant woman or taking advantage of the known or obvious state of helplessness of the victim due to old age, illness, disability or other factor;

b) committed against 2 or more persons;

c) committed by 2 or more persons;

d) committed by using a weapon, special tools or other objects adapted to that purpose;

e) committed by a person with a responsibility position or by a person with a public dignity position;

f) that, by imprudence, caused a serious or average injury to bodily integrity or health;

g) that, by imprudence, caused the person's death or suicide

are punishable by imprisonment from 8 to 15 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 10 to 15 years.

[Art.166¹ introduced by the Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

Article 167. Slavery and conditions similar to slavery

Subjecting or holding a person under conditions in which another person exercises control over it or determining it by using deception, constraint, violence or threat of violence to engage or stay in a cohabitation relationship or marriage

is punishable by imprisonment from 3 to 10 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

Article 168. Forced labor

(1) Obtaining services from a person against its will by coercion or deceit, if this action does not meet the elements of human trafficking or child trafficking, shall be punished by imprisonment from 2 to 6 years.

(2) The same act committed:

- a) against two or more persons;
 - b) against a child with working capacity or a pregnant woman;
 - c) by two or more persons;
 - d) by a public person, by a person with a responsibility position, by a person with a public dignity position, by a foreign public person or an international official
- shall be punished by imprisonment from 6 to 10 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed on the legal entity from 2000 to 3500 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.168 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(3) The actions provided at par. (1) or (2):

- a) committed by an organized criminal group or by a criminal organization;
 - b) resulted in serious injury to bodily integrity or health or the death of the victim,
- shall be punished by imprisonment from 7 to 15 years, by a fine imposed on the legal entity from 2500 to 4000 conventional units by the liquidation of the legal entity.

[Art.168 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.168 in the edition of the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

Article 169. Illegal admission to a psychiatric institution

(1) Illegal admission to a psychiatric institution of a psychically healthy person is punishable by imprisonment for up to 3 years with the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

(2) The same action that caused by imprudence:

- a) the serious injury to bodily integrity or health;
 - b) the death of the victim
- is punishable by imprisonment from 3 to 7 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years.

Article 170 - excluded

Chapter IV

SEXUAL OFFENCES

Article 171. Rape

(1) Rape, namely the sexual intercourse committed by physical or psychological constraint of the person or taking advantage of its impossibility to defend itself or to express its will,

is punishable by imprisonment from 3 to 5 years.

(2) Rape:

- a) committed by a person who previously committed a rape provided at paragraph (1);
- b) knowingly committed against a minor;
- b¹) knowingly committed against a pregnant woman;
- b²) committed against a family member

[Art.171 par.(2), lett.b²) introduced by the Criminal Law 167 as of 09.07.10, Official Gazette 155-158 / 03.09.10 art.551]

c) committed by two or more persons;

d) - excluded

e) accompanied by intentional contamination with a venereal disease;

f) committed with extreme cruelty, as well as for sadistic reasons [Art.171 par. (2), lett.f) in the edition of the Criminal Law 252 as of 08.11.12, Official Gazette 263-269 / 21.12. 12 art.855]

g) - excluded

is punishable by imprisonment from 5 to 12 years.

(3) Rape:

a) against a person in charge, under the guardianship, protection, education or treatment of the perpetrator;

b) against a minor under the age of 14;

c) accompanied by the intentional contamination with AIDS;

d) that caused by imprudence a serious injury to bodily integrity or health;

e) that caused by imprudence the death of the victim;

f) resulted in other serious consequences

shall be punished by imprisonment from 10 to 20 years or by life imprisonment.

Article 172. Violent sexual actions

(1) Homosexuality or the satisfaction of sexual desire in perverse forms, committed by physical or psychological constraint of the person or by taking advantage of its impossibility to defend itself or to express its will, is punishable by imprisonment from 3 to 5 years.

(2) The same actions:

a) committed by a person who previously committed an act provided at par. (1);

b) knowingly committed against a minor;

b¹) knowingly against a pregnant woman;

b²) committed against a family member;

[Art.172 par.(2), lett.b²)introduced by the Criminal Law 167 as of 09.07.10, Official Gazette 155-158/03.09.10 art.551]

c) committed by two or more persons,

d) accompanied by the intentional contamination with a venereal disease;

e) - excluded

g) committed with extreme cruelty, as well as for sadistic reasons

(Art.172 par.(2), lett.g) in the edition of the Criminal Law 252 as of 08.11.12, Official Gazette 263-269 / 21.12 .12 art.855]

shall be punished by imprisonment from 5 to 12 years.

(3) The actions provided at paragraphs (1) or (2), which:

a) were committed against a person who is certainly known not to have reached the age of 14;

a¹) were committed against the person who is under the care, guardianship, protection, education or treatment of the perpetrator;

b) caused the intentional contamination with AIDS disease;

c) caused by imprudence a serious injury to bodily integrity or health;

d) caused by imprudence the death of the victim;

caused other serious consequences, are punishable by imprisonment from 10 to 20

years or by life imprisonment.

Article 173. Sexual harassment

Sexual harassment, namely the manifestation of a physical, verbal or non-verbal behavior that harms the dignity of a person or creates an unpleasant, hostile, degrading, humiliating, discriminatory or insulting atmosphere in order to determine a person to sexual intercourse or other unwanted sexual actions, committed by threat, coercion, blackmail,

[Art.173 provision amended by the Criminal Law 306 as of 26.12.12, Official Gazette 27-30 / 08.02.13 art.104]

is punishable by a fine from 650 to 850 conventional units or by community service from 140 to 240 hours or by imprisonment for up to 3 years.

[Art.173 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.173 in the edition of the Criminal Law 167 as of 09.07.10, Official Gazette 155-158/03.09.10 art.551]

Article 174. Sexual intercourse with a person who has not reached the age of 16

(1) The sexual intercourse other than rape, vaginal, anal, oral or other penetration, committed against a person who is certainly known not to have reached the age of 16, shall be punished by imprisonment from 3 to 7 years.

[Art.174 par.(1) in the edition of the Criminal Law 73 as of 12.04.12, Official Gazette 99-102/25.05.12 art.332]

(2) The person who committed the act provided at paragraph (1) shall not be bound by criminal liability if it is at a close level to the victim in terms of age and physical and mental development.

Article 175. Perverse actions

The perverse actions committed against a person who is certainly known not to have reached the age of 16, consisting in exhibition, indecent touches, obscene or cynical discussions with the victim regarding sexual relations, determination of the victim to attend or assist pornographic performances, the provision of pornographic materials to the victim, as well as for other sexual actions, shall be punished by imprisonment from 3 to 7 years.

[Art.175 in the edition of the Criminal Law 73 as of 12.04.12, Official Gazette 99-102/25.05.12 art.332]

Article 175¹. Luring a minor for sexual purposes

(1) Proposal, persuasion, manipulation, threat, promise to provide benefits in any way, including through information technologies or electronic communications, in order to establish a meeting with a minor, to the purpose of committing against it any sexual offence, if these actions were followed by material facts leading to such a meeting, shall be punished by imprisonment from 2 to 6 years.

(2) The same actions committed:

- a) against a minor who is in a state of helplessness due to a disease or disability;
- b) by a member of the minor's family, by a person living with the minor or by a person under whose care, protection or education or treatment the minor is;
- c) by a person who was previously convicted of a sexual offence or other acts relevant for that case

are punishable by imprisonment from 3 to 8 years.

[Art.175¹ in the edition of the Criminal Law 121 as of 02.06.16, Official Gazette 184-192/01.07.16 art.395]

[Art.175¹ introduced by the Criminal Law 73 as of 12.04.12, Official Gazette 99-102/25.05.12 art.332]

Chapter V

OFFENCES AGAINST THE POLITICAL, LABOR AND OTHER CONSTITUTIONAL RIGHTS OF CITIZENS

Article 176. Violation of the right to equality of citizens

(1) Any distinction, exclusion, restriction or preference in the rights and freedoms of a person or a group of persons, any support to discriminatory behavior in the political, economic, social, cultural and other areas of life, based on race, nationality, ethnic origin, language, religion or belief, sex, age, disability, opinion, political affiliation or any other criterion:

a) committed by a person with a responsibility position; b) that caused large proportion damage;

c) committed by placing discriminatory messages and symbols in public places;

d) committed based on two or more criteria;

e) committed by two or more persons,

shall be punished by a fine from 750 to 950 conventional units or by community service from 150 to 240 hours or by imprisonment for up to 2 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 at 5 years.

[Art.176 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) Promoting or supporting the actions specified at par. (1), committed through mass media, shall be punished by a fine from 950 to 1200 conventional units or by community service from 160 to 240 hours, by a fine imposed on the legal entity from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 3 years.

[Art.176 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(3) The actions specified at par. (1) and (2) that caused by imprudence the death of the person or its suicide

shall be punished by imprisonment from 2 to 6 years, by a fine imposed on the legal entity from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years or by the liquidation of the legal entity.

[Art.176 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.176 in the edition of the Criminal Law 306 as of 26.12.12, Official Gazette 27-30/08.02.13 art.104]

Article 177. Breach of the personal life inviolability

(1) The illegal collection or conscious dissemination of information protected by law, about the personal life that constitutes a personal or family secret of another person

without its consent

shall be punished by a fine for up to 650 conventional units or by community service from 180 to 240 hours.

[Art.177 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(1¹) The unlawful collection of the information provided at paragraph (1), without the consent of the person, with the use of special technical means intended to the hidden obtainment of information, shall be punished by a fine from 550 to 750 conventional units or by community service from 200 to 240 hours.

[Art.177 par.(1¹), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The dissemination of the information provided at paragraph (1):

a) in a public speech, through mass media;

b) by the intentional use of the professional status shall be punished by a fine from 550 to 850 conventional units or by the deprivation of the right to hold certain positions or exercise a specific activity for a period of one year or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 2000 to 3000 conventional units.

[Art.177 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

Article 178. Violation of the right to the secrecy of correspondence

(1) Violation of the right to the secrecy of letters, telegrams, parcels and other postal items, telephone conversations and telegraphic notices, in violation of the law, shall be punished by a fine of up to 550 conventional units or by community service from 120 to 180 hours.

[Art.178 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The same action committed:

a) by using the professional status;

b) by using special technical means aimed at the hidden obtainment of information;

c) in the interest of an organized criminal group or criminal organization

shall be punished by a fine from 550 to 750 conventional units or by community service from 100 to 240 hours or by imprisonment up to to 3 years or by the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years.

[Art.178 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

Article 179. Home invasion

(1) Illegal entering or stay at the domicile or residence of a person without its consent or the refusal to leave at its request, as well as illegal searches and investigations, are punishable by a fine for up to 650 conventional units or by community service from 100 to 200 hours or by imprisonment of up to 2 years.

[Art.179 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The same actions committed with the use of violence or the threat of its application shall be punished by a fine from 550 to 950 conventional units or by community service from 140 to 240 hours or by imprisonment for up to 3 years.

[Art.179 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

- (3) The actions provided at par. (1) or (2) committed:
- a) by using the professional status;
 - b) by an organized criminal group or by a criminal organization,
- are punishable by imprisonment from 2 to 5 years.

Article 180. The intentional violation of the law on access to information

The intentional violation by a person with a responsibility position of the legal procedure of assurance and realization of the right of access to information, a violation that caused considerable damage to the rights and interests protected by law of the person who requested information regarding the protection of the population's health, public security, environmental protection, shall be punished by a fine from 500 to 650 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

[Art.180 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

Article 180¹. Intentional prevention of media activity or intimidation for criticism

(1) The intentional prevention of the activity of the media or the journalist, as well as the intimidation of the media or the journalist for criticism

shall be punished by a fine from 500 to 650 conventional units with (or without) the deprivation of the right to hold certain public positions for up to 2 years.

[Art.180¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(2) The same actions committed by using the professional status are punishable by a fine from 650 to 850 conventional units with (or without) the deprivation of the right to hold certain public positions for up to 4 years.

[Art.180¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

(3) The actions provided at par. (1) and (2):

a) committed with the use of violence or the threat of its application; b) committed by two or more persons; c) accompanied by stealing or damaging the materials or equipment of the journalist to the purpose of preventing journalistic activity, shall be punished by a fine from 750 to 1350 conventional units with (or without) the deprivation of the right to hold certain public positions for up to 5 years.

[Art.180¹ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751;in force 07.11.16]

[Art.180¹ introduced by the Criminal Law 40 as of 21.03.13, Official Gazette 91/20.04.13 art.280]

Article 180². Censorship

(1) The unjustified distortion of the journalistic material or the unjustified prohibition to disseminate certain information, imposed by the management of the public media shall be punished by a fine from 650 to 850 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.180² par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The indication of a civil servant or person exercising a public dignity position in respect of editorial activity given to the media or media employees, as well as any other form of impediment to circulation or dissemination of information shall be punished by a fine from 650 to 1350 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.180² par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.180² introduced by the Criminal Law 40 as of 21.03.13, Official Gazette 91/20.04.13 art.280]

Article 181. Preventing the free exercise of electoral right or activity of electoral bodies

Preventing by any means the free exercise of electoral right or activity of electoral bodies:

a) committed by blocking or attacking the polling stations locations by any means and in any way;(ut4) b) committed by the removal of ballot boxes or electoral documents;
c) committed by jeopardizing the person's life;
d) accompanied by serious injury to bodily integrity or health;
e) resulted in other serious consequences, shall be punished by a fine from 550 to 750 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.181 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 181¹. Corruption of voters

(1) Offering or giving money, goods, services or other benefits in order to determine the voter to exercise its electoral rights in a certain way during parliamentary, local or referendum elections shall be punished by a fine from 500 to 850 conventional units or by imprisonment from 1 to 5 years, and the legal entity shall be punished by a fine from 4000 to 6000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.181¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The category of goods provided at par. (1) includes alcoholic beverages, tobacco products and foodstuffs.

(3) The following are not included in the category of the goods provided at par. (1) materials and objects of electoral agitation, paid from the electoral fund, bearing the name and surname of the candidate, namely the name of the political party, signs or symbols of the electoral contestants, such as: posters, flyers, postcards, calendars, notebooks, illustrated cards, pens, lighters, match boxes, ensigns, badges, CDs, DVDs, USB media, pennants, flags, books, bags, T-shirts, caps, scarves, mufflers, whose value for one unit does not exceed two conventional units.

[Art.181¹ in the edition of the Criminal Law 53 as of 29.03.13, Official Gazette 97-103/03.05.13 art.320]

[Art.181¹ introduced by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

Article 181². Illegal financing of political parties or electoral campaigns, violation of the management of financial means of political parties or electoral funds

(1) Falsification of reports on the financial management of political parties and/or of reports on the financing of electoral campaigns with the intention to substitute or hide the identity of the donors, the volume of the means accumulated or the destination or volume of the means used shall be punished by a fine from 550 to 8500 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.181² par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The use of administrative resources (public goods), including the favoring or consenting to the illegal use of administrative resources (public goods) in electoral campaigns, if large damage was caused, shall be punished by a fine from 4000 to 6000 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity from 2 to 5 years.

[Art.181² par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The extortion or the obtainment by extortion of donations to political parties and/or electoral funds is punishable by a fine from 550 to 850 conventional units or by community service from 100 to 200 hours or by imprisonment for up to 4 years, in all cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 1 to 5 years.

[Art.181² par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The use contrary to the destination of allocations from the state budget to political parties or of means from the electoral fund, if it caused large damage, shall be punished by a fine from 4000 to 6000 conventional units or by imprisonment from 1 to 5 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.181² par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(5) The deliberate acceptance of the funding of a political party or electoral contestant by an organized criminal group or a criminal organization (association) shall be punished by a fine from 850 to 1350 conventional units or by imprisonment from 1 to 6 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.181² par.(5), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.181² introduced by the Criminal Law 36 as of 09.04.15, Official Gazette 93/14.04.15 art.134; in force 14.04.15]

Article 182. Falsification of voting results

(1) Voting of a person: without having this right, either twice or more times, either by the introduction of more ballots in the ballot box than the right to it or by using a false

identity document or a fake ballot

shall be punished by a fine from 550 to 750 conventional units or by community service from 100 to 200 hours or by imprisonment for up to 2 years.

[Art.182 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Falsification by any means of voting results

shall be punished by a fine from 650 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.182 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.182 in the edition of the Criminal Law 216 as of 17.09.10, Official Gazette 191-193/01.10.10 art.634]

Article 183. Violation of labor protection rules

(1) The violation by a person with responsibility position or by a person managing a commercial, public or other non-state organization of security technology, industrial hygiene or other labor protection rules, if such violation caused human accidents or other serious consequences, is punishable by a fine from 500 to 850 conventional units or by community service from 100 to 200 hours or by imprisonment for up to 2 years.

[Art.183 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action that caused by imprudence the death of a person

is punishable by imprisonment from 2 to 6 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years.

Article 184. Violation of the right to freedom of assembly

(1) The violation of the right to freedom of assembly by illegally preventing the holding of the rally, demonstration, manifestation, procession or any other meeting or the participation of citizens to any of them also by constraining them to participate:

a) committed by a person with responsibility position; b) committed by two or more persons,

c) accompanied by violence not dangerous for life or health,

shall be punished by a fine from 550 to 750 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.184 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action:

a) committed with the use of a weapon or other objects used as a weapon or specially adapted for injury to bodily integrity or health;

b) accompanied by violence dangerous for life or health;

c) resulted in large damage;

d) resulted in other serious consequences is punishable by imprisonment for up to 5 years.

Article 185. Attack on the person and infringement of the rights of citizens by preaching religious beliefs and fulfillment of religious rituals

Organizing, conducting or actively participating in a group whose activity performed by preaching religious beliefs and fulfillment of religious rituals is accompanied either by

causing damage to citizens' health or by other attacks on individuals or infringement of their rights, or by instigating citizens to refuse to fulfill their civil obligations shall be punished by a fine from 650 to 1050 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 5 years.

[Art.185 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 185¹. Infringement of copyright and related rights

(1) The infringement of copyright and related rights, if in large proportions, committed by:

a) the reproduction of works or objects of related rights in the course of the entrepreneurial activity tangential to intellectual activity in the field of copyright and related rights, especially in the literature, art and science fields, to the purposes of sale or offering for sale, import, export, as well as storage, transport of copies of works or phonograms for the purposes mentioned above, or any other form of capitalization of the objects of copyright or related rights for the purpose of obtaining profit, without the consent of the holder of rights;

b) rental, exchange or other form of making available to third parties, free of charge or against a consideration, as well as storage for the purposes mentioned above or other capitalization of copies of works or phonograms, in any way and in any form, without a control mark and without being in the possession at the time of the control of the copyright contracts concluded with the holders of rights;

(c) the sale or offering for sale, rental, import or storage of technical equipment or components thereof intended to facilitate the access to the emissions of the broadcasting organizations that communicate conditionally via ether, cable, satellite in an interactive way, including via the Internet;

(d) the indication on the copies of works or phonograms of false information about the affiliation and limitations of the exercise of copyright and related rights, as well as other information that may mislead the beneficiary;

e) improper application of control marks, other than those for the material supports specified in the annexes to the request for the issue of control marks, on the copies of works or phonograms made without the consent of the holder of rights;

f) modification, removal from the copies of works or phonograms of the symbols and signs for the protection of copyright and related rights, indicated by the holder of those rights; removal from the copies of works or phonograms of the information on the administration of copyright and related rights; removal from the copies of works or phonograms of the technical means for the protection of copyright and related rights;

g) the acknowledgment of paternity or coercion to co-paternity shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours, and the legal entity shall be punished by a fine from 3000 to 4000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.185¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Illegally marking, selling, importing, exporting, transporting or storing control marks, forgery thereof, that caused large damage, shall be punished by a fine from 3000

to 5000 conventional units or by community service from 180 to 240 hours, and the legal entity shall be punished by a fine from 3000 to 7000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.185¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par. (1) and (2), committed:

a) by two or more persons;

b) by an organized criminal group or by a criminal organization;

c) by physical or psychological constraint;

d) in particularly large proportions,

shall be punished by a fine from 5000 to 6000 conventional units or by imprisonment from 3 to 5 years, by a fine imposed on the legal entity from 9000 to 11000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years or by the liquidation of the legal entity.

[Art.185¹ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185¹ in the edition of the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

Article 185². Violation of the right to industrial property

(1) Spreading information about the invention, utility model, industrial design or model, plant variety, topography of integrated circuit without the consent of the author (creator) or its successor in title, until the official publication the data of the registration application, by a person to whom such information was entrusted or is otherwise known by it, as well as the fraudulent misappropriation by a third party of the capacity of author of the invention, utility model, industrial design or model, plant variety, integrated circuit topography or the coercion to co-authorship, that caused large damage,

[Art.185² par.(1) amended by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130 / 05.08.11 art.363]

shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours.

[Art.185² par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185² par.(1), sanction amended by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

(2) The use of the protected trademark or sign which, because of the identity or similarity of the registered trademark and the identity or similarity of the goods or services covered by the sign and trademark, generates a risk of confusion in the perception of the consumer, the application of the sign on products and packaging, as well as its use as packaging in case of three-dimensional marks, the offering of products under that sign for marketing or the marketing or storage thereof to that purpose, or as the case may be the offering or provision of services under that sign, the import or export of products under that sign, the use of the sign in advertising, the multiplication, storage or marketing of the sign to the mentioned purposes, as well as determining third parties to perform such actions, that caused large damage,

[Art.185² par.(2) in the the Criminal Law 115 edition of 23.06.11, Official Gazette 128-

130 / 05.08.11 art.363]

shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 3500 to 5000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.1852 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185² par.(2), sanction amended by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

(2¹) The direct or indirect commercial use of a registered designation of origin/geographical indication for products not covered by the registration in so far as those products are comparable to those registered under that designation or to the extent that such use allows to take advantage of the reputation of the protected designation, as well as the usurpation, imitation or evocation of associations related to a registered designation of origin/geographical indication, even if the true origin of the product is indicated or if the protected designation is used in translation or is accompanied by a phrase, namely 'such as', 'of the type', 'of the style', 'imitation' or by other similar phrases, the false or misleading indication regarding the origin, nature or essential qualities of the product, that are specified on the product or on its packaging, in advertising, as well as the use as a packaging of a container that could create an erroneous impression as to the origin of the product, the performance of practices likely to mislead the consumer as to the true origin of the product, as well as the determination of third parties to commit those actions, that caused large damage,

shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 4500 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.185² par.(2¹), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185² par.(2¹) introduced by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

(2²) Any practice likely to mislead the consumer as to a designation of the guaranteed traditional specialty, any imitation of a name registered and reserved under the law on the protection of geographical indications, designations of origin and guaranteed traditional specialties, any use for trade of product names that may be confused with the designations of guaranteed traditional specialties registered with the reservation of the name under the law on the protection of geographical indications, designations of origin and guaranteed traditional specialties, any abusive or misleading usurpation of the mention "Guaranteed traditional specialty" and of the national symbol associated with it, as well as the determination of third parties to perform these actions, that caused large damage, shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 4500 to 6000 conventional units with the deprivation of the right to perform a specific activity for a period of 1 to 5 years.

[Art.185² par.(2²), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185² par.(2²) introduced by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

(2³) The illegal use in the sense of par. (2¹) of an unregistered designation of origin/geographical indication protected under the bilateral agreements to which the Republic of Moldova is a party, as well as the determination of third parties to perform these actions, committed in large proportions, shall be punished by a fine from 1150 to 13500 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 4500 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.185² par.(2³), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185² par.(2³) introduced by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

(3) The manufacture, import, export, transportation, offering for sale, sale, other way of submitting to economic circulation or storage of the product for these purposes, the use of procedures, which constitute inventions or utility models or includes the object of the protected invention or utility model for which in accordance with the law an authorization by the holder is required, performed without such authorization, as well as the determination of third parties to perform such actions, that caused large damage, shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 4500 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.185² par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185² par.(3) sanction amended by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

(4) The manufacture, import, export, offering for sale, sale, other way of submitting to economic circulation or the storage for these purposes of the product obtained by applying the protected industrial design or model, if such product, in whole or to a substantial extent, is a copy of the protected industrial design or model for which according to the law an authorization by the holder is required, performed without such authorization, as well as the determination of third parties to commit such actions, that caused large damage,

shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 4500 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.185² par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185² par.(4) sanction amended by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

(5) The production, reproduction, conditioning for propagation purposes, offering for sale, sale or other forms of marketing, the import, export or storage for these purposes of

the material of the plant variety for which according to the legislation an authorization from the holder is required, performed without such authorization, as well as the determination of third parties to commit such actions, that caused large damage, shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 3500 to 5000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.185² par.(5), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185² par.(5) sanction amended by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

(6) The reproduction of the integrated circuit topography or part thereof, the import, export, offering for sale, sale or the distribution in any other way for commercial purposes of the integrated circuit topography for which in accordance with the legislation an authorization from the holder is required, performed without this authorization, as well as the determination of third parties to commit these actions, that caused large damage, shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 4500 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.185² par.(6), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.185² par.(6) sanction amended by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

(7) The actions at par.(1), (2), (2¹), (2²), (2³), (3), (4), (5) and (6) committed:

[Art.185² par.(7) disposition amended by the Criminal Law 115 as of 23.06.11, Official Gazette 128-130/05.08.11 art.363]

a)- excluded

b) by two or more persons;

c) by an organized criminal group or by a criminal organization;

d) by physical or psychological constraint;

e) in particularly large proportions, are punishable by a fine from 4000 to 6000 conventional units or by imprisonment from 3 to 5 years, by a fine imposed on the legal entity from 8000 to 11000 conventional units, with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years or by its liquidation.

[Art.185² par.(7), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 185³. Intentionally false statements in registration documents related to intellectual property protection

The intentionally false statements, the intentional operation by false instruments in registration documents related to intellectual property protection, as well as the falsification of documents required for the release of the protection title, the intentional completion of falsified documents or the intentional submission of documents with data that undermines the authority of the applicant for the protection of the intellectual property object

shall be punished by a fine from 1150 to 1350 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 4500 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.185³ sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Chapter VI

OFFENCES AGAINST PATRIMONY

Article 186. Theft

(1) The theft, namely secretly stealing the property of another person, is punishable by a fine of up to 650 conventional units or by community service from 120 to 240 hours or by imprisonment for up to 2 years.

[Art.186 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The theft committed:

a)- excluded

b) by two or more persons;

c) by entering a room, in another place for storage or the dwelling; d) by causing considerable damage shall be punished by a fine from 650 to 1350 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 4 years.

[Art.186 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2¹) The theft of cultural heritage assets from archaeological sites or from areas with archaeological potential

shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment from 2 to 5 years.

[Art.186 par.(2¹) introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

(3) Theft committed:

a) during a disaster;

b) by an organized criminal group or by a criminal organization

shall be punished by imprisonment from 2 to 6 years with (or without) a fine from to 1350 to 3350 conventional units.

[Art.186 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The actions provided at par. (1)–(3) committed in large proportions

[Art.186 par.(4), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

are punishable by imprisonment from 5 to 10 years.

(5) The actions provided at par. (1)–(3) committed in particularly large proportions

[Art.186 par.(5), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

are punishable by imprisonment from 7 to 12 years.

Article 187. Robbery

(1) The robbery, namely the open stealing of another person's goods, is punishable by a fine from 550 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for 2 to 5 years.

[Art.187 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.187 par.(1), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2) The robbery committed:

a)- **excluded**

b) by two or more persons;

c) by a masked, disguised or transvestite person;

d) by entering a room, in another place for storage or the dwelling;

e) by applying violence not dangerous to the life or health of the person or by the threat of applying such violence;

f) by causing considerable proportions

shall be punished by imprisonment from 5 to 7 years with (or without) a fine from 850 to 1350 conventional units.

[Art.187 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.187 par.(2), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2¹) The theft of cultural heritage assets from archaeological sites or areas with archaeological potential

shall be punished by imprisonment from 6 to 8 years by a fine from 1350 to 2350 conventional units.

[Art.187 par.(2¹), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.187 par.(2¹) introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

(3) The robbery committed:

a) during a disaster;

b) by an organized criminal group or a criminal organization

is punishable by imprisonment from 7 to 10 years.

[Art.187 par.(3), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(4) The actions provided at par. (1)–(3) committed in large proportions

[Art.187 par.(4), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

are punishable by imprisonment from 8 to 12 years.

[Art.187 par.(4), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(5) The actions provided at par. (1)–(3) committed in particularly large proportions

[Art.187 par.(5), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

are punishable by imprisonment from 12 to 15 years.

[Art.187 par.(5), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 188. Plunder

(1) Plunder, namely the attack on a person for the purpose of stealing the goods, accompanied by violence dangerous to the life or health of the attacked person or by the threat of applying such violence, is punishable by imprisonment from 5 to 8 years with (or without) a fine from 950 to 1350 conventional units.

[Art.188 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.188 par.(1), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2) The plunder committed:

a) - excluded

- b) by two or more persons;
 - c) by a masked, disguised or transvestite person;
 - d) by entering a room, in another place for storage or the dwelling;
 - e) by using a weapon or other objects used as a weapon;
 - f) by causing considerable damage
- shall be punished by imprisonment from 8 to 10 years.

[Art.188 par.(2), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2¹) The plunder for the purpose of stealing cultural heritage assets from archaeological sites or areas with archaeological potential shall be punished by imprisonment from 8 to 10 years by a fine from 1350 to 2350 conventional units.

[Art.188 par.(2¹), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.188 par.(2¹) introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

(3) The plunder committed:

- a) during a disaster,
- b) by an organized criminal group or by a criminal organization,
- c) by the serious injury to bodily integrity or health; d) with great cruelty

[Art. 188 (3), par.(3), letter d) in the edition of the Criminal Law 252 as of 08.11.12, Official Gazette 263-269 / 21.12.12 art.855]

shall be punished by imprisonment from 10 to 12 years.

[Art.188 par.(3), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(4) The actions provided at par. (1)–(3) committed in large proportions

[Art.188 par.(4), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

are punishable by imprisonment from 11 to 14 years.

[Art.188 par.(4), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(5) The actions provided at par. (1)–(3) committed in particularly large proportions

[Art.188 par.(5), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

are punishable by imprisonment from 12 to 15 years.

[Art.188 par.(5), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 189. Blackmail

(1) The blackmail, namely the request to transfer the property of the owner, possessor or holder or the right to them, or to commit other actions of patrimonial nature, by violently threatening a person, its relatives or close friends, by spreading defamatory news about them, by the deterioration or destruction of property of the owner, possessor or holder, or by kidnapping of the owner, possessor or holder, the relatives or their close friends, shall be punished by a fine from 750 to 950 conventional units or by imprisonment for 3 to 5 years.

[Art.189 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.189 par.(1), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2) The blackmail committed:

a)- excluded

- b) by two or more persons;
- c) by applying violence not dangerous to life or health;
- d) by death threat;
- e) by deteriorating or destroying property;
- f) against donors of political parties or electoral contestants.

[Art.189 par.(2), lett.f) introduced by the Criminal Law 36 as of 09.04.15, Official Gazette 93/14.04.15 art.134; in force 14.04.15]

shall be punished by imprisonment from 5 to 7 years by a fine from 850 to 1350 conventional units.

[Art.189 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.189 par.(2), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(3) The actions provided at par.(1) or (2):

- a) committed by an organized criminal group or by a criminal organization;
- b) committed with the use of a weapon or other objects used as a weapon;
- c) accompanied by violence dangerous to life or health;
- d) committed with great cruelty;

(Art. 189 par.(3), letter d) in the edition of the Criminal Law 252 as of 08.11.12 , Official Gazette 263-269 / 21.12.12 art.855]

e) followed by the acquisition of the goods requested;
f) with other serious consequences, shall be punished by imprisonment from 7 to 10 years by a fine from 1850 to 2350 conventional units.

[Art.189 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.189 par.(3) sanction amended by the Criminal Law 119 as of 23.05.13, Official

Gazette 130-134/21.06.13 art.423]

(4) The actions provided at paragraphs (1), (2) or (3), accompanied by the kidnapping of the owner, possessor or holder, relatives or their close friends, shall be punished by imprisonment from 10 to 13 years.

[Art.189 par.(4) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(5) The actions provided at par. (1), (2), (3) or (4) committed in large proportions are punishable by imprisonment from 11 to 13 years.

[Art.189 par.(5) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(6) The actions provided at par. (1), (2), (3) or (4) committed in particularly large proportions

are punishable by imprisonment from 13 to 15 years.

[Art.189 par.(6) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 190. Fraud

(1) Fraud, namely the illegal acquisition of another person's property by deception or abuse of trust, is punishable by a fine from 550 to 850 conventional units or by community service from 120 to 240 hours or by imprisonment for up to 3 years.

[Art.140 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The fraud committed:

a)- excluded;

b) by two or more persons;

c) by causing damage in considerable proportions;

d) by using the professional status shall be punished by a fine from 850 to 1350 conventional units or by imprisonment from 2 to 6 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years.

[Art.190 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2¹) The acquisition by fraud of cultural property assets from archaeological sites or from areas with archaeological potential shall be punished by a fine from 1850 to 2350 conventional units or by imprisonment from 5 to 7 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.190 par.(2¹), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.190 par.(2¹) introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

(3) The fraud committed by an organized criminal group or criminal organization is punishable by imprisonment from 4 to 8 years with (or without) a fine from 1350 to 3350 conventional units.

[Art.190 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The actions provided at par. (1)–(3) committed in large proportions

[Art.190 par.(4), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

is punishable by imprisonment from 7 to 10 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.190 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(5) The actions provided at par. (1)–(3) committed in particularly large proportions

[Art.190 par.(5), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

shall be punished by imprisonment from 8 to 15 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

Article 191. Embezzlement of foreign property

(1) The embezzlement of foreign property, namely the misappropriation of the assets of another person, entrusted to the administration by the culprit, is punishable by a fine of up to 850 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

[Art.191 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The embezzlement of foreign property committed:

a)- excluded

b) by two or more persons;

c) by causing damage in considerable proportions; d) by using the professional status shall be punished by a fine from 850 to 1350 conventional units or by imprisonment from 2 to 6 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.191 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2¹) The embezzlement of foreign property committed by a bank's administrator is punishable by a fine from 1350 to 2350 conventional units or by imprisonment from 3 to 7 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.191 par.(2¹), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.191 par.(2¹) introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

(2²) The embezzlement of cultural heritage assets from archaeological sites or from areas with archaeological potential shall be punished by a fine from 1850 to 2350 conventional units or by imprisonment from 3 to 7 years, in both cases with deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.191 par.(2²), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.191 par.(2²) introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

(3) The actions provided at par. (1)–(2²), committed by an organized criminal group or by a criminal organization,

[Art.191 par.(3), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

[Art.191 par.(3), disposition amended by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

shall be punished by imprisonment from 4 to 8 years with the deprivation of the right to hold certain positions or exercise a specific activity for 2 to 5 years.

(4) The actions provided at par. (1)–(3) committed in large proportions

[Art.191 par.(4), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

[Art.191 par.(4), disposition amended by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

are punishable by imprisonment from 7 to 12 years.

(5) The actions provided at par. (1)–(3) committed in particularly large proportions

[Art.191 par.(5), disposition amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

[Art.191 par.(5) disposition amended by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

shall be punished by imprisonment from 8 to 15 years.

Article 192. Pocket theft

(1) The pocket theft, namely the act of stealing the goods of another person from pockets, bags or other objects on a person,

is punishable by a fine from 650 to 850 conventional units or by community service from 180 to 240 hours, or by imprisonment for up to 2 years.

[Art.192 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The pocket theft committed:

a)- excluded

b) by two or more persons,

shall be punished by imprisonment for up to 4 years by a fine from 550 to 1350 conventional units.

[Art.192 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2) committed in large proportions are punishable by imprisonment from 4 to 7 years.

(4) The actions provided at par.(1) or (2) committed in particularly large proportions are punishable by imprisonment from 6 to 10 years.

Article 192¹. Kidnapping the means of transportation

(1) The kidnapping of the means of transportation without the purpose of appropriation shall be punished by a fine from 580 to 1350 conventional units or by imprisonment for 1 to 3 years.

[Art.192¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action:

- a) committed by two or more persons;
- b) accompanied by violence not dangerous to the life or health of the victim or by the threat of applying such violence;
- c) committed by entering the garage, other enclosed or guarded locations or spaces is punishable by imprisonment for 3 to 5 years.

[Art.192¹ par.(2), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(3) The actions provided at paragraph (1) or (2) accompanied by violence that is dangerous to the life or health of the victim or by the threat of applying such violence shall be punished by imprisonment from 5 to 7 years.

[Art.192¹ par.(3), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 192². Kidnapping the animal transport trailer and traction animals

The kidnapping of the animal transport trailer and of the traction animals without the purpose of appropriation, followed by:

- a) the destruction of goods;
- b) serious illness or death of kidnapped animals shall be punished by a fine from 650 to 1050 conventional units or by community service from 180 to 240 hours.

[Art.192² sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 193. Possession disorder

The occupation, in whole or in part, without right, of a real estate in the possession of another person by applying violence or by the threat of applying violence or by the destruction or transfer of landmarks

shall be punished by a fine for up to 1350 conventional units or by community service from 150 to 240 hours or by imprisonment for 1 to 2 years.

[Art.193 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 194. Illegal acquisition or use of electrical, thermal energy or natural gas

(1) The acquisition of electrical, thermal energy or natural gas or the illegal use thereof by avoiding the recording systems installed in the established manner or through them, but damaged by the consumer, if it caused damage in large proportions, is punishable by a fine from 850 to 1850 conventional units or by community service from 180 to 240 hours.

[Art.194 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that caused damage in particularly large proportions are punishable by a fine from 1850 to 3350 conventional units or by community service for 240 hours.

[Art.194 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 195- excluded

Article 196. Causing material damage by deception or abuse of trust

(1) Causing material damage in large proportions to the owner by deception or abuse of trust, if the act does not constitute an appropriation, shall be punished by a fine for up to 550 conventional units or by community service from 180 to 240 hours, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.196 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a)- excluded

b) by two or more persons

shall be punished by a fine from 550 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.196 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2), committed:

a) by an organized criminal group or by a criminal organization;

b) - excluded

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 3 years.

[Art.196 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) Causing material damage in particularly large proportions through deception or abuse of trust, if the act does not constitute an appropriation, shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 3 years.

[Art.196 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 197. Intentional destruction or deterioration of goods

(1) The intentional destruction or deterioration of property, if it caused damage in large proportions, shall be punished by a fine of up to 1350 conventional units or by community service for 240 hours.

[Art.197 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

a) committed by fire, explosion or other dangerous means; b) committed for reasons of social, national, racial or religious hatred;

c) committed against a person in connection with its fulfillment of the work or public obligations;

d) that caused by imprudence the death of the person are punishable by imprisonment for up to 6 years.

(3) The destruction or waste of the bank's assets by its administrator during the administration process, shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for

up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 8 years.

[Art.197 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.197 par.(3) introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 198 - excluded

Article 199. Acquiring or selling goods known to have been obtained by criminal means

(1) Acquiring or selling, without a prior promise, goods that are known to have been obtained by criminal means

shall be punished by a fine from 550 to 750 conventional units or by community service from 120 to 180 hours.

[Art.199 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) by two or more persons;

b) as an occupation; (c) in large proportions shall be punished by a fine from 650 to 950 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

[Art.199 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or at par.(2) lett.a) and b), committed in particularly large proportions,

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 5 years.

[Art.199 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 199¹. Deterioration or destruction of cultural heritage assets

(1) The deterioration of cultural heritage assets shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 1 year, and the legal entity shall be punished by a fine from 1350 to 3350 conventional units or by the deprivation of the right to exercise a specific activity for a period of 1 to 3 years.

[Art.199¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The destruction of cultural heritage assets shall be punished by a fine from 3350 to 6350 conventional units or by imprisonment for 1 to 3 years, and the legal entity shall be punished by a fine from 6000 to 10000 conventional units with (or without) the liquidation of the legal entity.

[Art.199¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.199¹ introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

Article 199². Performing unauthorized works in archaeological sites or in areas with archaeological potential (1) Performing unauthorized excavations or searching for

treasures in archaeological sites or in areas with archaeological potential shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 1 year.

[Art.199² par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Performing construction works as well as other soil intervention activities in archaeological sites or in areas with archaeological potential, without an archaeological discharge certificate

shall be punished by a fine from 3350 to 4350 conventional units or by imprisonment for up to 2 years, and the legal entity is punishable by a fine from 7350 to 10350 conventional units with (or without) the liquidation of the legal entity.

[Art.199² par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.199² introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

Article 199³. Illegal concealment or keeping of movable archaeological goods

The illegal concealment or keeping of movable archeological assets, including treasures, discovered by accident or during soil intervention works or by means of metal detectors or other remote sensing devices, as well as failure to notify in time the public authorities on the accidental discovery of the movable archeological assets, including treasures, shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 1 year, and the legal entity shall be punished by a fine from 3350 to 5350 conventional units with the deprivation of the right to exercise a specific activity for up to 2 years.

[Art.199² sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.199³ introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

Article 199⁴. Unauthorized sale of classified movable archeological goods and movable cultural goods

(1) The unauthorized sale of classified movable archeological goods and movable cultural goods

shall be punished by a fine from 750 to 850 conventional units, with the deprivation the right to hold certain positions or exercise a specific activity for a period of up to 1 year, and the legal entity shall be punished by a fine from 2350 to 3350 conventional units with the deprivation of the right to exercise a specific activity for up to 3 years.

[Art.199⁴ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action:

- a) committed by an organized criminal group or by a criminal organization;
- b) committed by using the professional status;
- c) that caused damage in large proportions

shall be punished by a fine from 1000 to 1350 conventional units or by imprisonment for 1 to 3 years, and the legal entity is punishable by a fine from 6350 to 10350 conventional units, with the deprivation of the right to exercise a specific activity for a period of 3 to 5 years.

[Art.199⁴ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.199⁴ introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

Article 199⁵. Unauthorized access with metal detectors or other remote sensing devices and their use in archaeological sites or in areas with archaeological potential

The access with metal detectors or other remote sensing devices and their use in archaeological sites or in areas with archaeological potential without the authorization of the Ministry of Culture

shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 1 year.

[Art.199⁵ sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.199⁵ introduced by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

Article 200 - excluded

Chapter VII

OFFENCES AGAINST FAMILY AND MINORS

Article 201. Incest

(1) The sexual relationship between relatives on a straight line up to the third degree inclusive, as well as between relatives on the collateral line (brothers, sisters), is punishable by imprisonment for up to 5 years.

(2) The persons provided at paragraph (1) are not bound by criminal liability if, at the time of committing the offence, they have not reached the age of 18 years and the age difference between them is not higher than 2 years.

Article 201¹. Family violence

(1) The intentional action or inaction committed by a family member with respect to another family member, manifested by: (a) maltreatment, other violent actions, resulting in minor injury to bodily integrity or health;

b) isolation, intimidation to the purpose of imposing will or personal control over the victim;

c) deprivation of economic means, including deprivation of primary means of subsistence, neglect, if they caused to the victim minor injury to bodily integrity or health, is punishable by community service from 150 to 180 hours or by imprisonment for up to 3 years.

(2) The acts provided at par. (1):

a) committed against two or more family members;

b) committed in connection with the request for or enforcement of protection measures;

c) that caused average injury to bodily integrity or health,

are punishable by community service from 180 to 240 hours or by imprisonment from 1 to 6 years.

(3) The acts provided at par. (1) and (2) which:

a) caused serious injury to bodily integrity or health;

b) determined the suicide or attempted suicide

are punishable by imprisonment from 6 to 12 years.

(4) The acts provided at par. (1) or (2) that caused serious injury to bodily integrity or health resulting in the death of the victim shall be punished by imprisonment from 12 to 15 years.

[Art.201¹ in the edition of the Criminal Law 196 as of 28.07.16, Official Gazette 306-313/16.09.16 art.661]

[Art.201¹ introduced by the Criminal Law 167 as of 09.07.10, Official Gazette 155-158/03.09.10 art.551]

Article 201². Inappropriate exercise of parental obligations

The deliberate evasion by parents from the exercise of parental obligations, if it determined the placement of the child in residential institutions or social care services, shall be punished by a fine from 300 to 500 conventional units or by community service from 100 to 120 hours.

[Art.201² introduced by the Criminal Law 83 as of 25.05.17, Official Gazette 229-243/07.07.17 art.362]

Article 202 - excluded

Article 203 - excluded

Article 204. Disclosing the secret of adoption

Disclosing the secret of adoption contrary to the will of the adopter, committed by a person bound to keep the matter of adoption as a professional or service secret is punishable by a fine from 550 to 850 conventional units or by community service from 100 to 240 hours or by imprisonment for up to 6 months, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 years.

[Art.204 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 205. Abuse of parents and other persons in adopting children

(1) Receiving by a parent, guardian (trustee) or other legal representative of the child, by another person, a reward in any form for the consent to adoption or for other purposes related to adoption

shall be punished by a fine from 500 to 750 conventional units or by imprisonment for up to 3 years.

[Art.205 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The mediation, facilitation or encouragement of the adoption of a child for the purpose of profit, material benefit or other benefit

shall be punished by a fine from 550 to 750 conventional units or by imprisonment from 1 to 3 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed on the legal entity from 3000 to 5000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.205 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) Exercising in any form a constraint on the child's parent, guardian (trustee) in order to obtain the consent to adoption or to present unreal data for the consent to adoption,

establishment of guardianship (trusteeship), placement of the child in a residential institution, family or children's home of family type

shall be punished by a fine from 600 to 750 conventional units or by imprisonment from 3 to 5 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed on the legal entity from 3500 to 5500 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.205 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The actions provided at par.(1)-(3), committed:

a) - excluded

b) against two or more children;

c) by a person with a public dignity position;

[Art.205 par. (4), letter c) amended by the Criminal Law 245 of 02.12.11 , Official Gazette 25-28 / 03.02.12 art.77]

d) by two or more persons;

e) by an organized criminal group or by a criminal organization,

shall be punished by imprisonment from 3 to 7 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed on the legal entity from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.205 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 206. Child trafficking

(1) The recruitment, transportation, transfer, housing or reception of a child, as well as the giving or receiving of payments or benefits in order to obtain the consent of a person holding control over a child, to the purpose of:

a) sexual, commercial and non-commercial exploitation, for prostitution or in the pornographic industry;

b) exploitation by forced labor or services;

b¹) practicing begging or other mean purposes; {ct} c) exploitation in slavery or in conditions similar to slavery, including in the case of illegal adoption;

d) use in armed conflicts;

e) use in criminal activity;

f) collection of human organs, tissues and/or cells;

[Art.206 par. (1) lett.f) amended by the Criminal Law 270 as of 07.11.13, Official Gazette 290 / 10.12.13 art.794]

[Art.206 par. (1), lett.g) repealed by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

h) sale or purchase,

shall be punished by imprisonment from 10 to 12 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 4000 to 6000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the legal

entity.

[Art.206 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.206 par.(1), sanction amended by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

(2) The same actions accompanied by:

a) physical and/or psychological violence, application of firearms or threat to apply them;
(Art.206 par. (2), letter a) amended by the Criminal Law 270 of 07.11.13, Official Gazette 290 / 10.12.13 art.794]

b) sexual abuse and/or sexual violence

[Art.206 par. (2), letter b) amended by the Criminal Law 270 of 07.11.13, Official Gazette 290 / 10.12.13 art.794]

c) profiting from abuse of authority or vulnerability state of the child, threatening the disclosure of confidential information to the child's family or other persons;

d) - excluded

e) - excluded

f) collecting human organs, tissues and/or cells.

[Art.206 par.(2), lett.f) amended by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

shall be punished by imprisonment from 10 to 15 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 6000 to 8000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.206 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2):

a) committed by a person who previously committed the same actions;

b) committed against two or more children;

b¹) committed by two or more persons;

(Art. 206 (3), lett.b¹) introduced by the Criminal Law 270 as of 07.11.13, Official Gazette 290 / 10.12.13 art.794]

c) committed by a public person, by a person with responsibility position, by a person with public dignity position, by a foreign public person or an international official;

[Art.206 par. (3), letter c) in the edition of the Criminal Law 270 of 07.11.13, Official Gazette 290 / 10.12.13 art.794]

[Art.206 par. (3), letter c) amended by the Criminal Law 245 of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

d) committed by an organized criminal group or by a criminal organization;

d¹) accompanied by the child's contamination with a venereal disease or AIDS illness;

Article 206 par. (3), lett.d¹) introduced by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art. 794]

e) resulting in the serious injury to bodily integrity or mental illness, death or suicide of a child;

e¹) committed against the child under the care, protection, education, or treatment of

the perpetrator;

[Art.206 (3), lett.e¹) introduced by the Criminal Law 73 as of 12.04.12, Official Gazette 99-102 / 25.05.12 art.332]

f) committed against a child aged under 14

shall be punished by imprisonment from 15 to 20 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years or by life imprisonment, and the legal person is punishable by a fine from 8000 to 10000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity [Art.206 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The victim of child trafficking is released from criminal liability for the offences committed by it in connection with this procedural capacity.

Article 207. Illegal removal of children from the country

The removal of the child from the country based on false deeds or by other illegal means, as well as its abandonment abroad for purposes other than those indicated at art. 206, shall be punished by imprisonment from 2 to 6 years.

Article 208. Attracting minors to criminal activity or determining them to commit immoral acts

(1) Attracting minors to criminal activity or instigating them in committing offences, as well as determining minors to commit immoral acts (begging, gambling, prostitution, etc.), committed by a person aged 18, are punishable by a fine from 550 to 850 conventional units or by community service from 150 to 200 hours or by imprisonment for up to 5 years.

[Art.208 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed by parents or other legal guardians of the child, as well as by its school teachers shall be punished by a fine from 650 to 1050 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 6 years.

[Art.208 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2), committed:

- a) with the application of violence or the threat of its application;
 - b) by attracting minors to an organized criminal group or to a criminal organization;
 - c) by attracting the minor to commit a terrorist offence,
- are punishable by imprisonment from 3 to 7 years.

(4) - excluded

Article 208¹. Child pornography

Producing, distributing, broadcasting, importing, exporting, offering, selling, purchasing, changing, using or holding images or other representations of one or more children involved in explicit, real or simulated sexual activities or images or other representations of a child's sexual organs, represented in a lascivious or obscene manner, including in electronic form,

[Art.208¹ amended by the Criminal Law 73 of 12.04.12, Official Gazette 99- 102 / 25.05.12 art.332]

shall be punished by imprisonment from 1 to 3 years, by a fine imposed on the legal

entity from 3000 to 5000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.208¹ sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 208². Recourse to child prostitution

Exploiting, against any material benefits, the sexual services provided by a person who is certainly known not to have reached the aged of 18 is punishable by imprisonment from 3 to 7 years.

[Art.208² introduced by the Criminal Law 73 as of 12.04.12, Official Gazette 99-102/25.05.12 art.332]

Article 209. Attracting minors to the illicit consumption of narcotics, psychotropics and/or other substances with similar effects

[Art.209 name amended by the Criminal Law 164 as of 20.07.17, Official Gazette 277-288/04.08.17 art.485]

(1) Attracting minors, by a person who has reached the age of 18, to the illicit consumption of narcotics, psychotropics and/or other substances with similar effects [Art. 209 (1), disposition amended by the Criminal Law 164 as of 20.07.17, Official Gazette 277-288 / 04.08.17 art.485]

shall be punished by a fine from 550 to 950 conventional units or by imprisonment for up to 5 years.

[Art.209 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) by the application of violence or the threat of its application

shall be punished by a fine from 750 to 1150 conventional units or by imprisonment from 3 to 6 years.

[Art.209 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 210 - excluded

Chapter VIII

OFFENCES AGAINST PUBLIC HEALTH AND SOCIAL COHABITATION

Article 211. Transmission of a venereal disease

(1) A person who knows to be suffering from a venereal illness and transmits it to another person

is punishable by a fine from 550 to 850 conventional units or by community service from 120 to 200 hours or by imprisonment for up to 1 year.

[Art.211 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) against two or more persons;

c) knowingly against a minor

shall be punished by a fine from 550 to 1050 conventional units or by community service

from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.211 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 212. Infection with AIDS disease

(1) The intentional subjection of another person to the risk of AIDS infection shall be punished by imprisonment for up to 1 year.

(2) The infection with AIDS disease by a person who knew to be suffering from this disease

is punishable by imprisonment from 1 to 5 years.

(3) The action provided at par.(2) committed:

a) against two or more persons;

b) knowingly against a minor;

shall be punished by imprisonment from 3 to 8 years.

(4) The infection with AIDS disease as a result of non fulfillment or inadequate fulfillment by a worker of its professional obligations is punishable by imprisonment for up to 5 years with the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

(5) The person who committed the actions provided at paragraphs (1) or (2) shall not be bound by criminal liability if it communicated in time to the person in danger of being infected about the existence of the AIDS disease or if the person in danger of being infected knew about the existence of this disease, but voluntarily committed actions that constituted a danger of infection.

Article 213. Violation by negligence of the rules and methods of providing medical assistance

The violation by the negligence of a doctor or other medical practitioner of the rules or methods of providing medical assistance, if it caused: a) serious injury to bodily integrity or health;

b) the patient's death

shall be punished by imprisonment for up to 3 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

Article 213¹. Advertising to the purpose of illegal obtainment of human organs, tissues and cells or illegal donation thereof

Advertising to the purpose of illegal obtainment of human organs, tissues and/or cells, as well as advertising or publicizing announcements of illegal donation of human organs, tissues and/or cells

shall be punished by a fine from 500 to 750 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 1300 to 1600 conventional units.

[Art.213¹ sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.213¹ introduced by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

Article 214. Illegal practice of medicine or pharmaceutical activity

(1) The practice of medicine as a profession or of the pharmaceutical activity by a

person who does not have a license or other authorization, if it caused by imprudence a health injury,
is punishable by a fine from 550 to 850 conventional units or by imprisonment for up to 2 years.

[Art.214 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that caused by imprudence the death of the victim are punishable by imprisonment for up to 3 years.

Article 214¹. Production or sale of counterfeit medicines

(1) The production or sale of counterfeit medicines shall be punished by a fine from 1350 to 2350 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years, by a fine imposed on the legal entity from 4000 to 6000 conventional units with (or without) the deprivation of the right to exercise a specific activity for a period of up to 3 years.

[Art.214¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions if they caused by imprudence serious or average injury to the health of a person or its death are punishable by imprisonment of up to 5 years, by a fine imposed on the legal entity from 4000 to 6000 conventional units with the deprivation of the right to exercise a specific activity for up to 5 years or by the liquidation of the enterprise.

[Art.214¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 215. Spreading of epidemic diseases

(1) Failure to comply with the measures of prevention or fight against epidemic diseases, if it caused the spread of such a disease, is punishable by a fine from 550 to 750 conventional units or by imprisonment for up to 1 year and the legal entity is punishable by a fine from 2000 to 3000 conventional units with (or without) the liquidation of the legal entity.

[Art.215 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same acts resulting by imprudence in the serious or average injury to the health of a person or its death are punishable by imprisonment of up to 5 years, by a fine imposed on the legal entity from 2000 to 3000 conventional units with the liquidation of the enterprise.

[Art.215 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 216. Production, transport, storage, sale, offering against a consideration or free of charge of products (goods), provision of services, dangerous to the life or health of consumers

[Art. 216 title amended by the Criminal Law 115 as of 26.06.11, Official Gazette 128-130/05.08.11 art.363]

(1) The production, transport, storage, sale, offering against a consideration or free of charge of products (goods), the provision of services, dangerous to the life or health of

consumers, committed in large proportions,

(Article 216 par.(1), disposition amended by the Criminal Law 115 as of 26.06.11, Official Gazette 128-130 / 05.08.11 art.363]

shall be punished by a fine from 950 to 1150 conventional units, and the legal entity shall be punished by a fine from 2000 to 6000 conventional units with the deprivation of the right to exercise a specific activity for up to 2 years or by the liquidation of the legal entity.

[Art.216 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

a) - excluded

b) if they caused by imprudence their serious or average injury to the health of a person or its death;

c) committed in particularly large proportions, shall be punished by a fine from 1150 to 1350 conventional units or by imprisonment for up to 3 years, and the legal entity shall be punished by a fine from 6000 to 9000 conventional units with the deprivation of the right to exercise a specific activity for up to 3 years or by the liquidation of the legal entity.

[Art.216 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2):

a) - excluded

b) committed by an organized criminal group or by a criminal organization;

c) if they caused the death of two or more persons, shall be punished by a fine from 1350 to 1850 conventional units or by imprisonment from 3 to 7 years, and the legal entity shall be punished by a fine from 9000 to 11000 conventional units with the deprivation of the right to exercise a specific activity for up to 5 years or by the liquidation of the legal entity.

[Art.216 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 217. Illegal trafficking of drugs, ethnobotanics or their analogs without sale purpose

(1) The illegal sowing or cultivation of plants containing drugs or ethnobotanics, the processing or use of such plants, committed in large proportions and without purpose of sale { ut3 } shall be punished by a fine from 200 to 400 conventional units or by community service for up to 100 hours, and the legal entity shall be punished by a fine from 3000 to 5000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.217 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The production, preparation, experimentation, extraction, processing, transformation, procurement, storage, dispatch, transport of drugs, ethnobotanics or their analogs, committed in large proportions and without purpose of sale, are punishable by a fine from 400 to 700 conventional units or by community service for up to 150 hours or by imprisonment for up to 1 year, and the legal entity is punishable by a fine from 5000 and 7000 conventional units with the deprivation of the right to exercise a specific activity

or by the liquidation of the legal entity.

[Art.217 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2), committed:

a) - excluded

b) by two or more persons;

b¹) by a person who reached the age of 18 with the attraction of minors;

c) by the use of drugs, ethnobotanics or their analogs, whose trafficking for medicinal purposes is forbidden; d) by using the professional status; e) on the territory of educational institutions, social rehabilitation institutions, penitentiaries, military units, at entertainment places, at places of performance of education, training of minors or teenagers, of other cultural or sports activities or in their immediate vicinity, shall be punished by imprisonment for up to 4 years with the deprivation of the right to hold certain positions or exercise a specific activity for 2 to 5 years, and the legal entity shall be punished by a fine from 6000 to 8000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation to the legal entity.

(4) The actions provided at par.(1), (2) or (3), committed:

a) - excluded

b) in particularly large proportions, are punishable by imprisonment from 1 to 6 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity is punishable by a fine from 6000 to 10000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

(5)The person who committed the actions provided at art.217 or 217¹ is released from criminal liability if it actively contributed to the discovery or counteraction of the offence related to the illegal trafficking of drugs, ethnobotanics or their analogs thereof, as the case may be, by self-denunciation, voluntary surrender of drugs, ethnobotanics or their analogs, indication of the source of procurement of these substances, disclosure of the persons who contributed to the offence, indication of funds, assets or proceeds from such offence. The collection of drugs, ethnobotanics or their analogs upon the detention of the person, as well as upon the performance of the criminal prosecution for their detection and collection cannot be considered voluntary surrender thereof.

[Art.217 amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 217¹. Illegal trafficking of drugs, ethnobotanics or their analogs to sale purpose
[Art.217¹ title in the edition of the Criminal Law 193 as of 28.07.16, Official Gazette 315-328 / 23.09.16 art.686]

(1) The sowing or cultivation of plants containing drugs, the processing or use of such plants without authorization or the sowing or cultivation of plants for the production of ethnobotanic products, committed for sale purpose shall be punished by a fine from 950 to 1250 conventional units or by imprisonment for up to 2 years, and the legal entity shall be punished by a fine from 4000 to 6000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.217¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.217¹ par.(1) in the edition of the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

(2) The production, preparation, experimentation, extraction, processing, transformation, procurement, storage, dispatch, transportation, distribution or other illegal operations with drugs or analogs, committed for sale purpose, or the illegal sale of drugs or their analogs shall be punished by imprisonment from 2 to 5 years and the legal entity shall be punished by a fine from 5000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.217¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.217¹ par.(2) amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

(3) The actions provided at par. (1) or (2) committed:

- a) by a person who previously committed the same actions;
- b) by two or more persons;
- b) by a person who has reached the age of 18 with the attraction of minors;
- c) with the use of drugs or their analogs, whose trafficking for medicinal purposes is forbidden;

¹ par. (3), letter c) amended by the Criminal Code 193 of 28.07.16, Official Gazette 315-328 / 23.09.16 art.686]

d) by using the professional status; e) on the territory of educational institutions, social rehabilitation institutions, penitentiaries, military units, places of entertainment, places of performance of education, training of minors or teenagers, other cultural or sports events or in their immediate vicinity;

f) in large proportions,
are punishable by imprisonment from 3 to 7 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years, and the legal entity shall be punished by a fine from 7000 to 9000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.217¹ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The actions provided at par.(1), (2) or (3), committed:

a) - excluded

b) by an organized criminal group or a criminal organization or in their favor;

c) - excluded

d) in particularly large proportions,
are punishable by imprisonment from 7 to 15 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 9000 to 11000 conventional units by its liquidation.

[Art.217¹ par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.217¹ amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 217². Illicit trafficking of precursors for the production or processing of drugs, ethnobotanics or their analogs

The production, preparation, processing, experimentation, procurement, storage, dispatch, transportation, sale or performing any other operations with precursors to the purpose of producing or processing drugs, ethnobotanics or their analogs, shall be punished by a fine from 1150 to 1350 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years, and the legal entity shall be punished by a fine from 8000 to 11000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.217² sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.217² amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 217³. Illicit trafficking of materials and equipment for the production or processing of drugs, ethnobotanics or their analogs

(1) The production, manufacture, procurement, storage, dispatch, transportation or sale of materials or equipment for the production, preparation or processing of drugs, ethnobotanics or their analogs or for the cultivation of plants containing these substances shall be punished by a fine from 550 to 650 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.217³ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) - excluded

b) by two or more persons;

c) by using the professional status

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for 2 to 5 years, and the legal entity shall be punished by a fine from 3000 to 6000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.217³ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2), committed:

a) by an organized criminal group or by a criminal organization or in their favor;

b) on the territory of educational institutions, social rehabilitation institutions, penitentiaries, military units, places of entertainment, places of performance of education, training of minors or teenagers, other cultural or sports activities or in their immediate vicinity,

c) - excluded

shall be punished by imprisonment from 2 to 5 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 7000 to 10000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation to the legal entity.

[Art.217³ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.217³ amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 217⁴. Stealing or extortion of drugs or ethnobotanics

(1) The stealing or extortion of drugs or ethnobotanics

(1) Stealing or extortion of drugs or ethnobotanics

shall be punished by a fine from 850 to 2350 conventional units or by community service from 200 to 240 hours or by imprisonment from 3 to 5 years.

[Art.217⁴ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.217⁴ par.(1), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(2) The same actions committed:

a) - excluded

b) by two or more persons;

c) by using the professional status;

d) by entering the room, another place for storage or the dwelling;

e) by applying violence not dangerous to life or health of the person or by the threat of applying such violence;

f) in large proportions,

shall be punished by imprisonment from 5 to 10 years with (or without) a fine from 2000 to 3000 conventional units.

[Art.217⁴ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.217⁴ par.(2), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(3) The actions provided at par.(1) or (2) committed: (a) by an organized criminal group or by a criminal organization or in their favor; (b) by applying violence that is dangerous to the life or health of the person or by the threat of applying such violence; c) in particularly large proportions,

shall be punished by imprisonment from 10 to 15 years with a fine from 4000 to 6000 conventional units.

[Art.217⁴ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.217⁴ par.(3), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

[Art.217⁴ amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 217⁵. Illegal public consumption or organizing the illegal consumption of drugs, ethnobotanics or their analogs

(1) The illegal consumption of drugs, ethnobotanics or their analogs, committed publicly or on the territory of educational institutions, social rehabilitation institutions, penitentiaries, military units, places of entertainment, places of performance of education, training of minors or teenagers, other cultural or sports activities or in their immediate vicinity, shall be punished by a fine from 750 to 1050 conventional units or by community service from 180 to 240 hours.

[Art.217⁵ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Organizing illegal consumption of drugs or ethnobotanics shall be punished by a fine from 750 to 1050 conventional units or by imprisonment from 2 to 5 years.

[Art.217⁵ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.217⁵ amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 217⁶. Intentional illegal introduction into the body of another person, against its will, of drugs, ethnobotanics or their analogs

(1) The intentional illegal introduction, irrespective of the manner, into the body of another person, against its will, of drugs, ethnobotanics or their analogs is punishable by a fine from 950 to 1150 conventional units or by community service from 150 to 200 hours or by imprisonment for up to 3 years.

[Art.217⁶ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) against two or more persons; (c) knowingly to a minor or a pregnant woman or taking advantage of the known or obvious state of helplessness of the victim due to old age, illness, disability or other factor;

d) - excluded

e) by drugs or ethnobotanics whose trafficking for medical purposes is forbidden shall be punished by imprisonment from 2 to 7 years.

[Art.217⁶ amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 218. Illegal prescription or breach of the rules regarding drug trafficking

(1) The prescription without necessity of drugs is punishable by a fine from 550 to 1150 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.218 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Counterfeiting the prescription or other documents that allow the obtainment of

drugs

is punishable by a fine from 550 to 750 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 1 year, and the legal entity shall be punished by a fine from 4000 to 6000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.218 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2), committed:

a) - excluded

b) by two or more persons;

c) in order to obtain preparations or drugs in particularly large proportions, shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years, and the legal entity shall be punished by a fine from 6000 to 11000 conventional units by the liquidation of the legal entity.

[Art.218 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) Violation of the established rules of production, preparation, processing, procurement, storage, recording, release, sale, distribution, transportation, dispatch, use, import, export, destruction of drugs or materials or equipment for the production or processing of drugs, as well as the rules of cultivation of plants containing drugs, that caused their loss, committed by the person liable to comply with the rules mentioned above, is punishable by a fine from 650 to 950 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 3000 to 5000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.218 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(5) The actions provided at par. (4), committed from material interest or that caused by imprudence injury to the person's health or had other serious consequences, shall be punished by a fine from 950 to 1350 conventional units or by imprisonment for up to 5 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years, and the legal entity shall be punished by a fine from 5000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.218 par.(5), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.218 amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 219. Organization or maintenance of locations for drug or ethnobotanic use

(1) The organization or maintenance of locations for drug or ethnobotanic use, as well as the provision of premises for these purposes, shall be punished by a fine from 550 to 1150 conventional units or by imprisonment for up to 4 years.

[Art.219 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed by an organized criminal group or by a criminal organization shall be punished by a fine from 850 to 1350 conventional units or by imprisonment from 3 to 7 years.

[Art.219 amended by the Criminal Law 193 as of 28.07.16, Official Gazette 315-328/23.09.16 art.686]

Article 220. Proxenetism

(1) The urge or determination to prostitution or the facilitation of the practice of prostitution, or the obtainment of benefits from the practice of prostitution by another person, if the act does not meet the elements of human trafficking,

[Art.220 par. (1), provision amended by the Criminal Code 270 as of 07.11.13, Official Gazette 290 / 10.12.13 art.794]

shall be punished by a fine from 650 to 1350 conventional units or by imprisonment from 2 to 5 years.

[Art.220 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.220 par.(1), sanction amended by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

(2) The same actions committed:

- a) against two or more persons;
 - b) against a pregnant woman;
 - c) by two or more persons,
 - d) by a public person, by a person with a responsibility position, by a person with a public dignity position, by a foreign public person or by an international official { ut9 }
- shall be punished by imprisonment from 4 to 7 years.

[Art.220 par.(2) in the edition of the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

(3) The same actions committed by an organized criminal group or by a criminal organization

are punishable by imprisonment from 5 to 10 years.

[Art.220 par.(3) introduced by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

[Art.221 repealed by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

Article 222. Profanation of tombs and monuments

[Art.222 title amended by the Criminal Law 75 as of 21.04.16, Official Gazette 128-133/13.05.16 art.272]

(1) The profanation by any means of a tomb, funeral or public monument, funeral urn or corpse, as well as the appropriation of the objects that are inside or on the tomb,

[Art.222 par.(1), provision amended by the Criminal Code 75 as of 21.04.16, Official Gazette 128-133 / 13.05.16 art.272]

shall be punished by a fine from 550 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 1 year.

[Art.222 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

- a) by two or more persons;
- b) for reasons of social, national, racial or religious hatred;
- c) by causing damage in large proportions

[Art.222 par. (2)), lett.c) introduced by the Criminal Code 75 as of 21.04.16, Official Gazette 128-133 / 13.05.16 art.272]

shall be punished by a fine from 750 to 950 conventional units or by community service from 200 to 240 hours or by imprisonment for up to 3 years.

[Art.222 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Chapter IX

ENVIRONMENTAL OFFENCES

Article 223. Violation of the requirements of ecological security

Violation of the requirements of ecological security upon designing, installing, constructing or commissioning, as well as upon the exploitation of industrial, agricultural, scientific constructions or other objectives by the persons liable to comply with them, if it caused:

- a) essential increase of the radiation level;
- b) damage to the health of the population;
- c) mass destruction of animals;
- d) other serious consequences,

shall be punished by a fine from 650 to 950 conventional units or by imprisonment from 2 to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.223 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 224. Violation of the rules related to the movement of radioactive, bacteriological or toxic substances, materials and waste

(1) Violation of the established rules related to the manufacture, import, export, burial, storage, transportation or use of radioactive, bacteriological or toxic substances, materials and waste, as well as of pesticides, herbicides or other chemicals, if it creates the danger of causing essential damage to the health of the population or to the environment,

shall be punished by a fine from 550 to 950 conventional units or by imprisonment for up to 3 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.224 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

a) - excluded

b) committed in the area of an exceptional ecological situation or in the area of a natural disaster;

c) resulting in the contamination, poisoning or infection of the environment;
d) resulting in mass destruction of animals
shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 4000 to 6000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.224 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1), that caused by imprudence:

a) the mass illness of humans;
b) the death of the person,
shall be punished by imprisonment from 3 to 7 years, and the legal entity shall be punished by a fine from 6000 to 11000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.224 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The actions provided at par.(1), resulting in the death of two or more persons, shall be punished by imprisonment from 5 to 10 years, and the legal entity shall be punished by a fine from 6000 to 11000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.224 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 225. Data concealment or intentional disclosure of inauthentic data on environmental pollution

(1) Data concealment or intentional disclosure by a person with a responsibility position or by a person managing a commercial, public or other non-state organization, as well as by a legal entity, of inauthentic data on damage with excessive environmental pollution, with radioactive, chemical, bacteriological pollution or with other dangerous consequences for the life or health of the population, as well as on the state of health of the population affected by the environmental pollution, if it caused by imprudence:

a) the mass illness of humans;
b) the mass destruction of animals;
c) the death of the person;
d) other serious consequences,
shall be punished by a fine from 650 to 1150 conventional units or by imprisonment from 3 to 7 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.225 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions resulting in the death of two or more persons shall be punished by imprisonment from 5 to 10 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.225 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 226. Non-fulfillment of the obligations to eliminate the consequences of environmental violations

(1) The evasion or inadequate fulfillment by a person with a responsibility position or by a person managing a commercial, public or other non-state organization, as well as by a legal entity, of the obligations to eliminate the consequences of environmental violations, if it caused by imprudence:

- a) the mass illness of humans;
- b) the mass destruction of animals;
- c) the death of the person;
- d) other serious consequences,

shall be punished by a fine from 550 to 850 conventional units or by imprisonment for up to 5 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.226 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions resulting in the death of two or more persons shall be punished by imprisonment from 3 to 7 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.226 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 227. Soil pollution

(1) The contamination, poisoning, infection or otherwise polluting the soil with harmful products from the economic or other activity as a result of the violation of the rules on handling harmful substances, mineral fertilizers, plant growth stimulents and other chemical or biological substances during transportation, use or storage thereof, if it caused damage to:

- a) the health of the population;
- b) the environment;
- c) agricultural production,

shall be punished by a fine from 550 to 850 conventional units or by imprisonment for up to 2 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.227 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

a) committed in the area of an exceptional ecological situation or in the area of a natural disaster;

b) followed by the death of the person by imprudence

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000

conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.227 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 228. Violation of the requirements for the protection of the subsoil

Violation of the requirements for the protection of mineral deposits or other resources of the subsoil, unauthorized construction or the placement of toxic waste on lands with mineral deposits, as well as the unsanctioned discharge of harmful substances into the subsoil, if it caused: a) considerable land crashes or slides; b) groundwater pollution, creating a danger to the health of the population;

c) the death of the person by imprudence;

d) other serious consequences,

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 1000 to 3000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.228 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 229. Water pollution

The infection or otherwise contamination of surface or underground waters with wastewater or other waste of enterprises, institutions and industrial, agricultural, communal and other institutions, if it caused damage in considerable proportions to the animal or plant kingdom, fishery resources, forestry, agriculture or health of the population or caused the death of the person,

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.229 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 230. Air pollution

The air pollution by exceeding the established norms, due to the emission of pollutants into the atmosphere or violation of operating rules or the non-use of machinery, equipment, installations of purification and control of emission into the atmosphere, if it caused damage in considerable proportions to the environment, animal or plant kingdom, the health of the population or the death of the person,

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.230 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 231. Illegal cutting of forest vegetation

The illegal cutting of trees and/or shrubs from the forest fund or from the fund of natural protected areas of the state, committed:

a) by persons responsible for the protection and guarding of forest vegetation;

b) in proportions exceeding 500 conventional units,

[Art.231 disposition amended by the Criminal Code 18 as of 15.02.18, Official Gazette

84-93 / 16.03.18 art.173

shall be punished by a fine from 850 to 1350 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.231 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 232. Destruction or deterioration of forest massifs

(1) The destruction or deterioration in large proportions of forest massifs due to imprudent use of fire or sources of increased danger

shall be punished by a fine from 550 to 950 conventional units or by community service from 120 to 240 hours or by imprisonment for up to 3 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.232 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Intentional destruction or deterioration in proportions exceeding 500 conventional units of forest massifs by fire

shall be punished by a fine from 650 to 1350 conventional units or by community service from 180 to 240 hours or by imprisonment for 3 to 7 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.232 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 233. Illegal hunting

Hunting without an appropriate authorization either during the prohibited period or in prohibited places, either with unauthorized tools and methods (poaching) or by using the professional status, if it caused damage exceeding 200 conventional units,

shall be punished by a fine from 550 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.233 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 234. Illegal engagement in fishing, hunting or other exploitation of water

The illegal engagement in fishing, hunting or other exploitation of water, by the use of explosive and poisonous substances or other means of mass destruction of fauna, if it caused damage exceeding 200 conventional units,

shall be punished by a fine from 550 to 1050 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 1 year, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.234 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 235. Violation of the regime of administration and protection of the natural areas fund protected by the state

The violation of the regime of administration and protection of the natural areas fund protected by the state, if it creates the danger of causing damage in large proportions or caused damage in large proportions, shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years, and the legal entity shall be punished by a fine from from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.235 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Chapter X

ECONOMIC OFFENCES

Article 236. Production or submission to circulation of counterfeit money signs or counterfeit securities

[Art.236 title amended by the Criminal Law 33 as of 06.05.12, Official Gazette 99-102/25.05.12 art.330]

(1) The production for the purpose of submitting to circulation or the submission to circulation of counterfeit money signs (banknotes and coins, including jubilee and commemorative ones, issued by the National Bank of Moldova or the authorized body of a foreign state or a monetary union of foreign states), of state securities or other counterfeit securities, used for making payments,

[Art.236 par. (1) amended by the Criminal Code 33 as of 06.05.12, Official Gazette 99-102 / 25.05.12 art. 330]

shall be punished by imprisonment from 5 to 10 years, and the legal entity shall be punished by a fine from 2000 to 5000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.236 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) - excluded

b) by an organized criminal group or by a criminal organization;

c) to particularly large proportions,

shall be punished by imprisonment from 7 to 15 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.236 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 237. Production or submission to circulation of counterfeit cards or other counterfeit payment instruments

[Art.237 title amended by the Criminal Law 33 as of 06.05.12, Official Gazette 99-102/25.05.12 art.330]

(1) The production for the purpose of submitting to circulation or the submission to circulation of counterfeit cards or other counterfeit payment instruments, that are not money signs or securities but that confirm, establish or grant property rights or

obligations,

[Art.237 par. (1) amended by the Criminal Code 33 as of 06.05.12, Official Gazette 99-102 / 25.05.12 art.330]

shall be punished by a fine from 550 to 1050 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.237 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) - excluded

b) by an official or other employee during the performance of its duties;

c) by an organized criminal group or by a criminal organization;

d) in particularly large proportions

shall be punished by imprisonment from 4 to 8 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.237 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 238. Obtaining a credit, loan or insurance damages/indemnity by deceit

(1) Knowingly submitting false information in order to obtain a credit, loan or insurance damages/indemnity or the increase of the amount thereof, or obtaining a credit or a loan on advantageous terms, if it caused to the financial institution, the non-banking financial organization, the savings and lending association or the insurer damage greater than or equal to 500 conventional units,

shall be punished by a fine from 1850 to 3350 conventional units or by imprisonment from 2 to 6 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.238 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that caused damage in particularly large proportions,

are punishable by a fine from 2350 to 3350 conventional units or by imprisonment from 3 to 8 years with the deprivation of the right to hold certain positions or exercise a specific activity for a term of up to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.238 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.238 in the edition of the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

[Art.238 amended by the Criminal Law 108 as of 04.06.10, Official Gazette 117-118/09.07.10 art.363]

Article 239. Violation of credit rules, lending policies or insurance damages/indemnity granting rules

(1) Granting a credit, loan or insurance damages/indemnity by the intentional violation

of the law, credit rules, lending policies or financial prudential rules, if it caused to the financial institution, the non-banking financial organization, the savings and lending association or the insurer damage greater than or equal to 500 conventional units, shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.239 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that:

a) caused to the financial institution, the savings and lending association, the non-banking financial organization or the insurer damage in particularly great proportions;
b) led to the insolvency of the financial institution, the savings and lending association, the non-banking financial organization or the insurer,
shall be punished by a fine from 2350 to 3350 conventional units or by imprisonment from 2 to 7 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.239 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.239 in the edition of the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

[Art.239 amended by the Criminal Law 108 as of 04.06.10, Official Gazette 117-118/09.07.10 art.363]

Article 239¹. Maladministration or fraudulent management of a bank, investment company, insurance company

[Art.239¹ name amended by the Criminal Law 233 as of 03.10.16, Official Gazette 343-346/04.10.16 art.709]

(1) Failure to take the necessary actions provided by the law, by the decisions of the National Bank of Moldova, by the decisions of the National Commission for Financial Markets, by the bank by-laws, by the investment company by-laws, by the insurance company by-laws, in case of registration of financial losses or the existence of the danger of such losses, by the members of the management bodies, shareholders, beneficial owners and affiliated persons of the shareholders and beneficial owners,

[Art.239¹ par. (1) in the edition of the Criminal Law 333 as of 03.10.16, Official Gazette 343 -346 / 04.10.16 art.709]

shall be punished by a fine from 750 to 1150 conventional units or by imprisonment for up to 1 year, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

[Art.239¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Falsifying or destroying bank documents, misleading, submitting or using false data, distorting or concealing the real data by the persons provided at par. (1), during the process of administration of the bank, investment company, insurance company

[Art.239¹ par.(2) amended by the Criminal Law 233 as of 03.10.16, Official Gazette 343-346/04.10.16 art.709]

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for

up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.239¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions committed or the omissions admitted, provided at art. 238, 239 and 239¹, by the members of the bank's management bodies, the bank's shareholders, the beneficial owners of the bank's shareholders, as well as the affiliated persons of the shareholders and beneficial owners, that led to the insolvency of the bank or to the initiation of the resolution process, as stipulated by the Law on bank restructuring and resolution, including as a result of the insolvency of the holding company, shall be punished by a fine from 1000 to 2000 conventional units or by imprisonment for up to 6 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.239¹ par.(3)introduced by the Criminal Law 233 as of 03.10.16, Official Gazette 343-346/04.10.16 art.709]

(4) For the purposes of this article, the term "affiliated person" shall have the meaning provided at art. 31 of the Financial Institutions Law no. 550-XIII as of 21 July 1995.

[Art.239¹ par.(4)introduced by the Criminal Law 233 as of 03.10.16, Official Gazette 343-346/04.10.16 art.709]

[Art.239¹ in the edition of the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 239². Obstruction of banking supervision

The commission by the shareholder, administrator or any other employee of the bank of one of the following acts:

- a) does not respond to the information requests of the National Bank of Moldova, in the manner prescribed by it, to the purpose of exercising its powers provided by the law;
- b) sends incorrect reports or information to the National Bank of Moldova, does not ensure the implementation of the correction, remedy measures or restrictions imposed by the National Bank of Moldova;
- c) prevents inspections of the National Bank of Moldova or verifications by the auditor or refuses to submit the necessary documents for inspections and verifications;
- d) obstructs in any other way the exercise of supervision by the National Bank of Moldova,

shall be punished by a fine from 750 to 1150 conventional units or by imprisonment from 6 months to 1 year.

[Art.239² sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.239² in the edition of the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 240. The use contrary to the purpose of the means from internal loans or from external funds

(1) The use contrary to the purpose of the means from internal loans or from external funds, if the act does not constitute an appropriation,

shall be punished by a fine from 3000 to 4000 conventional units or by imprisonment for up to 3 years, and the legal entity shall be punished by a fine from 4000 to 5000

conventional units with the deprivation of the right to exercise a specific activity for up to 3 years.

(2) The use contrary to the purpose of grants, donations or humanitarian aids in large proportions, if the act does not constitute an appropriation, shall be punished by a fine from 4000 to 5000 conventional units or by imprisonment from 2 to 6 years, in both cases with the deprivation of the right to hold certain positions for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 5000 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of 2 to 5 years.

(3) The use contrary to the purpose of internal loans, grants, credits and foreign loans, in large proportions, if the act does not constitute an appropriation, shall be punished by a fine from 5000 to 6000 conventional units or by imprisonment from 3 to 6 years, in both cases with the deprivation of the right to hold certain positions for a period of 3 to 6 years, and the legal entity shall be punished by a fine from 6000 to 7000 conventional units with the deprivation of the right to exercise a specific activity for a period of 3 to 5 years or by the liquidation of the legal entity.

(4) The actions provided at par. (2) and (3) committed:

a) by two or more persons;

b) in particularly large proportions;

c) by a public person, by a person with a responsibility position, by a person with a public dignity position, by a foreign public person or by an international official shall be punished by a fine from 6000 and 8000 conventional units or by imprisonment from 6 to 10 years, in both cases with the deprivation of the right to hold certain positions for a period of 4 to 7 years, and the legal entity shall be punished by a fine from 7000 to 9000 conventional units with the deprivation of the right to exercise a specific activity for a period of 4 to 5 years or by the liquidation of the legal entity.

[Art.240 in the edition of the Criminal Law 105 as of 26.05.16, Official Gazette 184-192/01.07.16 art.391]

Article 240¹. Sale of imported diesel for own consumption or its use contrary to the purpose

(1) The sale on the internal market of imported diesel for own consumption or its use for other purposes than own consumption, committed in proportions exceeding 500 conventional units,

shall be punished by a fine from 850 to 1350 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 1 year, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years and the legal entity shall be punished by a fine from 2000 to 5000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.240¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed in large proportions or particularly large proportions shall be punished by a fine from 1350 to 5350 conventional units or by imprisonment for up to 3 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 6000 to 11000 conventional units with the deprivation of

the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.240¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.240¹ introduced by the Criminal Law 223 as of 03.12.15, Official Gazette 361-369/31.12.15 art.681; in force 31.03.16]

Article 241. Illegal practice of entrepreneurial activity

(1) The illegal practice of entrepreneurial activity, resulting in obtaining a profit in large proportions,

shall be punished by a fine from 1350 to 2350 conventional units or by community service for up to 200 hours, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.241 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) by two or more persons;

c) by using the professional status;

d) - excluded

e) - excluded

f) by obtaining a profit in large proportions

shall be punished by a fine from 2350 to 3350 conventional units or by community service from 180 to 240 hours, and the legal entity shall be punished by a fine from 4000 to 4000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation to the legal entity.

[Art.241 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 241¹. Illegal practice of financial activity

(1) Practicing a financial activity without registration and/or without authorization (licensing), in the manner provided by the law, if it caused damage in large proportions

[Art.241¹ par. (1) provision amended by the Criminal Code 225 as of 15.12.17, Official Gazette 464-470 / 29.12.17 art.790; in force 29.12.17]

shall be punished by a fine from 500 to 750 conventional units or by imprisonment for up to 3 years.

[Art.241¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed by an organized criminal group or by a criminal organization

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment from 2 to 6 years.

[Art.241¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.241¹ introduced by the Criminal Law 128 as of 08.06.12, Official Gazette 143-148/13.07.12 art.473]

Article 242. Entrepreneurial pseudo-activity

The entrepreneurial pseudo-activity, namely the establishment of enterprises without

the intention to perform entrepreneurial or banking activity to cover the genres of illicit entrepreneurial activity, if it caused damage in large proportions, shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 3 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.242 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 242¹. Handling an event

(1) Encouraging, influencing or training a participant in a sports event or betting event to commit actions that would have a vicious effect on the respective event, to the purpose of obtaining goods, services, privileges or advantages in any form, that do not belong to it, for itself or for another person,

shall be punished by a fine from 2350 to 4350 conventional units or by imprisonment from 1 to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years, and the legal entity shall be punished by a fine from 6000 to 9000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.242¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed by a coach, an athlete's agent, a jury member, a sports club owner, or a person in charge of a sports organization shall be punished by a fine of 3350 to 5350 conventional units or imprisonment from 2 to 6 years, in both cases with the deprivation of the right to hold certain positions or to exercise a specific activity for a period of 4 to 7 years.

[Art.242¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.242¹ introduced by the Criminal Law 38 as of 21.03.13, Official Gazette 75-81/12.04.13 art.233]

Article 242². Fixed bets

(1) Betting on a sports event or other betting event, as well as informing other persons about the existence of an agreement on fixing that event with the intention to determine them to participate in the respective bet, committed by a person who is for certain aware of the existence of an agreement on fixing that event,

shall be punished by a fine from 2350 to 4350 conventional units or by imprisonment from 1 to 3 years, and the legal entity shall be punished by a fine from 6000 to 8000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.242² par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The actions provided at par. (1):

a) committed by an organized criminal group or by a criminal organization;
b) who caused damage in particularly large proportions,
shall be punished by a fine from 3350 to 5350 conventional units or by imprisonment from 2 to 6 years, and the legal entity shall be punished by a fine from 9000 to 11000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.242² par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.242² introduced by the Criminal Law 38 as of 21.03.13, Official Gazette 75-81/12.04.13 art.233]

Article 243. Money laundering

(1) Money laundering committed by:

a) the conversion or transfer of property by a person who knows or should have known that it constitutes illicit income, to the purpose of concealing or disguising the illicit origin of the property or of assisting any person involved in committing the main offence, evading the legal consequences of these actions;

b) the concealment or disguise of the nature, origin, location, arrangement, transfer, assignment of real ownership over the property or related rights by a person who knows or should have known that it constitutes illicit income;

c) the acquisition, possession or use of property by a person who knows or should have known that it constitutes illicit income;

[Art.243 par. (1), letter c) amended by the Criminal Code 60 as of 07.04.16, Official Gazette 123-127 / 06.05.16 art.246]

d) Participation in any association, understanding, complicity by providing assistance, aid or advice to commit the actions provided at lett.(a)-(c)

shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed on the legal entity from 8000 to 11000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.243 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) - excluded

b) by two or more persons;

c) by using the professional status

shall be punished by a fine from 2350 to 5350 conventional units or by imprisonment from 4 to 7 years, by a fine imposed on the legal entity from 10000 to 13000 conventional units with the deprivation of the right to exercise specific activities or by the liquidation of the legal entity.

[Art.243 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.243 par.(2), sanction amended by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

(3) The actions provided at par.(1) or (2), committed:

a) by an organized criminal group or by a criminal organization;

b) in particularly large proportions, shall be punished by imprisonment from 5 to 10 years, by a fine imposed on the legal entity from 13000 to 16000 conventional units or by the liquidation of the legal entity.

[Art.243 par.(3) sanction amended by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

(4) Illegal acts are also the acts committed outside the territory of the country if they

contain the constituent elements of an offence in the state where they were committed and may constitute the constituent elements of an offence committed on the territory of the Republic of Moldova.

Article 244. Tax evasion of enterprises, institutions and organizations

(1) Tax evasion of enterprises, institutions and organizations, either by including in the accounting, tax or financial documents denatured data on income or expenses, by including expenses that are not based on real operations or that are based on operations that did not exist, or by concealing taxable objects, if the amount of the tax that should have been paid exceeds 1500 conventional units,

shall be punished by a fine from 2350 to 3350 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 3000 to 6000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.244 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.244 par.(1) in the edition of the Criminal Law 262 as of 19.12.11, Official Gazette 21-24/27.01.12 art.54]

(2) The same action:

a) - excluded

b) that led to the non-payment of the tax in particularly large proportions, shall be punished by a fine from 3350 to 5350 conventional units or by imprisonment for up to 6 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.244 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.244 par.(2) sanction in the edition of the Criminal Law 262 as of 19.12.11, Official Gazette 21-24/27.01.12 art.54]

Article 244¹. Tax evasion of individuals

(1) Tax evasion of individuals who do not practice an entrepreneurial activity by evading from the submission of the income tax statement or by including in the statement denatured data, if the amount of the income tax that should have been paid exceeds 2500 conventional units, shall be punished by a fine from 1350 to 2350 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 1 year.

[Art.244¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action that led to the non-payment of the tax in particularly large proportions shall be punished by a fine from 2350 to 3350 conventional units or by imprisonment for up to 3 years.

[Art.244¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.244¹ introduced by the Criminal Law 206 as of 21.10.11, Official Gazette 197-202/18.11.11 art.571]

Article 245. Abuses in issuing financial instruments

[Art.245 title amended by the Criminal Law 225 as of 15.12.17, Official Gazette 464-470/29.12.17 art.790; in force 29.12.17]

(1) The inclusion in the issue prospectus or in other documents, for the registration of the issuance of financial instruments, of inauthentic or misleading information, the informed approval of the issue prospectus containing inauthentic or misleading information, as well as the approval of the manifestly inauthentic emission results, if these actions caused damage in large proportions,

[Art.245 par. (1) provision amended by the Criminal Code 225 as of 15.12.17, Official Gazette 464-470 / 29.12 .17 art.790; 29.12.17]

shall be punished by a fine from 3000 to 6000 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.245 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

a) - excluded

b) committed by two or more persons;

c) that caused damage in particularly large proportions, shall be punished by a fine from 2350 to 3350 conventional units or by imprisonment from 1 to 6 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 245¹. Capital market manipulation

[Art.245¹ title amended by the Criminal Law 225 as of 15.12.17, Official Gazette 464-470/29.12.17 art.790; in force 29.12.17]

(1) The capital market manipulation actions through at least one of the following actions, if it caused damage in large proportions:

a) transactions or trading orders that provide or may provide false or misleading information regarding demand, offer or price of financial instruments or that, by the action of one or more persons acting together, influence the establishing of the price of one or more financial instruments at an abnormal or artificial level;

b) performing fictitious or deceitful transactions;

c) applying fictitious trading orders;

d) the diffusion and/or dissemination through the mass media, including via the Internet or by any other means, of the information that provides or may provide false indications about financial instruments, if the person who disseminated the information knew or should have known that the respective information was false,

[Art.245¹ par. (1) provision in the edition of the Criminal Law 225 as of 15.12.17, Official Gazette 464-470 / 29.12.17 art. 790; 29.12.17]

shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 2 years, and the legal entity shall be punished by a fine from 3000 to 5000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that caused damage in particularly large proportions shall be punished by a fine from 2350 to 3350 conventional units or by imprisonment from 1 to 6 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 5000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation to the legal entity.

[Art.245¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245¹ in the edition of the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 245². Violation of the legislation in keeping the register of movable securities/fund units holders

[Art.245² title amended by the Criminal Law 225 as of 15.12.17, Official Gazette 464-470/29.12.17 art.790; in force 29.12.17]

[Art.245² title in the edition of the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

(1) Admitting unauthorized persons access to the data of the accounts of movable securities/fund units holders and/or the intentional inclusion in the accounts of movable securities/fund units holders of inauthentic, denaturated, false information, followed by the transfer of the ownership right to another person and/or the issue of the shareholders list by the entity keeping record of the movable securities holders in other cases than those provided by the law, and/or the refusal to issue the shareholders list, the statement of account, and/or the use of the shareholders list by any person to the purpose of acquiring or transferring shares of the company, if these actions caused damage in large proportions,

[Art.245² par.(1) provision in the edition of the Criminal Law 225 as of 15.12.17, Official Gazette 464-470 / 29.12.17 art.790; in force 29.12.17]

[Art.245² par. (1) in the edition of the Criminal Law 180 as of 25.07.14, Official Gazette 238-246 / 15.08.14 art.559]

shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245² par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed by imprudence, that caused damage in particularly large proportions, are punishable by a fine of up to 500 conventional units or by

imprisonment for up to 2 years.

[Art.245² par.(2) amended by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

(3) The actions described at par.(1):

[Art.245² par.(3) amended by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

a) - excluded

b) that caused damage in particularly large proportions, shall be punished by a fine from 2350 to 3350 conventional units or by imprisonment for 1 to 6 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245² par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 245³. Abusive use of privileged information on capital market

[Art.245³ title amended by Criminal Law 225 as of 15.12.17, Official Gazette 464-470/29.12.17 art.790; in force 29.12.17]

(1) The use by any person of privileged information with the intention of acquiring or transferring, for itself or on behalf of a third party, directly or indirectly, financial instruments to which such information refers, if these actions caused damage in large proportions,

[Art.245³ par.(1) (1) provision amended by the Criminal Code 225 as of 15.12.17, Official Gazette 464-470 / 29.12.17 art.790; 29.12.17]

shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 2 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise of a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 3000 to 5000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245³ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

followed by the acquiring or transfer of financial instruments; that caused damage in particularly large proportions,

[Art.245³ par.(2) provision amended by the Criminal Code 225 as of 15.12.17, Official Gazette 464-470 / 29.12.17 art.790; 29.12.17]

shall be punished by a fine from 1350 to 3350 conventional units or by imprisonment for 1 to 6 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.242³ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245³ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 245⁴. Violation of the provisions regarding the modality of conclusion of transactions with the assets of the company

(1) The violation of the provisions regarding the modality of conclusion of large transactions and/or of transactions with a conflict of interest within the trading company, if these actions caused damage in large proportions, is punishable by a fine of up to 3000 conventional units or by imprisonment for up to 2 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

[Art.245⁴ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that caused damage in particularly large proportions are punishable by a fine from 3000 and 9000 conventional units or by imprisonment from 4 to 6 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.245⁴ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245⁴ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 245⁵. Intentional refusal to disclose and/or to present information provided by the legislation on non-banking or banking financial market

(1) The intentional refusal to disclose and/or to present information regarding the economic-financial activity of the joint stock company, share holdings, reports, statements, constitutive acts or events affecting the issuer, information whose disclosure or presentation is mandatory, or the intentional disclosure of unauthentic, denatured or false information, if these actions caused damage in large proportions,

[Art.245⁵ par.(1) provision in the edition of the Criminal Law 225 as of 15.12.17, Official Gazette 464-470 / 29.12.17 art.790; in force 29.12.17]

shall be punished by a fine from 2350 to 3350 conventional units, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units.

[Art.245⁵ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that caused damage in particularly large proportions or led to the initiation of the insolvency proceedings are punishable by a fine from 2350 to 3350 conventional units or by imprisonment from 1 to 6 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity

[Art.245⁵ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245⁵ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 245⁶. Practicing activities on the non-banking financial market in violation of the licensing (authorization) conditions

[Art.245⁶ title in the edition of the Criminal Law 225 as of 15.12.17, Official Gazette

464-470/29.12.17 art.790; in force 29.12.17]

(1) Failure to comply by the participant on the non-banking financial market of the licensing (authorization) conditions, prudential rules established by the law and by the normative acts of the National Commission for Financial Markets, if these actions caused damage in large proportions,

[Art.245⁶ par. (1) provision in the edition of the Criminal Law 225 as of 15.12.17, Official Gazette 464-470 / 29.12.17 art.790; in force 29.12.17]

shall be punished by a fine from 850 to 2350 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245⁶ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that caused damages in particularly large proportions, or led to the initiation of the insolvency proceedings

[Art.245⁶ par.(2) provision amended by the Criminal Code 225 as of 15.12.17, Official Gazette 464-470 / 29.12.17 art.790; 29.12.17]

shall be punished by a fine from 1350 to 3350 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245⁶ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245⁶ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

[Art.245⁷ repealed by the Criminal Law 225 as of 15.12.17, Official Gazette 464-470/29.12.17 art.790; in force 29.12.17]

[Art.245⁷ amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245⁷ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 245⁸. Violation of the legislation by performing activities of assessing movable securities and assets related to them

[Art.245⁸ title amended by the Criminal Law 225 as of 15.12.17, Official Gazette 464-470/29.12.17 art.790; in force 29.12.17]

(1) The performance of the activity of assessing movable securities and assets related to them in violation of the legal requirements, if these actions caused damage in large proportions,

[Art.245⁸ (1) provision in the edition of the Criminal Law 225 as of 15.12.17, Official Gazette 464-470 / 29.12.17 art.790; 29.12.17]

shall be punished by a fine from 850 to 2350 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 3000 to 5000

conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245⁸ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that caused damages in particularly large proportions or led to the initiation of the insolvency proceedings are punishable by a fine from 1350 to 3350 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 5000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245⁸ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245⁸ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 245⁹. Preventing the exercise of the rights of the associates (shareholders) of the trading company and the unlawful deprivation of these rights

(1) Infringement of the legislation on the convening and holding of the general meeting of associates (shareholders) of the trading company that caused damage in large proportions, committed by:

- a) the refusal or evasion from the convening of the general meeting of associates (shareholders) of the trading company;
- b) failure to inform the council in the established manner about the performance of the general meeting of associates (shareholders) or of the council meeting or the disclosure of manifestly false information regarding the date, time and place of the general meeting or of the council meeting;
- c) the unlawful refusal to register the persons entitled to participate in the general meeting of associates (shareholders);
- d) the performance of the general meeting of associates (shareholders) without the necessary quorum;
- (e) the prevention of the free exercise of the right to vote as part of the approval of the decision at a general meeting of associates (shareholders) or council meeting of a trading company; or the intentional distortion of voting results by insertion in the minutes, in the excerpt of the minutes of the general meeting or council meeting, as well as in other documents that include information on the manner and results of the voting, of the manifestly false information about the number of votes, quorum or voting results; by drawing up the manifestly false list of persons entitled to participate in the general meeting of associates (shareholders) or council meeting; (f) blocking or limiting the access of the associate (shareholder) of the trading company or of a member of the board to the exercise of the right to vote; (g) voting on behalf of the associate (shareholder) of the trading company or on behalf of a member of the board on the basis of a manifestly false proxy (mandate) or in a manifest lack of empowerment; h) approving the decisions regarding the amendment and/or supplementation of the trading company's constitutive act (statute), or the change in the composition of the trading company's management bodies, or the designation of a management organization or the appointment

of a manager, or the increase of the share capital of the trading company or the reorganization or dissolution of the trading company in violation of the law; i) any other actions committed to the purpose of establishing an illegal control over the trading company, shall be punished by a fine from 850 to 3350 conventional units or by community service from 160 to 240 hours, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

[Art.245⁹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions which, if committed by compelling an associate (shareholder) or a member of the board of a trading company to vote in a certain way or to refuse to vote and are linked to blackmail, as well as the threat of violence, destruction or damage to its assets, caused damage in particularly large proportions or resulted in the insolvency of the trading company, shall be punished by a fine from 2350 to 5350 conventional units or by imprisonment for up to 2 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.245⁹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245⁹ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 245¹⁰. Illegal obtainment and/or disclosure of information that constitutes a commercial or banking secret

(1) Collecting information that constitutes a commercial or banking secret by appropriating information, including the use of special technical means, extortion or the threat of applying violence that is dangerous to the life or health of the person shall be punished by a fine from 1350 to 4350 conventional units or by imprisonment from 1 to 6 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

[Art.245¹⁰ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The illegal disclosure or use of information that constitutes a commercial or banking secret by the person to whom such information has been entrusted or has become known by virtue of its attributions, without the consent of the owner of the information, shall be punished by a fine from 1350 to 3350 conventional units or by imprisonment from 1 to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.245¹⁰ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The same actions that caused damage in particularly large proportions are punishable by a fine from 4350 to 5350 conventional units or by imprisonment from 2 to 5 years, in both cases with (or without) the deprivation of right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.245¹⁰ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245¹⁰ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 245¹¹. Violation of the legislation on the activity of non-state pension funds

(1) The violation of the legislation on the activity of non-state pension funds that caused damage in large proportions by:

- a) presentation of erroneous information or the refusal to provide information about investments, the status of pension assets;
- b) inclusion in the reports presented in compliance with the legal provisions of erroneous data; c) presentation by the beneficiary of false or incorrectly drawn up documents in order to receive the accumulated funds in advance;
- d) acquiring, on the basis of false or incorrectly drawn up documents, the funds accumulated in the fund;
- e) the failure to transfer to the fund by the employer of the breakdowns of the fund's member salary;
- f) the disclosure of the information on the status of the pension accounts and the payment of the supplementary pension by a person with a position of responsibility over the fund;
- g) the premeditated action of the manager, the fund asset depository or the auditor, that caused damage to the members of the fund, shall be punished by a fine from 850 to 3350 conventional units or by community service from 160 to 240 hours, in both cases with (or without) the deprivation the right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.245¹¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions that caused damage in particularly large proportions: shall be punished by a fine from 2350 to 3350 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245¹¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.245¹¹ introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 245¹². Violation of the legislation on the activity of credit history offices

(1) The obtainment, use for other purposes or in other way than the one provided by law and/or the disclosure in any form by the credit history offices, credit history users, credit history sources, as well as by the persons with a responsibility position thereof, of the information that constitutes a commercial secret of the credit history office, credit history source, credit history subject or credit history user, if these actions caused damage in large proportions, shall be punished by a fine from 850 to 2350 conventional units with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years, and the legal entity shall be punished by a fine from 2000 to 5000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.245¹² par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The intentional failure to disclose the information in the volume set by the law or its

intentional misrepresentation to the credit history office by the credit history sources, as well as by the persons with a responsibility position thereof, if these actions caused damage in large proportions, shall be punished by a fine from 850 to 2350 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.245¹² par.(2) in the edition of the Criminal Law 149 as of 14.07.17, Official Gazette 277-288/04.08.17 art.481]

[Art.245¹² par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) Illegally providing and/or using, and/or managing the information that characterizes the compliance by the borrowers of the obligations undertaken by the credit agreements and/or loan agreements by legal entities that do not have licenses for the activity of the credit history office, as well as by the persons with a responsibility position thereof, if these actions caused damage in large proportions,

shall be punished by a fine from 850 to 2350 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245¹² par.(3) introduced by the Criminal Law 149 as of 14.07.17, Official Gazette 277-288/04.08.17 art.481]

(4) The actions provided at par. (1), (2) or (3) that caused damage in particularly large proportions, shall be punished by a fine from 1350 to 3350 conventional units or by imprisonment of up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.245¹² par.(4) introduced by the Criminal Law 149 as of 14.07.17, Official Gazette 277-288/04.08.17 art.481]

[Art.245¹² introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 246. Restricting free competition

Restricting free competition by concluding an illegal agreement that provides for market division, limiting access to the market, eliminating other economic agents, increasing or maintaining single prices, if it resulted in a particularly high profit or it caused damage in particularly large proportions to a third person, shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 3 years.

[Art.246 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 246¹. Unfair competition

Any act of unfair competition, including:

a) creating, by any means, confusion in relation to the enterprise, products or industrial

or commercial activity of a competitor;

b) spreading during the trade process of false allegations that discredit the enterprise, products or entrepreneurial activity of a competitor;

c) misleading the consumer as to the nature, manufacturing, characteristics, suitability for use or quantity of the competitor's goods;

d) the use of the company name or trademark in a manner that produces confusion in relation to those legitimately used by another economic agent;

e) comparison for advertising purposes between the goods produced or marketed by an economic agent with the goods of other economic agents shall be punished by a fine from 3000 to 4000 conventional units or by imprisonment for up to 1 year, with a fine imposed on the legal entity from 3500 to 5000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.246¹ sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 246². Counterfeiting of products

(1) Counterfeiting of products, namely their manufacture for purposes of marketing without accompanying documents, origin, quality and compliance, as well as the determination of third parties in performing this action, committed in large proportions, shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 1 year, with a fine imposed on the legal entity from 4500 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.246² par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Counterfeiting of products, namely the actions specified at par. (1) with reference to the products that constitute or include a protected object of intellectual property, as well as the determination of third parties to perform this action, committed in large proportions, shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 1 year, by a fine imposed on the legal entity from 4500 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 5 years.

[Art.246² par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.246² introduced by the Criminal Law 115 as of 26.06.11, Official Gazette 128-130/05.08.11 art.363]

Article 247. Constraint to conclude a transaction or refuse to terminate it

(1) The constraint to conclude a transaction or refuse to terminate it, accompanied by threats of violence, destruction or damage to property, as well as by the dissemination of information that would cause considerable damage to the rights and interests protected by law of the person or of its close relatives, in the absence of blackmail signs, shall be punished by a fine from 3000 to 4000 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.247 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) with the application of violence, destruction or damage to property; (c) by an organized criminal group or a criminal organization shall be punished by a fine from 6000 to 7000 conventional units or by imprisonment for up to 5 years.

[Art.247 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 248. Smuggling

(1) Passing over the customs border of the Republic of Moldova of commodities, objects and other values in large proportions, by avoiding the customs control or concealing them from it, by hiding them in places specially prepared or adapted to this purpose, or by the fraudulent use of documents or means of customs identification, or by failure to declare or by inauthentic declaration in the customs documents or in other documents for crossing the border,

shall be punished by a fine from 500 to 650 conventional units or by community service from 180 240 hours or by imprisonment for up to 2 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.248 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Passing over the customs border of the Republic of Moldova of drugs with strong, toxic, poisonous, radioactive and explosive effects, as well as of harmful waste and of products with a double destination, by avoiding the customs control or concealing them from it, by hiding them in places specially prepared or adapted to this purpose, or by the fraudulent use of documents or means of customs identification, or by failure to declare or by inauthentic declaration in the customs documents or in other documents for crossing the border,

[Art.248 par.(2), disposition amended by the Criminal Law 141 as of 13.07.17, Official Gazette 277-288 / 04.08.17 art.469]

shall be punished by a fine from 550 to 950 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 4000 to 6000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.248 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) Passing over the customs border of the Republic of Moldova of weaponry, explosives, ammunition, by avoiding the customs control or concealing them from it, by hiding them in places specially prepared or adapted to this purpose, or by the fraudulent use of documents or means of customs identification, or by failure to declare or by inauthentic declaration in the customs documents or in other documents for crossing the border, shall be punished by a fine from 650 to 1150 conventional units or by imprisonment from 4 to 6 years, and the legal entity shall be punished by a fine from 6000 to 11000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.248 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) Passing over the customs border of the Republic of Moldova of cultural values, by avoiding the customs control or concealing them from it, by hiding them in places specially prepared or adapted to this purpose, as well as by failure to return on the customs territory of the Republic of Moldova of the cultural values removed from the country, if their return is mandatory,

shall be punished by imprisonment from 3 to 8 years, and the legal entity shall be punished by a fine from 6000 to 11000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.248 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(5) The actions provided at par.(1), (2), (3) or (4), committed:

a) - excluded

b) by two or more persons,

c) by a person with a responsibility position, by using the professional status;

d) in particularly large proportions,

are punishable by imprisonment from 3 to 10 years, and the legal entity shall be punished by a fine from 6000 to 11000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.247 par.(5), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(6) - excluded

Article 249. Avoiding the customs payments

(1) Avoiding the customs payments in large proportions

shall be punished by a fine of up to 650 conventional units or by community service from 120 to 180 hours, by a fine imposed on the legal entity from 2000 to 3000 conventional units.

[Art.249 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) by two or more persons

shall be punished by a fine from 650 to 850 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 2500 to 3000 conventional units.

[Art.249 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) Avoiding the customs payments in particularly large proportions is punishable by a fine from 850 to 1350 conventional units or by community service from 180 to 240 hours, by a fine imposed on the legal entity from 3000 to 6000 conventional units.

[Art.247 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 250. Transportation, storage or sale of goods subject to excise duty, without marking them with control stamps or excise stamps

(1) The transportation, storage or sale of goods subject to excise duty without marking them with control stamps or excise stamps according to the established template, if it

caused damage in large proportions, shall be punished by a fine from 850 to 1350 conventional units, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.250 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions accompanied by:

a) the marking with other stamps than the ones according to the established template;
(b) causing damage in particularly large proportions
shall be punished by a fine from 1350 to 1850 conventional units, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.250 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 250¹. Illicit manufacturing of signs of state marking, putting them into circulation and using them

(1) Forgery of signs of state marking, putting them into circulation and using them, as well as the manufacture, sale of articles from precious metals and precious stones with counterfeit marking

shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed on the legal entity from 8000 to 11000 conventional units or by the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.250¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) by an organized criminal group or by a criminal organization;
b) in particularly large proportions
are punishable by imprisonment from 5 to 10 years, and the legal entity shall be punished by a fine from 10000 to 13000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.250¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.250¹ introduced by the Criminal Law 324 as of 23.12.13, Official Gazette 320-321/31.12.13 art.871; in force 01.01.14]

Article 251. Appropriation, transfer in cases not permitted by law, concealment of pledged, frozen, leased, seized or confiscated assets

[Art.251 title amended by the Criminal Law 49 as of 30.03.17, Official Gazette 155-161/19.05.17 art.253]

[Art.251 title amended by the Criminal Law 173 as of 25.07.14, Official Gazette 231-237/08.08.14 art.531; in force 08.11.14]

The appropriation, transfer in cases not permitted by law, concealment of pledged, frozen, leased, seized or confiscated assets or their use for other purposes, committed by a person to whom those goods were entrusted or who was liable according to the law to insure their integrity, *[Art.251 provision amended by the Criminal Law 49 of 30.03.17,*

Official Gazette 155-161 / 19.05.17 art.253]

[Art.251 provision amended by the Criminal Law 173 as of 25.07.14, Official Gazette 231-237 / 08.08.14 art.531; in force 08.11.14]

shall be punished by a fine from 1350 to 1850 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years, and the legal entity shall be punished by a fine from 1000 to 3000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.251 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 252. Intentional insolvency

(1) The intentional insolvency that caused to the creditor damage in large proportions shall be punished by a fine from 650 to 850 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.252 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) by two or more persons;

b) by causing damage in particularly large proportions;
shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.252 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) Causing the insolvency of a bank, by intentional actions or inactions of its administrator, including by excessive expenses, selling the bank's assets at a price below their real value, undertaking unreasonable obligations, engaging in business relationships with an insolvent person, omitting to collect the bank's receivables at maturity or in any other way contrary to a good administration, which deliberately diminishes the patrimony of the bank, shall be punished by imprisonment from 4 to 6 years and by a fine from 2350 to 3350 conventional units.

[Art.252 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.252 par.(3) introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

(4) The actions provided at par. (3) committed:

a) by a group of administrators and/or shareholders;

b) in order to avoid the payment of debts and restart the bank business,
shall be punished by imprisonment from 5 to 6 years and by a fine from 2850 to 3350 conventional units.

[Art.252 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.252 par.(4) introduced by the Criminal Law 180 as of 25.07.14, Official Gazette 238-246/15.08.14 art.559]

Article 253. Fictitious insolvency

(1) The fictitious insolvency that caused to the creditor damage in large proportions shall be punished by a fine from 650 to 950 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.253 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) by two or more persons;

b) by causing damage in particularly large proportions shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 4 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.253 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 254 - excluded

Article 255. Deceiving the clients

(1) Exceeding the established retail prices, as well as the prices and tariffs for social and communal services provided to the population, the miscalculation or misleading of clients, committed in large proportions, shall be punished by a fine of up to 650 conventional units or by community service from 100 to 240 hours, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.255 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) - excluded

b) by two or more persons;

c) in particularly large proportions shall be punished by a fine from 850 to 1350 conventional units with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.255 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 256. Receiving an illegal remuneration for fulfilling works related to services for the population

(1) Receiving, by extortion, by an employee of an enterprise, institution or organization of a remuneration or other patrimony benefits for the performance of works or the provision of services in the area of trade, public nutrition, transport, social, communal services, medical or other services, works and services related to the employee's work obligations,

[Art.256 par. (1), provision amended by the Criminal Code 326 as of 23.12.13, Official Gazette 47-48 / 25.02.14 Article 92; in force 25.02.14]

[Art.256 par. (1) amended by the Criminal Code 245 as of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

shall be punished by a fine from 550 to 750 conventional units or by community service from 120 to 180 hours.

[Art.256 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.256 par.(1), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(2) The same action committed:

a) - excluded

b) by two or more persons;

c) in large proportions

shall be punished by a fine from 750 to 1350 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.256 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.256 par.(2), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

Article 257. Non-qualitative execution of constructions

(1) Submitting for use the residential buildings, industrial objectives, constructions in the transport and energetics field, other constructions in a non-qualitative condition, unfinished or non-compliant with the project conditions by the managers of the construction organizations, site managers and persons with a responsibility position that exercise quality control in constructions

shall be punished by a fine from 650 to 950 conventional units with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.257 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The continuation by the responsible persons of the works inadequately executed and interrupted by control acts, if it can affect the resistance and stability of the constructions, shall be punished by a fine of up to 550 conventional units, and the legal entity shall be punished with a fine from 4000 and 6000 conventional units, with the deprivation the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.257 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The design, verification, expertise, performance by the responsible persons of an urban development complex or construction or the execution of modifications thereof without complying with the provisions of the normative documents on safety, resistance and stability, if it resulted in: {a) serious injury to the bodily integrity or health of the person or loss of its ability to work;
b) total or partial destruction of the construction;
c) destruction or damage to important installations or equipment; d) damage in large proportions, shall be punished by a fine from 550 to 950 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 6000 and 11000 conventional units with the deprivation of the right to exercise a specific

activity or by the liquidation of the legal entity.

[Art.257 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The actions provided at par.(3), that caused the death of the person, shall be punished by imprisonment from 5 to 10 years, and the legal entity shall be punished by a fine from 6000 to 11000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.257 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.257 par.(4), sanction amended by the Criminal Law 388 as of 11.11.16, Official Gazette 388-398/11.11.16 pag.8]

Article 258. Violation of the rules of operation, repair and modification of dwellings in a residential building

The violation by the owners or tenants of the rules of operation, repair and modification of dwellings in a residential building, as well as their internal communications, which causes particularly large damage to the structural integrity of the residential building or of the dwellings of other owners or tenants, or which worsens their housing conditions, shall be punished by a fine from 850 to 1350 conventional units.

[Art.258 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Chapter XI

INFORMATION OFFENCES AND OFFENCES IN THE TELECOMMUNICATIONS FIELD

Article 259. Illegal access to computerized information

(1) The illegal access to computerized information, namely to the information from computers, information material format, information system or network, by a person that is not authorized by law or contract, that exceeds the limits of the authorization or does not have the permission of the competent person to use, administer or control an information system or to perform scientific research or to conduct any other operation in an information system, if it is accompanied by destruction, deterioration, alteration, blocking or copying of information, disruption of the operation of computers, information system or network and if it caused damage in large proportions, shall be punished by a fine from 550 to 850 conventional units or by community service from 150 to 200 hours or by imprisonment of up to 2 years, by a fine imposed to the legal entity from 2000 to 4000 conventional units, with the deprivation of the right to exercise a specific activity.

[Art.259 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) by two or more persons;

c) by the violation of protection systems;

d) by connecting to the telecommunication channels;

e) by using special technical means;

f) by the illegal use of the computer, information system or network, for the purpose of

committing one of the offences provided at par. (1), Article 260¹ -260³, 260⁵ and 260⁶ ut19} g) with regard to information protected by law;

h) in particularly large proportions

shall be punished by a fine from 850 to 1350 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.259 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 260. Illegal production, import, sale or making available technical means or program products

The illegal production, import, sale or making available, in any other form, of technical means or program products, designed or adapted for the purpose of committing one of the offences provided at art.237, 259, 260¹ {ut5}-260³, 260⁵ and 260⁶

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment from 2 to 5 years, by a fine imposed on the legal entity from 4000 to 7000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the enterprise.

[Art.260 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 260¹. Illegal interception of an information data transmission

The illegal interception of an information data transmission (including an electronic emission) that is not public and is intended for an information system, comes from such a system or is performed within an information system

is punishable by a fine from 850 to 1350 conventional units or by imprisonment from 2 to 5 years, by a fine imposed on the legal entity from 4000 to 7000 conventional units, with the deprivation them of the right to exercise a specific activity or by the liquidation of the enterprise.

[Art.260¹ sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 260². Altering the integrity of information data stored in an information system

The intentional modification, deletion or deterioration of information data stored in an information system or the illegal restriction of the access to such data, the unauthorized transfer of information data from an information system, from a storage medium, the acquisition, sale or making available, in any form, of limited access information data, if these actions caused damage in large proportions,

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment from 2 to 5 years.

[Art.260² sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 260³. Disturbance of the operation of an information system

(1) The disturbance of the operation of an information system by introducing, transmitting, modifying, deleting or damaging information data or by restricting the access to such data, if these actions caused damage in large proportions,

shall be punished by a fine from 1050 to 1350 conventional units or by community service from 150 to 200 hours or by imprisonment from 2 to 5 years, by a fine imposed on the legal entity from 4000 to 7000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the enterprise.

[Art.260³ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action:

- a) committed from material interest;
- b) committed by two or more persons;
- c) committed by an organized criminal group or by a criminal organization;
- d) that caused damage in particularly large proportions, shall be punished by a fine from 1050 to 1350 conventional units or by imprisonment from 3 to 7 years, by a fine imposed on the legal entity from to 4000 to 7000 conventional units or by the liquidation of the enterprise.

[Art.260³ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 260⁴. Illegal production, import, marketing or making available in any other form passwords, access codes or similar data

(1) The illegal production, import, marketing or making available in any other form a password, access code or similar data allowing the total or partial access to an information system to the purpose of committing one of the offences provided at art.260, 255, 260¹ - 260³, 260⁵ and 260⁶, if these actions caused damage in large proportions, are punishable by a fine from 850 to 1350 conventional units or by imprisonment from 2 to 5 years, by a fine imposed on the legal entity from 2000 to 4000 conventional units with the deprivation the right to exercise a specific activity.

[Art.260⁴ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

- a) committed from material interest;
- b) committed by two or more persons;
- c) committed by an organized criminal group or by a criminal organization;
- d) that caused damage in particularly large proportions, shall be punished by a fine from 1350 to 1850 conventional units or by imprisonment from 3 to 7 years, by a fine imposed on the legal entity from to 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the enterprise.

[Art.260⁴ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 260⁵. Information counterfeit

The illegal introduction, modification or deletion of information data or the illegal restriction of access to such data, resulting in data that is not in accordance with the truth, to the purposes of being used for the production of a legal consequence shall be punished by a fine from 1350 to 1850 conventional units or by imprisonment from 2 to 5 years.

[Art.260⁵ sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 260⁶. Information fraud

(1) The illegal introduction, modification or deletion of information data, the illegal restriction of access to such data or the prevention in any way of the operation of an informaton system, to the purpose of obtaining a material benefit for itself or for another person, if these actions caused damage in large proportions,

shall be punished by a fine from 1350 to 1850 conventional units or by community service from 150 to 200 hours, or by imprisonment from 2 to 5 years.

[Art.260³ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

- a) committed by an organized criminal group or by a criminal organization;
 - b) that caused damage in particularly large proportions
- are punishable by imprisonment from 4 to 9 years.

Article 261. Violation of the rules on the security of information system

The violation of the rules for collecting, processing, storing, diffusing, distributing information or of the rules on the security of information system, provided in accordance with the status of the information or its degree of protection, if such action contributed to the appropriation, distortion or destruction of information or caused other serious consequences, shall be punished by a fine of up to 750 conventional units or by community service from 200 to 240 hours or by imprisonment for up to 2 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.261 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 261¹. Unauthorized access to telecommunication networks and services

(1) The unauthorized access to telecommunication networks and/or services by using the telecommunication networks and/or services of other operators, if it caused damage in large proportions,

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 1 year, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.261¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action:

- a) - excluded**
- b) committed by two or more persons;
- c) committed with the violation of protection systems;
- d) committed with the use of special technical means;
- e) that caused damage in particularly large proportions shall be punished by a fine from 1350 to 3350 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 4000 to 7000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.261¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Chapter XII

OFFENCES IN THE TRANSPORTATION

FIELD

Article 262. Violation of flight rules

The entry, exit or air transit of the territory of the Republic of Moldova without the established permit, failure to comply with the air routes indicated in the permit, landing places, entry points, flight height without the authorization of the respective bodies or other violation of the rules related to the execution of flights in the air space of the Republic of Moldova

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 2 years.

[Art.262 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 263. Violation of the rules on the security of traffic or operation of railway, naval or air transport

(1) The violation by a worker of railway, naval or air transport of the rules on the security of traffic or operation of transport, if such violation caused by imprudence a serious or average injury to body integrity or health or material damage in large proportions,

shall be punished by a fine from 650 to 1350 conventional units or by imprisonment for up to 4 years, in both cases with (or without) the deprivation of the right to drive means of transportation for up to 2 years.

[Art.263 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action that caused:

- a) the death of a person;
- b) other serious consequences

shall be punished by imprisonment from 3 to 7 years with (or without) the deprivation of the right to drive means of transportation for up to 5 years.

Article 264. Violation of the rules on the security of traffic or operation of means of transportation by the person driving the means of transportation

(1) The violation of the rules on the security of traffic or operation of means of transportation by the person driving the means of transportation, if such breach caused by imprudence an average injury to bodily integrity or health, shall be punished by a fine of up to 650 conventional units or by community service from 180 to 240 hours, or by imprisonment for up to 3 years with (or without) the deprivation of the right to drive means of transportation for up to 2 years

[Art.264 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same act committed in a state of intoxication shall be punished by a fine from 950 to 1350 conventional units or by community service from 200 to 240 hours or by imprisonment for up to 4 years, in all cases with the deprivation of the right to drive means of transportation for a period of 3 to 5 years.

[Art.264 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The action provided at par.(1), which caused: a) a serious injury to bodily integrity or health;

b) the death of a person,

shall be punished by imprisonment from 3 to 7 years with the deprivation of the right to drive means of transportation for up to 4 years.

(4) The action provided at par.(3), committed in a state of intoxication, shall be punished by imprisonment from 4 to 8 years with the deprivation of the right to drive means of transportation for a period of 4 to 5 years.

(5) The action provided at par.(1), which caused the death of two or more persons, shall be punished by imprisonment from 6 to 10 years with the deprivation of the right to drive means of transportation for a period of up to 5 years.

(6) The action provided at par.(5), committed in a state of intoxication, shall be punished by imprisonment from 7 to 12 years with the deprivation of the right to drive means of transportation for a period of 5 years.

Article 264¹. Driving the means of transportation in a state of alcohol intoxication of an advanced degree or in a state of intoxication caused by other substances

(1) Driving the means of transportation by a person in a state of alcohol intoxication of an advanced degree or in a state of intoxication caused by drugs

[Art.264¹⁻¹⁰ amended by the Criminal Law 164 as of 20.07.17, Official Gazette 277-288 / 04.08.17 art.4 85]

[Art.264¹ par. (1), disposition amended by the Criminal Law 141 as of 13.07.17, Official Gazette 277-288 / 04.08.17 art.469]

shall be punished by a fine from 750 to 850 conventional units or by community service from 200 to 240 hours, in both cases with the deprivation of the right to drive means of transportation for a period of 3 to 5 years.

[Art.264¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The deliberate surrender of the means of transportation to a person in a state of intoxication, if such action caused the consequences indicated at art.264 shall be punished by a fine from 800 to 900 conventional units or by community service from 200 to 240 hours, in both cases with the deprivation the right to drive means of transportation for a period of 3 to 5 years.

[Art.264¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The refusal, resistance or evasion of the driver of the means of transportation from alcohol testing, medical examination in view of determining the state of intoxication and its nature, or the collection of biological samples during that medical examination shall be punished by a fine from 900 to 1000 conventional units or by community service from 200 to 240 hours, in both cases with the deprivation the right to drive means of transportation for a period of 3 to 5 years.

[Art.264¹ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The actions provided at par.(1)–(3), committed by a person who does not have a driving license or who is deprived of the right to drive means of transportation, shall be

punished by a fine from 1050 to 1150 conventional units or by community service from 200 to 240 hours, or by imprisonment for up to 1 year.

[Art.264¹ par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 265. Putting into operation means of transportation with obvious technical defects

Putting into operation means of transportation with obvious technical defects or other serious violation of the rules of operation thereof, that ensure the traffic safety, committed by a person responsible for the technical condition or operation of the means of transportation, as well as the violation by a person with a responsibility position or by a person managing a commercial, public or other non-state organization of the working regime of drivers or mechanizers, if these actions caused the consequences indicated at art.264,

shall be punished by a fine from 550 to 1050 conventional units or by imprisonment of up to 3 years, in both cases with (or without) the deprivation of the right to hold responsibility positions related to the assurance of technical condition or operation of the means of transportation for a period of 2 to 5 years.

[Art.265 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 266. Leaving the place of the road accident

Leaving the place of the road accident by the person driving the means of transportation and who violated the rules on the safety of traffic or operation of the means of transportation, if it caused the consequences indicated at art.264 (3) and (5) shall be punished by a fine from 550 to 850 conventional units or by community service from 200 to 240 hours or by imprisonment for up to 2 years.

[Art.266 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 267. Non-qualitative repair of the communication ways, of the railway, naval or air means of transportation, as well as their commissioning with technical defects

The non-qualitative repair of the communication ways, the installations on them, the telecommunications or signaling means or the railway, naval and air means of transportation, as well as their commissioning with technical defects, or the serious violation of the rules on the operation thereof, committed by a person responsible for the technical condition or for the operation thereof, if such actions caused the consequences indicated at art.263 shall be punished by a fine from 650 to 1050 conventional units or by imprisonment for up to 7 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.267 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 268. Intentional damage or destruction of communication ways and means of transportation

The intentional damage or destruction of the communication ways, the installations on them, the telecommunication or signaling means or other transport equipment, as well as of the means of transportation, if it caused the consequences indicated at art. 263 or art.

264 par.(5),

shall be punished by a fine from 550 to 1350 conventional units or by imprisonment for up to 7 years.

[Art.268 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 269. Violation of the rules on maintaining order and security of traffic

The violation by the passenger, pedestrian or other participant in traffic of the rules on maintaining order and security of traffic, if it caused the consequences indicated at art.264, shall be punished by a fine from 650 to 1050 conventional units or by imprisonment for up to 5 years.

[Art.269 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 270. Abusive, unnecessary stopping of the train

The abusive, unnecessary stopping of the train by disconnecting the general brake pipe or by other means, if it caused:

- a) accidents with people;
- b) derailment or damage of the rolling material;
- c) other serious consequences, shall be punished by a fine from 650 to 1350 conventional units or by imprisonment for up to 7 years.

[Art.270 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 271. Intentional blocking of transport arteries

The intentional blocking of transport arteries by creating obstacles, by establishing posts or by other means, if it caused:

- a) accidents with people;
 - b) other serious consequences,
- shall be punished by fine from 650 to 1350 conventional units or by imprisonment from 2 to 6 years.

[Art.271 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 272. Constraining a worker in the railway, naval, air or car transport to non comply with its work obligations

(1) Constraining a worker in the railway, naval, air or car transport to non comply with its work obligations through death threat, serious injury to bodily integrity or health, by the destruction of its property or of the property of its close relatives, if there was a danger of realizing such a threat, shall be punished by a fine of up to 550 conventional units or by community service from 140 to 200 hours or by imprisonment for up to 1 year.

[Art.272 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

- b) by two or more persons
- shall be punished by a fine from 550 to 1050 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.272 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 273 - excluded

Article 274 - excluded

Article 275. Diversion or capture of a train car, an air, maritime or fluvial vessel

(1) The illegal diversion, capture or exercise of control over a train car, an air, maritime or fluvial vessel, or the occupation of the train station, airport, harbor or other transport enterprise, institution, organization, as well as the seizure of cargo, without appropriation purpose, are punishable by imprisonment from 5 to 10 years.

(2) The same actions:

a) committed by two or more persons;

b) accompanied by violence or threat of its application or other form of intimidation;

b¹) committed on an aircraft in flight;

c) resulting in damage to a train car, air, maritime or fluvial vessel; (d) resulting in other serious consequences shall be punished by imprisonment from 7 to 15 years.

(3) The actions provided at par.(1) or (2), that caused:

a) serious injury to the bodily integrity or health;

b) the death of a person,

shall be punished by imprisonment from 10 to 15 years.

Article 276. Falsifying vehicle identification numbers

(1) Falsifying the serial number, chassis, bodywork or engine identification number by deletion, replacement or modification

shall be punished by a fine from 650 to 950 conventional units or by community service from 180 to 240 hours, or by imprisonment for up to 1 year.

[Art.276 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) by two or more persons;

c) by using the professional status

shall be punished by a fine from 1150 to 1850 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years.

[Art.276 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 277 - excluded

Chapter XIII

OFFENCES AGAINST PUBLIC

SECURITY AND PUBLIC ORDER

Article 278. Terrorist act

(1) The terrorist act, namely causing an explosion, a fire or the commission of another act which creates the danger of causing the death or injury to bodily integrity or health, essential damage to property or the environment or other serious consequences, if such act is committed to intimidate the population of a state or a part of it, to draw the attention of society to the political, religious or other ideas of the perpetrator or to force a state, an international organization, a legal entity or individual to commit or refrain from committing any action, as well as the threat of committing such acts for the same

purposes,

[Art.278 par. (1) provision amended by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127 / 06.05.16 art.246]

is punishable by imprisonment from 6 to 12 years.

(2) The same act committed:

a) - excluded

b) by an organized criminal group,

c) by the use of firearms or explosives;

d) by serious or average damage to bodily integrity or health;

e) by causing material damage in particularly large proportions

shall be punished by imprisonment from 8 to 15 years.

(3) The acts provided at par.(1) or (2):

a) committed by a criminal organization

b) resulted in the death of a person by imprudence

are punishable by imprisonment from 12 to 20 years.

(4) The terrorist act committed by the murder of one or more persons for the purposes provided at par. (1)

shall be punished by imprisonment from 16 to 20 years or by life imprisonment.

(5) The person who committed the act of terrorism and other participants may be subjected to minimum criminal punishments, provided at this article, if they notified in advance the authorities regarding the respective acts and thereby contributed to the avoidance of the death of people, injury to bodily integrity or health, other serious consequences or to the exposure of other perpetrators.

(6) The person who participated in the preparation of the act of terrorism is released from criminal liability if by the timely notification of the authorities or by any other means it contributed to the prevention of the act of terrorism and if its actions do not contain another component of offence.

Article 278¹. The delivery, placement, commissioning or the detonation of an explosive device or other device with a fatal effect

(1) The delivery, placement, commissioning or the detonation of an explosive device or other device with a fatal effect in a place of public use, within a state or governmental object, infrastructure or public transport system object or the commission of such actions against the place or objects mentioned in order to cause: a) the death or serious injury to bodily integrity or health;

b) essential damage to this place, object or system

shall be punished by imprisonment from 5 to 10 years.

(2) The same actions committed:

a) by causing serious or average injury to the bodily integrity or health;

b) by causing damages in large proportions or particularly large proportions are punishable by imprisonment from 8 to 15 years.

(3) The actions provided at par. (1) lett. b), that caused by imprudence the death of a person,

are punishable by imprisonment from 8 to 12 years.

(4) The actions provided at par. (1), (2) or (3), committed by an organized criminal group or by a criminal organization,

shall be punished by imprisonment from 12 to 18 years.

(5) The actions provided at par. (1), accompanied by intentional murder, are punishable by imprisonment from 16 to 20 years or by life imprisonment.

Article 279. Terrorism financing

(1) The terrorism financing, namely the intentional release or collection by any person, by any method, directly or indirectly, of any kind of goods acquired by any means, or the provision of financial services to the purpose of using such goods or services or knowing that they shall be in whole or in part used:

- a) in the organization, preparation or commission of a terrorist offence;
- b) for any purpose by an organized criminal group, a criminal organization or a particular person that commits or attempts to commit a terrorist offence or that organizes, directs, associates, previously agrees with, instigates or participates as an accomplice in committing the offence,

[Art. 1), letter b) amended by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127 / 06.05.16 art.246]

shall be punished by imprisonment from 5 to 10 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, with a fine imposed on the legal entity from 8000 to 11000 conventional units, by the liquidation of the legal entity.

[Art.279 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The offence of terrorism financing shall be deemed consumed no matter if the terrorist offence was committed, if the property was used for committing the offence by the group, organization or person mentioned at par. (1) lett. b) or if the offence was committed on the territory or outside the territory of the Republic of Moldova.

[Art.279 par.(2) amended by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

[Art.279 par.(3) repealed by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127/06.05.16 art.246]

Article 279¹. Recruitment, instruction, benefiting from instruction or provision of other assistance for terrorist purposes

[Art.279¹ title in the edition of the Criminal Law 119 as of 23.06.17, Official Gazette 277-288/04.08.17 art.463]

(1) The terrorist recruitment, namely the request addressed to a person to commit or to participate in the preparation or commission of a terrorist offence or to associate with an organization or group, with the intent or knowledge that this request is made in order to contribute to the commission of one or more terrorist offences,

shall be punished by imprisonment from 3 to 8 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed to the legal entity from 4000 to 8000 conventional units by the liquidation of the legal entity.

[Art.279¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Terrorist training, namely the provision of instructions on the manufacture or use of explosive devices or substances, mass destruction weapons, radioactive devices or

materials, firearms or other weapons or harmful or dangerous substances or with regard to other specific methods or techniques, with the intent or knowledge that this provision is made in order to contribute to the commission of one or more terrorist offences, shall be punished by imprisonment from 4 to 9 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years, by a fine imposed on the legal entity from 6000 to 9000 conventional units by the liquidation of the legal entity.

[Art.279¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2¹) Self-training or benefitting from terrorist training, namely obtaining practical knowledge or skills regarding the manufacture or use of explosive devices or substances, mass destruction weapons, radioactive devices or materials, firearms or other weapons or harmful or dangerous substances or other specific methods or techniques that may contribute to the commission of one or more terrorist offences, shall be punished by imprisonment from 4 to 8 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years.

[Art.279¹ par.(2¹) introduced by the Criminal Law 119 as of 23.06.17, Official Gazette 277-288/04.08.17 art.463]

(3) The acquisition, preservation, production, transport or supply of weapons, ammunition, other devices or destructive means, biological weapons, harmful or dangerous substances, facilitation of the state border crossing, hosting, facilitation of access to restricted areas, collection, possession for the purpose of transmission or providing data about target objectives, as well as providing other support in any form with the intent or knowledge that these actions are committed in order to contribute to the commission of one or more terrorist offences, shall be punished by imprisonment from 5 to 10 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years, by a fine imposed on the legal entity from 8000 to 11000 contraventional units by the liquidation of the legal entity.

[Art.279¹ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The actions provided at par. (1), (2) or (3), committed by using the professional status,

shall be punished by imprisonment from 7 to 15 years.

Article 279². Instigation to terrorism or public justification of terrorism

(1) The instigation to terrorism, namely distributing or otherwise making available to the public of a message intended to instigate or knowing that such message may instigate the commission of a terrorist offence,

shall be punished by a fine from 650 to 950 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 5 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, by a fine imposed on the legal entity from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity for a period of 2 to 5 years or by the liquidation of the legal entity.

[Art.279² par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The public justification of terrorism, namely the distribution or otherwise making available to the public of a message about the recognition of an ideology or practice of committing terrorist offences as fair, which needs to be sustained or is worthy to be followed, shall be punished by a fine from 550 to 850 conventional units or by community service from 140 to 200 hours or by imprisonment for up to 4 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years, by a fine imposed on the legal entity from 1800 to 3000 conventional units with the deprivation of the right to exercise a specific activity for a period of 2 at 5 years or by the liquidation of the legal entity.

[Art.279² par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par. (1) or (2), committed:

- a) through mass information means;
- b) by using the professional status,

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment from 2 to 5 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, by a fine imposed on the legal entity from 4000 to 6000 conventional units with (or without) the deprivation of the right to exercise a specific activity for a period of 3 to 5 years or by the liquidation of the legal entity.

[Art.279² par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 279³. Travelling abroad for a terrorist purpose

(1) Travelling abroad for a terrorist purpose, namely travelling to a state that is neither the state of residence of the person nor the state of which the person is a national, for planning, training, committing or participating in terrorist offences or for training for terrorist purposes or receiving terrorist training, is punishable by imprisonment from 3 to 7 years.

(2) Organizing or facilitating the travel abroad for terrorist purposes shall be punished by imprisonment from 3 to 6 years with or without the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years, by a fine imposed on the legal entity from 3000 to 7000 conventional units by the liquidation of the legal entity.

[Art.279³ introduced by the Criminal Law 119 as of 23.06.17, Official Gazette 277-288/04.08.17 art.463]

Article 280. Taking hostages

(1) Taking or retaining the person as a hostage and threatening to kill, injure its bodily integrity or health or to further retain the person in that condition in order to force the state, the international organization, the legal entity or individual or a group of persons to commit or refrain from committing any act as a condition for the release of the hostage shall be punished by imprisonment from 5 to 10 years.

(2) Taking hostages committed:

- a) - excluded**
- b) against two or more persons;

c) knowingly regarding a minor or a pregnant woman or taking advantage of the known or obvious state of helplessness of the victim due to old age, illness, disability or other factor;

d) - excluded

e) from material interest;

f) by applying violence that is dangerous to the person's life or health,

g) - excluded

is punishable by imprisonment from 6 to 12 years with (or without) a fine from 850 to 1350 conventional units.

[Art.280 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) Taking hostages committed:

a) by an organized criminal group or by a criminal organization;

b) by the serious injury to bodily integrity or health;

c) by causing the death of the victim by imprudence;

d) by causing other serious consequences

is punishable by imprisonment from 8 to 15 years.

(4) - excluded

Article 281. Deliberate deceitful communication about the terrorist act

The deliberate deceitful communication about the preparation of explosions, arsons or other actions that endanger human life, cause material damage in large proportions or determine other serious consequences shall be punished by a fine from 550 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.281 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 282. Organization of an illegal paramilitary formation or participation in it

(1) The organization or leadership of a paramilitary formation not provided for by the legislation of the Republic of Moldova, as well as the participation in such a formation, shall be punished by imprisonment from 2 to 7 years.

(2) The person who voluntarily withdrew from an illegal paramilitary organization and surrendered the weapon shall be released from criminal liability if its actions do not contain any other offence component.

Article 283. Banditry

The organization of armed bands for the purpose of attacking legal entities or individuals, as well as the participation in such bands or attacks committed by them, shall be punished by imprisonment from 7 to 15 years.

Article 284. Creating or directing a criminal organization

(1) Creating or directing a criminal organization, namely establishing such an organization and organizing its activity, either by recruiting and hiring members in the criminal organization or by holding meetings of its members, creating monetary and other funds for their financial support and for the support of the criminal activity of the organization, providing the criminal organization with weapons and instruments for committing offences, organizing the collection of information about potential victims and the activity of the law enforcement bodies, coordinating criminal plans and actions with

other criminal organizations and groups or particular criminals from the country and abroad,

shall be punished by imprisonment from 8 to 15 years.

(2) Creating or directing a criminal organization or an organized criminal group to the purpose of committing one or more terrorist offences

is punishable by imprisonment from 15 to 20 years or by life imprisonment.

[Art.284 par.(2), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

Article 285. Mass disorders

(1) Organizing or directing a mass disorder, accompanied by the application of violence against persons, pogroms, arsons, destruction of goods, by the use of firearms or other objects used as weapons, as well as by opposing violent or armed resistance to the representatives of the authorities,

shall be punished by imprisonment from 4 to 8 years.

(2) Active participation in committing the actions provided at par.(1)

shall be punished by imprisonment from 3 to 7 years.

(3) The calls to active violent disobedience to the legitimate demands of the representatives of authorities and to mass disorders, as well as to committing acts of violence against persons,

are punishable by a fine from 550 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.285 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 286. Actions that disrupt the activity of penitentiaries

The persons who, by executing the prison sentence, either terrorize convicts under correction or commit violent attacks on the administration or organize for these purposes criminal groups or actively participate in such groups are punishable by imprisonment from 3 to 10 years.

Article 287. Hooliganism

(1) Hooliganism, namely the intentional actions that grossly violate public order, accompanied by the application of violence to persons or by the threat of such violence, opposing violent resistance to the representatives of the authorities or other persons who stop the hooligan acts, as well as the actions that, through their content, are distinguished by a special cynicism or misconduct,

shall be punished by a fine from 550 to 1050 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.287 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) by a person who previously committed an act of hooliganism;

b) by two or more persons

is punishable by a fine from 750 to 1350 conventional units or by imprisonment for up to 5 years.

[Art.287 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The aggravated hooliganism, namely the actions provided at par.(1) or (2), if committed by the use or attempted use of a weapon or other objects for injury to bodily integrity or health, shall be punished by imprisonment from 3 to 7 years.

Article 288. Vandalism

(1) Vandalism, namely the defilement of buildings or other rooms, as well as the destruction of goods in public transport or in other public places, is punishable by a fine from 550 to 850 conventional units or by community service from 140 to 200 hours or by imprisonment for up to 1 year.

[Art.288 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) by two or more persons;

c) on objects of historical, cultural or religious value shall be punished by a fine from 550 to 1050 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.279² par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 289. Piracy

(1) Robbery committed for personal purposes by the crew or passengers of a ship against persons or property on this ship or against another ship, if the ships are in the high seas or in a place not subject to the jurisdiction of any state, shall be punished by imprisonment from 5 to 10 years.

(2) The same action:

a) - excluded

b) committed by an organized criminal group or by a criminal organization;

c) committed by the use of a weapon or of other objects used as weapons;

d) resulted in the death of the person by imprudence;

e) resulting in other particularly serious consequences,

shall be punished by imprisonment from 8 to 15 years.

Article 289¹. Offences against aeronautical security and airport security

(1) The acts that could jeopardize the aeronautical security and airport security, namely: (a) committing an act of violence against a person on board of an aircraft in flight, if such act is likely to jeopardize the security of the aircraft;

b) committing an act of violence against a person at an airport serving civil aviation, if such act is likely to jeopardize the security of the airport;

(c) the destruction of an aircraft in service or causing damage to that aircraft which shuts it down or is likely to jeopardize the security of the aircraft;

(d) the placement or other deed that led to the placement on board of an aircraft in service, by any method, of a device or substance capable of destroying or causing damage to such aircraft which shuts it down or is likely to jeopardize the security of the aircraft during the flight;

(e) the destruction or damage to the aircraft installation or air navigation service, or the disruption of their operation, if these actions are likely to jeopardize the security of an

aircraft in flight;

(f) the destruction or damage to the facility or building of an airport serving civil aviation or of an aircraft located in the airport and which is not in service, or the disruption of the operation of the airport service, if these actions are likely to jeopardize the airport security;

(g) the communication of a piece of information knowing that it is false, if this creates a danger to the security of an aircraft during flight,
are punishable by imprisonment from 3 to 12 years.

(2) The same acts that caused by imprudence:

- a) serious injury to bodily integrity or health;
- b) the death of a person;
- c) other serious consequences

are punishable by imprisonment from 10 to 20 years.

(3) The acts provided at par.(1) or (2) committed by an organized criminal group or by a criminal organization, shall be punished by imprisonment from 15 to 20 years or by life imprisonment.

Article 289². Offences against naval transport security

(1) The acts that are likely to jeopardize the naval transport security, namely:

a) the commission of an act of violence against a person on board of a maritime or fluvial vessel, if such act is likely to jeopardize the safe navigation of the vessel; (b) the destruction of a maritime or fluvial vessel or causing damage to that vessel or its cargo that is likely to jeopardize the safe navigation of the vessel; (c) the placement or other act which led to the placing on board of a maritime or fluvial vessel, by any means, of a device or substance capable of destroying the vessel or causing damage to it or its cargo that is likely to jeopardize the safe navigation of the vessel; d) the destruction or deterioration of the navigation system or service or the disruption of its operation, if these actions are likely to jeopardize the safe navigation of the maritime or fluvial vessel; e) the communication of a piece of information knowing that it is false, if this creates danger for the safe navigation of the maritime or fluvial vessel,
shall be punished by imprisonment from 3 to 12 years.

(2) The same acts that caused by imprudence:

- a) serious injury to bodily integrity or health;
- b) the death of a person;
- c) other serious consequences

are punishable by imprisonment from 10 to 20 years.

(3) The acts provided at par. (1) or (2), committed by an organized criminal group or by a criminal organization,
are punishable by imprisonment from 15 to 20 years or by life imprisonment.

Article 289³. Offences against the security of fixed platforms

(1) The acts that jeopardize the security of fixed platforms, namely:

a) the illegal capture or the illegal exercise of control over a fixed platform accompanied by violence, threat to apply violence or other form of intimidation;

b) the commission of an act of violence against a person on a fixed platform, if this act is likely to jeopardize the security of the platform;

c) the destruction of a fixed platform or causing damage to that platform that may

jeopardize the security of the platform;

d) the placement or other deed that led to the placement on a fixed platform, by any method, of a device or substance capable of destroying that platform or jeopardizing its security, are punishable by imprisonment from 3 to 12 years.

(2) The same acts that caused by imprudence:

- a) serious injury to bodily integrity or health;
- b) the death of a person;
- c) other serious consequences

are punishable by imprisonment from 10 to 20 years.

(3) The acts provided at par. (1) or (2), committed by an organized criminal group or by a criminal organization,

are punishable by imprisonment from 15 to 20 years or by life imprisonment.

Article 290. Illegal wearing, retaining, procuring, manufacturing, repairing or selling of firearms and ammunition, their appropriation

(1) Wearing, retaining, procuring, manufacturing, repairing, or selling firearms, as well as their appropriation, except for smooth-bore hunting weapon, or ammunition without appropriate authorization

shall be punished by a fine from 650 to 950 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.290 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) - excluded

b) by two or more persons

shall be punished by imprisonment from 2 to 7 years.

(3) The person who voluntarily handed over the firearm or the ammunition it held without the proper authorization is released from criminal liability.

Article 291. Negligent storage of firearms and ammunition

The negligent storage of firearms and ammunition, as well as their transmission to other persons, shall be punished by a fine of up to 850 conventional units or by imprisonment for up to 3 years.

[Art.281 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 282. Manufacture, procurement, processing, storage, transportation, use or neutralization of explosive substances or radioactive materials

(1) The manufacture, procurement, processing, storage, transportation, use or neutralization of explosive substances or radioactive materials without proper authorization or any other illegal operation related to their trafficking

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 5 years, by a fine imposed on the legal entity from 3000 to 6000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.292 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(1¹) The same acts committed with nuclear material, if these create the danger of

causing the death or serious injury to bodily integrity or health, essential damage to property or the environment,

are punishable by a fine from 950 to 1350 conventional units or by imprisonment from 3 to 7 years, by a fine imposed on the legal entity from 7000 to 9000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.292 par.(1¹), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The acts provided at par. (1) or (1¹), that caused by imprudence:

- a) the death of a person;
- b) other serious consequences,

shall be punished by imprisonment from 5 to 10 years, by a fine imposed on the legal entity from 8000 to 11000 conventional units by the liquidation of the legal entity.

[Art.292 al.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 293. Violation of the rules on recording, storing, transporting and using flammable or corrosive substances

The violation of the rules on recording, storing, transporting and using flammable or corrosive substances, as well as the illegal dispatch of such substances by mail or baggage, is punishable by a fine from 850 to 1350 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.293 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 294 - excluded

Article 295. Stealing radioactive materials or devices or nuclear installations, threat of stealing or request to transmit these materials

(1) The stealing of radioactive material or device or of nuclear installation is punishable by imprisonment from 4 to 8 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

(2) The request to transmit radioactive material or device or nuclear installation accompanied by a threat of applying violence or other form of intimidation shall be punished by imprisonment from 3 to 7 years.

(3) The actions provided at par. (1) or (2), committed:

- a) by two or more persons;
- b) by using the professional status;
- c) by applying violence that is not dangerous to the life or health of the person, shall be punished by imprisonment from 6 to 12 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

(4) The attack on a person to the purpose of stealing radioactive material or device or nuclear installation, accompanied by violence that is dangerous to the life or health of the assaulted person or the threat of applying such violence, shall be punished by imprisonment from 6 to 12 years.

(5) The actions provided at par. (4), committed:

- a) by two or more persons;
- b) by using a weapon or other objects used as a weapon;

c) by the serious injury to the bodily integrity or health,
shall be punished by imprisonment from 10 to 17 years.

(6) The actions provided at par. (1), (2), (3), (4) or (5), committed:

a) by an organized criminal group or by a criminal organization or in their favor;

b) in large or particularly large proportions,

are punishable by imprisonment from 12 to 20 years.

(7) The threat of stealing radioactive material or device or nuclear installation in order to force the state, international organization, legal entity or individual to commit or refrain from committing any action

shall be punished by imprisonment from 2 to 5 years.

Article 295¹. Possession, manufacture or use of radioactive materials or devices or nuclear installations

(1) The possession of radioactive material, manufacture or holding of a radioactive device in order to cause death or serious injury to bodily integrity or health, essential damage to property or the environment

shall be punishable by imprisonment from 10 to 15 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

(2) The use by any means of radioactive material or device or nuclear installation, accompanied by the release or danger of releasing radioactive material, committed to the purpose of: (a) causing death or serious injury to bodily integrity or health, essential damage to property or the environment;

b) to force the state, international organization, legal entity or individual to commit or refrain from committing any action,

shall be punished by imprisonment from 15 to 20 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years.

(3) The threat of committing an act provided at par. (2)

shall be punished by imprisonment from 2 to 5 years.

Article 295². Attack on a nuclear facility

(1) The commission of an action against a nuclear installation or disrupting the operation of a nuclear installation

shall be punished by imprisonment from 5 to 10 years.

(2) The same action committed:

a) by two or more persons;

b) by applying violence that is dangerous to the life and health of the person;

c) by using a weapon or other objects used as a weapon

shall be punished by imprisonment from 7 to 15 years.

(3) The actions provided at par. (1) or (2):

a) accompanied by exposure to radiation or the release of radioactive substances;

b) resulting in other serious consequences,

shall be punished by imprisonment from 12 to 20 years.

(4) The threat of committing an act provided at par. (1)

shall be punished by a fine from 650 to 950 conventional units or by community service from 180 to 240 hours or by imprisonment from 2 to 5 years.

[Art.295² par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(5) The threat of committing an action provided at par. (1) in order to force the state, the international organization, the legal entity or individual to commit or to refrain from committing any action

shall be punished by imprisonment from 2 to 5 years.

Article 296. Violation of the rules on the protection against fire

Failure to comply with the provisions of the fire surveillance state bodies, as well as the intentional violation of the rules on the protection against fire, if they caused serious consequences, shall be punished by a fine from 550 to 850 conventional units or by imprisonment for up to 2 years.

[Art.296 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 297. Failure to comply with the provisions of the civil protection state bodies

Failure to comply with the provisions of the civil protection state bodies, as well as the intentional violation of norms and rules on civil protection, if they caused:

- a) the death of a person;
- b) other serious consequences,

shall be punished by a fine from 550 to 950 conventional units or by imprisonment for up to 5 years.

[Art.297 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 298. Violation of the rules on the operation of energetic objectives

The violation of the rules on the operation of production stations, lines for transportation and distribution of electric and thermal energy, fuel transportation pipes, if it caused:

- a) the death of a person;
- b) other serious consequences,

is punishable by imprisonment from 3 to 7 years.

Article 299 - excluded

Article 300. Violation of the rules on performing mining operations or mining construction works

The violation of safety, construction, sanitation or fire protection rules for mining operations or mining construction works, as well as the violation of the construction mechanism operation rules, if they caused: a) the death of a person;

- b) other serious consequences,

are punishable by imprisonment from 3 to 10 years.

Article 301. Violation of security rules in plants or sections subject to explosion danger

The violation of technical and production discipline or rules ensuring production security in plants or sections subject to explosion danger, if it caused:

- a) the death of a person;
- b) other serious consequences,

is punishable by imprisonment from 3 to 10 years.

Article 301¹. The production, sale or purchase for sale of special technical means intended for the concealed obtainment of information, illegally committed

The production, sale or purchase for sale of special technical means intended for the concealed obtainment of information, illegally committed, shall be punished by a fine from 650 to 850 conventional units or by community service from 200 to 240 hours or by imprisonment for up to 3 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 1 to 3 years, and the legal entity shall be punished by a fine from 2000 to 4000 conventional units with the deprivation of the right to exercise a specific activity for a period of 1 to 3 years.

[Art.301¹ sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 302. Organizing begging

(1) Organizing begging in order to obtain for itself or for another person unjust material benefit, if the act does not meet the elements of human trafficking, shall be punished by a fine from 650 to 1350 conventional units or by imprisonment for up to 3 years, by a fine imposed on the legal entity from 2000 to 3500 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.302 par.(1),sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) against two or more persons;

b) by two or more persons shall be punished by a fine from 850 to 2850 conventional units or by imprisonment for up to 5 years, by a fine imposed on the legal entity from 3500 to 6000 conventional units with the deprivation of the right to exercise a specific activity by the liquidation of the legal entity.

[Art.302 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.302 in the edition of the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

Chapter XIV

OFFENCES AGAINST JUSTICE

Article 303. Intervention in the exercise of justice and in the criminal prosecution

(1) The intervention in any way in the case trial by national or international courts to prevent multilateral, complete and objective examination of the actual case or to obtain an unlawful judgment

[Art.303 (1) amended by the Criminal Law 64 as of 04.04.13, Official Gazette 115 / 21.05.13 art.359]

shall be punished by a fine from 550 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.303 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The intervention in any way in the activity of the criminal investigation bodies or of the personnel of the international courts in order to prevent the rapid, complete and objective investigation of the criminal case

[Art.303 par. (2) amended by the Criminal Law 64 as of 04.04.13, Official Gazette 115 / 21.05.13 art.359]

shall be punished by a fine of up to 700 conventional units or by community service from 180 to 240 hours.

[Art.303 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2), committed by using the professional status shall be punished by a fine from 750 to 950 conventional units or by imprisonment for up to 4 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years.

[Art.303 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 304 – excluded

Article 305 – excluded

Article 306. Deliberate subjection to criminal liability of an innocent person

(1) The deliberate subjection to criminal liability of an innocent person by the person conducting the criminal investigation

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 5 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.306 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action:

a) pursuing the accusation of committing a serious, particularly serious or exceptionally serious offence;

b) - excluded

c) resulting in serious consequences

is punishable by imprisonment from 2 to 7 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

Article 307. Deliberate ruling of a sentence, decision, conclusion or judgment contrary to the law

(1) The deliberate ruling by the judge of a judgment, sentence, decision or conclusion contrary to the law

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 5 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.307 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action:

a) related to the accusation of committing a serious, particularly serious or exceptionally serious offence;

b) - excluded

c) resulting in serious consequences

is punishable by imprisonment from 3 to 7 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

Article 308. Illegal detention or arrest

(1) The illegal intentional detention by the person performing the criminal investigation is punishable by imprisonment for up to 2 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

(2) The illegal arrest by the judge is punishable by imprisonment for up to 3 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

(3) - excluded

(4) The actions provided at par.(1) or (2), that caused serious consequences, shall be punished by imprisonment from 3 to 7 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

Article 309. Constraint in making statements

Constraining a person, through threats or other illegal acts, to make statements, to enter into a guilt admission agreement, constraining in the same way the expert to draw up the conclusion or the translator or the interpreter to perform an incorrect translation or interpreting by the person acknowledging the offence, the criminal prosecution officer, the prosecutor or the judge, if it does not constitute torture, inhuman or degrading treatment,

shall be punished by imprisonment from 2 to 6 years or by a fine from 1150 to 1350 conventional units, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 5 years.

[Art.309 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.309 in the edition of the Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

[Art.309¹ repealed by the Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

[Art.309¹ amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

Article 310. Falsification of evidence

(1) The falsification of evidence in the civil trial by a trial participant or its representative

is punishable by a fine from 850 to 1150 conventional units or by community service from 180 to 240 hours, in both cases (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.310 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The falsification of evidence in the civil trial by a trial participant or its representative is punishable by a fine from 850 to 1150 conventional units or by community service from 180 to 240 hours, in both cases (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.310 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) - excluded

Article 311. False denunciation or complaint

[Art.311 title in the edition of the Criminal Law 106 as of 26.05.16, Official Gazette 169-183/24.06.16 art.359]

(1) The deliberate false denunciation in order to blame someone for committing an offence or the deliberate false complaint about the commission of an offence, filed to a body or a person with a responsibility position, that is entitled to initiate the criminal investigation, *[Art.311 par. (1), provision amended by the Criminal Law 106 of 26.05.16, Official Gazette 169-183 / 24.06.16 art.359]*

shall be punished by a fine for up to 650 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years.

[Art.311 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action:

a) related to the accusation of committing a serious, particularly serious or exceptionally serious offence;

b) committed from material interest;

c) accompanied by the artificial creation of the accusatory evidence

shall be punished by a fine from 550 to 1150 conventional units or by imprisonment for up to 5 years.

[Art.311 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 312. False statement, false conclusion or incorrect translation

(1) The deliberate false statement by the witness or injured party, the false conclusion by the specialist or expert, the incorrect translation or interpreting by the translator or interpreter, if this action was committed within the civil trial, criminal trial, contraventional trial or international court of law

[Art. 312 par. (1), provision amended by the Criminal Law 106 of 26.05.16, Official Gazette 169-183 / 24.06.16 art.359]

[Art.312 (1), provision amended by the Criminal Law 64 of 04.04.13, Official Gazette 115 / 21.05.13 art.359]

shall be punished by a fine for up to 650 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 2 years, in all cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 2 years.

[Art.312 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

a) related to the accusation of committing a serious, particularly serious or exceptionally serious offence;

b) committed from material interest;

c) accompanied by the artificial creation of the accusatory evidence

shall be punished by a fine from 550 to 1150 conventional units or by imprisonment for up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 3 years.

[Art.312 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) - excluded

Article 313. Refusal or evasion by the witness or injured party from making statements

The refusal or evasion by the witness or injured party from making statements in the course of the criminal prosecution or judicial investigation shall be punished by a fine of up to 650 conventional units.

[Art.313 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 314. Determination to file false statements, formulate false conclusions or perform incorrect translations

[Art.314 title in the edition of the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(1) The determination, by coercion or by promise, by the offering or giving of goods, services or other property or non-property benefits, of the witness or injured party to file false statements, of the expert to formulate false conclusions or statements, of the interpreter or translator to perform incorrect interpreting or translation, as well as the evasion from filing statements, formulating conclusions or statements, performing interpreting or translations, within the civil trial, criminal trial, contraventional trial or international court of law

[Art.314 par. (1), provision amended by the Criminal Law 106 of 26.05.16, Official Gazette 169-183 / 24.06.16 art.359]

[Art.314 par. (1) the Criminal Law 64 of 04.04.13, Official Gazette 115 / 21.05.13 art.359]

shall be punished by a fine from 550 to 850 conventional units or by imprisonment for up to 3 years.

[Art.314 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.314 par.(1) in the edition of the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(2) The same action:

a) committed by an organized criminal group or by a criminal organization;

b) - excluded

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 5 years.

[Art.314 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 315. Disclosure of criminal prosecution data

(1) The disclosure of criminal prosecution data contrary to the prohibition of the persons conducting the criminal prosecution is punishable by a fine of up to 650 conventional units or by community service from 180 to 240 hours.

[Art.315 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The intentional disclosure of criminal prosecution data by the person conducting the

criminal prosecution or by the person authorized to control the performance of the criminal prosecution, if this action caused moral or material damage to the suspect, the culprit, the witness, the injured party or their representatives, or if it determined the culprit to evade from liability, shall be punished by a fine from 850 to 1350 conventional units with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 3 years.

[Art.315 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 316. The disclosure of data on security measures applied to a judge, bailiff, criminal trial participant or employee of the witness protection body

(1) The disclosure of data on security measures applied to a judge, bailiff, criminal trial participant or employee of the witness protection body, as well as to their close relatives shall be punished by a fine from 550 to 750 conventional units or by imprisonment for up to 2 years.

[Art.316 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same act:

a) committed by a person to whom such data was entrusted by virtue of its professional duties;

b) resulting in serious consequences

is punishable by imprisonment from 3 to 5 years with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.316 in the edition of the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

Article 317. Escape from detention facilities

(1) The escape from detention facilities committed by a person executing an imprisonment sentence, as well as by the person under preventive arrest shall be punished by imprisonment for up to 3 years.

(2) The same action:

a) - excluded

b) committed by two or more persons;

c) accompanied by the application of violence;

d) committed with the use of weapons or other objects used as weapons

shall be punished by imprisonment for up to 6 years.

(3) The escape from detention facilities by a person, in respect of whom there were no legal grounds for detention or the legal grounds for detention were terminated at the time of the escape, does not constitute a criminal offence within the meaning of this article.

Article 318. Facilitating an escape

(1) Facilitating an escape by any means shall be punished by imprisonment from 1 to 5 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

(2) Facilitating an escape by a person with a responsibility position is punishable by imprisonment from 2 to 5 years with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

(3) - excluded

(4) - excluded

Article 319. Evasion from the execution of the imprisonment punishment

The evasion from the execution of the imprisonment punishment by the convict who was allowed to leave the detention facilities for a short period is punishable by imprisonment for up to 2 years.

Article 320. Non execution of the court judgment

(1) The intentional non-execution or evasion from the execution of the court judgment, if it was committed after the application of the contraventional sanction, shall be punished by a fine from 550 to 650 conventional units or by community service from 150 to 200 hours or by imprisonment for up to 2 years.

[Art.320 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The intentional non-execution or evasion from the execution of the court judgment by a person with a responsibility position, as well as the prevention of its execution, if these acts were committed after the application of the contraventional sanction, shall be punished by a fine from 650 to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years, in all cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.320 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.320 in the edition of the Criminal Law 173 as of 09.07.10, Official Gazette 155-158/03.09.10 art.553]

Article 320¹. Non-execution of the measures in the ordinance for the protection of the victim of domestic violence

The intentional non-execution or evasion from the execution of the measures established by the court in the ordinance for the protection of the victim of domestic violence

is punishable by community service from 160 to 200 hours or by imprisonment for up to 3 years.

[Art.320¹ introduced by the Criminal Law 196 as of 28.07.16, Official Gazette 306-313/16.09.16 art.661]

Article 321. Failure of subjection by violence to the requirements of the penitentiary administration

Failure of subjection by violence to the legitimate requirements of the penitentiary administration, committed by a person who executes a sentence in the penitentiary, shall be punished by imprisonment for up to 5 years.

Article 322. Illegal transmission of certain objects forbidden to the persons detained in penitentiaries

(1) The transmission concealed from control or the attempt to transmit by any means to persons detained in penitentiaries of alcoholic beverages, of narcotic, psychotropic and/or other substances having similar effects, as well as of other objects whose transmission is forbidden, if this action was committed systematically or in large proportions,

[Art.322 par. (1), provision amended by the Criminal Law 164 as of 20.07.17, Official Gazette 277-288 / 04.08.17 art.485]

shall be punished by a fine of up to 650 conventional units or by community service from

180 to 240 hours or by imprisonment for up to 2 years.

[Art.322 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed by using the professional status shall be punishable by a fine from 550 to 850 conventional units or by imprisonment for up to 3 years in both cases with (or without) the deprivation of the right to hold certain positions and exercise a specific activity for up to 5 years.

[Art.322 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 323. Favoring the offence

(1) The prior not promised favoring of a serious, particularly serious or exceptionally serious offence shall be punished by a fine from 550 to 850 conventional units or by imprisonment for up to 3 years.

[Art.323 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The husband (wife) and the close relatives of the person who committed the offence are not bound by criminal liability for favoring the offence.

Chapter XV

OFFENCES AGAINST THE ADEQUATE PERFORMANCE OF THE ACTIVITY IN THE PUBLIC SECTOR

[Chapter XV title in the edition of the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

Article 324. Passive corruption

(1) Claiming, accepting or receiving, in person or by intermediary, by a public person or by a foreign public person of goods, services, privileges or benefits in any form, for itself or for any other person, or accepting their offer or promise to fulfill or not or to delay or accelerate the performance of an action in exercising its position or contrary to it shall be punished by imprisonment from 3 to 7 years with a fine from 4000 to 6000 units and with the deprivation of the right to hold certain public positions or exercise a specific activity for a period of 5 to 10 years.

[Art.324 par.(1), sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.324 par.(1) in the edition of the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

[Art.324 par.(1) amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(2) The same actions committed:

a) - excluded

a¹) by an international official;

[Art.324 par. (2), lett.a¹) introduced by the Criminal Law 245 of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

b) by two or more persons;

c) by extortion of goods or services enumerated at par.(1);

d) in large proportions

shall be punished by imprisonment from 5 to 10 years with a fine from 6000 to 8000

conventional units and with the deprivation of the right to hold certain public positions or exercise a specific activity for a period of 7 to 10 years.

[Art.324 par.(2), sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(3) The actions provided at par.(1) or (2), committed:

a) by a person with a public dignity position;

[Art.324 par. (3), letter a) amended by the Criminal Law 245 of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

b) in particularly large proportions;

c) in the interest of an organized criminal group or a criminal organization, shall be punished by imprisonment from 7 to 15 years with a fine from 8000 to 10000 conventional units and with the deprivation of the right to hold certain public positions or exercise a specific activity for a period of 10 to 15 years.

[Art.324 par.(3) sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(4) The actions provided at par. (1), committed in proportions not exceeding 100 conventional units, shall be punished by a fine from 1000 to 2000 conventional units and with the deprivation of the right to hold certain public positions or exercise a specific activity for up to 5 years.

[Art.324 par.(4) introduced by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

Article 325. Active corruption

(1) Promising, offering or giving, in person or through an intermediary, to a public person or to a foreign public person, goods, services, privileges or benefits in any form, for itself or another person, in order to fulfill or not or to delay or accelerate the performance of an action in exercising its position or contrary to it,

shall be punished by imprisonment for up to 6 years with a fine from 2000 to 4000 conventional units, and the legal entity shall be punished by a fine from 6000 to 10000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.325 par.(1), sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.325 par.(1) in the edition of the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

(2) The same actions committed:

a) - excluded

b) by two or more persons;

c) in large proportions

shall be punished by imprisonment from 3 to 7 years with a fine from 4000 to 6000 conventional units, and the legal entity shall be punished by a fine from 10000 to 14000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.325 par.(2), sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.325 par.(2), sanction amended by the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

(3) The actions provided at par.(1) or (2) committed:

a) in particularly large proportions;
a¹) in respect of a person with a public dignity position or an international official;
[Art.325 par. (3), lett.a¹) introduced by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

b) in the interest of an organized criminal group or a criminal organization, shall be punished by imprisonment from 6 to 12 years with a fine from 6000 to 8000 conventional units, and the legal entity shall be punished by a fine from 14000 to 18000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.325 par.(3), sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.325 par.(3), sanction amended by the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

(4) A person who promised, offered or given goods or services indicated at art.324 is released from criminal liability if they were extorted or if the person denounced itself not knowing that the criminal investigating authorities were aware of the offence it committed.

Article 326. Influence peddling

(1) Claiming, accepting or receiving in person or by an intermediary money, securities, services, privileges, other assets or benefits, for itself or for another person, by a person who has an influence or claims to have an influence on a public person, a person with a public dignity position, a foreign public person, an international official, in order to determine it to fulfill or not or to delay or accelerate the performance of an action in exercising its position, whether or not such acts were committed, shall be punished by a fine from 2000 to 3000 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 4000 to 6000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.326 par.(1), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.326 par.(1), sanction amended by the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

[Art.326 par.(1) in the edition of the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(1¹) Promising, offering or giving to a person, in person or by an intermediary, goods, services, privileges or benefits enumerated at par. (1), for itself or for another person, in case the said person has or claims to have an influence on a public person, a persons with a public dignity position, a foreign public person, an international official, for the purposes indicated at par. (1),

shall be punished by a fine from 2000 to 3000 conventional units or by imprisonment for up to 3 years and the legal entity shall be punished by a fine from 3000 to 5000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.326 par.(1¹), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.326 par.(1¹) introduced by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(2) The actions provided at par. (1) or (1¹):

a) - excluded

b) committed by two or more persons;

c) committed with the receipt of goods or benefits in large proportions;

d) followed by the promised influence or the obtainment of the intended result

shall be punished by a fine from 3000 to 4000 conventional units or by imprisonment from 2 to 6 years, and the legal entity is punishable by a fine from 5000 to 10000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.326 par.(2), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.326 par.(2), sanction amended by the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

[Art.326 par.(2) in the edition of the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(3) The actions provided at par.(1), (1¹) or (2), committed:

[Art.326 par.(3) amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

a) with the receipt of goods or benefits in particularly large proportions; b) in the interest of an organized criminal group or a criminal organization, shall be punished by a fine from 4000 to 6000 conventional units or by imprisonment from 3 to 7 years, and the legal entity shall be punished by a fine from 7000 to 12000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.326 par.(3), sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.326 par.(3), sanction amended by the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

(4) The person who promised, offered or gave the goods or services enumerated at par. (1) is released from criminal liability if they were extorted or if the person denounced itself not knowing that the criminal prosecution authorities were aware of the offence it committed.

[Art.326 par.(4) introduced by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

Article 327. Abuse of power or official misconduct

(1) The intentional use by a public person of the professional status if it caused damage in considerably large proportions to public interests or to the rights and interests of individuals or legal entities protected by law

[Art.327 par. (1) the phrase "public interests or" declared unconstitutional by the Judgment of the Constitutional Court 33 as of 07.12.17, Official Gazette 27-32 / 26.01.18 art.4; in force 07.12.17]

[Art.327 par. (1) amended by the Criminal Law 60 as of 07.04.16, Official Gazette 123-127 / 06.05.16 art.246]

[Art.327 par. 1) amended by the Criminal Law 245 of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for

up to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.327 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.327 par.(1), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.327 par.(1), sanction amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(2) The same action:

a) - excluded

b) committed by a person with a public dignity position;

[Art.327 par.(2), lett.b) amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

b¹) committed from material interest, for the purpose of realizing other personal interests or for the benefit of a third party;

[Art.327 par.(2), lett.b²) introduced by the Criminal Law as of 07.04.16, Official Gazette 123-127 / 06.05.16 art.246]

c) resulting in serious consequences shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment from 2 to 6 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 5 to 10 years.

[Art.327 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.327 par.(2), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(3) Abuse of power or abuse of service committed in the interest of an organized criminal group or criminal organization

shall be punished by imprisonment from 3 to 7 years with deprivation of the right to hold certain positions or exercise a specific activity for a period of 10 to 15 years.

[Art.327 par.(3), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

Article 328. Excessive power or exceeding work attributions

(1) The commission by a public person of actions that clearly exceed the limits of the rights and duties granted by law, if it caused damage in considerably large proportions to the public interests or to the rights and interests protected by law of individuals or legal entities

[Art.328 (1) the text "public interests or" declared unconstitutional by the Judgment of the Constitutional Court 22 as of 27.06.17, Official Gazette 352-355 / 29.09.17 art.92; in force 27.06.17]

[Art.328 par. (1) amended by the Criminal Law 245 of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

shall be punished by a fine from 650 to 1150 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.328 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.328 par.(1), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.328 sanction amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(2) The same actions accompanied:

[Art.328 par.(2), lett.a) repealed by the Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

b) by the use of a weapon;

[Art.328 par.(2), lett.c) repealed by the Criminal Law 252 as of 08.11.12, Official Gazette 263-269/21.12.12 art.855]

shall be punished by imprisonment from 2 to 6 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 5 to 10 years.

[Art.328 par.(2), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(3) The actions provided at par.(1) or (2):

a) - excluded

b) committed by a person with a public dignity position;

[Art.328 par.(3), lett.b) amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

c) committed in the interest of an organized criminal group or a criminal organization;

d) resulting in serious consequences,

shall be punished by imprisonment from 6 to 10 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 10 to 15 years.

[Art.328 par.(3), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

Article 329. Negligence in service

(1) Failure to fulfill or the inadequate fulfillment by a public person of the professional obligations as a result of a negligent or unconscientious attitude towards them, if it caused damage in large proportions to public interests or to the rights and interests protected by law of individuals or legal entities

[Art.329 par. (1) amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

shall be punished by a fine of up to 850 conventional units or by imprisonment for up to 2 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.329 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.329 par.(1), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(2) The same actions that caused:

a) the death of a person;

b) other serious consequences

are punishable by imprisonment from 2 to 6 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 5 to 10 years.

[Art.329 par.(2), sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.330 repealed by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

Article 330¹. Violation of the confidentiality regime of the information in the declarations of assets and personal interests

[Art.330¹ title amended by the Criminal Law 134 as of 17.06.16, Official Gazette 245-246/30.07.16 art.515; in force 01.08.16]

[Art.330¹ title in the edition of the Criminal Law 181 as of 19.12.11, Official Gazette 1-6/06.01.12 art.4; in force 01.03.12]

[Art.330¹ par.(1) repealed by the Criminal Law 181 as of 19.12.11, Official Gazette 1-6/06.01.12 art.4; in force 01.03.12]

[Art.330¹ par.(2) repealed by the Criminal Law 181 as of 19.12.11, Official Gazette 1-6/06.01.12 art.4; in force 01.03.12]

(3) The deliberate disclosure or publication of the information in declarations of assets and personal interests by persons to whom this information has become known in the course of carrying out their professional duties or exercising control shall be punished by a fine from 550 to 650 conventional units, with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for a period of 1 to 5 years.

[Art.330¹ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.330¹ amended by the Criminal Law 134 as of 17.06.16, Official Gazette 245-246/30.07.16 art.515; in force 01.08.16]

Article 330². Illegal enrichment

(1) Ownership by a person with a responsibility position or by a public person, in person or through third parties, of goods if their value substantially exceeds the means acquired and if it was found, based on evidence, that they could not be obtained legally shall be punished by a fine from 6000 to 8000 conventional units or by imprisonment from 3 to 7 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 10 to 15 years.

(2) The same actions committed by a person with a public dignity position shall be punished by a fine from 8000 to 10000 conventional units or by imprisonment from 7 to 15 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 10 to 15 years.

[Art.330² introduced by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

Article 331- excluded

Article 332. Forged public acts

(1) The inclusion by a public person of manifestly false data in official documents, as well as forging such documents, if these actions were committed for material or other personal interests,

[Art.332 al (1) amended by the Criminal Law 245 of 02.12.11, Official Gazette 25-28 / 03.02.12 art.77]

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or

exercise a specific activity for a period of 2 to 5 years.

[Art.332 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.332 par.(1), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(2) The same actions committed:

a) - excluded

b) by a person with a public dignity position;

[Art.332 par.(2), lett.b) amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

c) in the interest of an organized criminal group or a criminal organization shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment from 1 to 6 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 5 to 10 years.

[Art.332 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.332 par.(2), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

Article 332¹. Fraudulent obtainment of financial means from external funds

(1) The use or presentation of false, inaccurate or incomplete documents, instruments or data for receiving the approvals or guarantees required to grant the financing obtained or guaranteed from external funds, as well as the omission to provide the data required by law to obtain financing from external funds, if the act results in the fraudulent obtainment of these financial means, shall be punished by a fine from 4000 to 5000 conventional units or by imprisonment from 2 to 5 years, in both cases with the deprivation of the right to hold certain positions for a period of 2 to 5 years, and the legal entity shall be punished by a fine from 5000 to 6000 conventional units with the deprivation of the right to exercise a specific activity for a period of up to 3 years.

(2) The same actions:

a) committed by two or more persons;

b) that caused damage in large proportions;

c) committed by a public person, a person with a responsibility position, a person with a public dignity position, a foreign public person or an international official shall be punished by a fine from 4000 to 6000 conventional units or by imprisonment from 3 to 7 years, in both cases with the deprivation of the right to hold certain positions for a period of 3 to 7 years, and the legal entity shall be punished by a fine from 6000 to 8000 conventional units with the deprivation of the right to exercise a specific activity for a period of 3 to 5 years or by the liquidation of the legal entity.

(3) The actions provided at par. (1) and (2) that caused damage in particularly large proportions, shall be punished by a fine from 7000 to 9000 conventional units or by imprisonment from 4 to 8, in both cases with the deprivation of the right to hold certain positions for a period of 5 to 8 years, and the legal entity shall be punished by a fine from 8000 to 10000 conventional units with the deprivation of the right to exercise a specific activity for a period of 3 to 5 years or by the liquidation of the legal entity. *[Art.332¹ introduced by the Criminal Law 105 as of 26.05.16, Official Gazette 184-192/01.07.16]*

art.391]

Article 332². Embezzlement of financial means from external funds

(1) The embezzlement of financial means from external funds shall be punished by a fine from 3000 to 4000 conventional units or by imprisonment from 2 to 5 years, and the legal entity shall be punished by a fine from 4000 to 5000 conventional units with the deprivation of the right to exercise a specific activity for up to 3 years.

(2) The same action committed:

a) by two or more persons;

b) in large proportions;

c) by a public person, by a person with a responsibility position, by a foreign public person or by an international official

shall be punished by a fine from 4000 and 6000 conventional units or by imprisonment from 7 to 10 years, in both cases with the deprivation of the right to hold certain positions for a period of 3 to 6 years, and the legal entity shall be punished by a fine from 5000 to 7000 conventional units with the deprivation of the right to exercise a specific activity for a period of 2 to 5 years.

(3) The actions provided at par. (1) and (2) committed:

a) by a person with a public dignity position;

b) in particularly large proportions;

c) in the interest of an organized criminal group or a criminal organization

shall be punished by a fine from 6000 to 8000 conventional units or by imprisonment from 10 to 15 years, in both cases with the deprivation of the right to hold certain positions for a period of 6 to 8 years, and the legal entity shall be punished by a fine from 7000 to 9000 conventional units with the deprivation of the right to exercise a specific activity for a period of 2 to 5 years.

[Art.332² introduced by the Criminal Law 105 as of 26.05.16, Official Gazette 184-192/01.07.16 art.391]

Chapter XVI

OFFENCES OF CORRUPTION IN THE PRIVATE SECTOR

[Chapter XVI title in the edition of the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

Article 333. Accepting bribes

(1) Claiming, accepting or receiving, in person or by an intermediary, by an arbitrator elected or appointed to settle by arbitration a litigation, by a person managing a commercial, public or other non-state organization, or by a person working for a such organization, by a participant in a sporting event or in a betting event, goods, services, privileges or benefits in any form, for itself or for another person, or accepting offers or promises from them in order to fulfill or not or to delay or accelerate the performance of an action in exercising its position or contrary to it either within a sporting event or a betting event

[Art.333 al.(1), provision in the edition of the Criminal Law 38 as of 21.03.13, Official Gazette 75-81 / 12.04.13 art.233]

shall be punished by a fine from 1350 to 3350 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or

exercise a specific activity for a period of 2 to 5 years.

[Art.333 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.333 par.(1), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.333 par.(1) in the edition of the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

(2) The same actions committed:

a) - excluded

b) by two or more persons;

c) by the extortion of a bribe;

d) in large proportions

shall be punished by a fine from 2350 to 4350 conventional units or by imprisonment from 2 to 7 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 5 to 7 years.

[Art.333 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.333 par.(2), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

(3) The actions provided at par.(1) or (2), committed:

a) in particularly large proportions;

b) in the interest of an organized criminal group or a criminal organization shall be punished by a fine from 4350 to 6350 conventional units or by imprisonment from 3 to 10 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 5 to 7 years.

[Art.333 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.333 par.(3), sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.333 par.(3), sanction amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(4) The actions provided at par. (1), committed in proportions not exceeding 100 conventional units, shall be punished by a fine from 850 to 1850 conventional units with the deprivation of the right to hold certain public positions or exercise a specific activity for up to 3 years.

[Art.333 par.(4), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.333 par.(4) introduced by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

Article 334. Offering bribes

(1) The promise, offering or giving, in person or by an intermediary, to an arbitrator chosen or appointed to settle by arbitration a litigation, to a person managing a commercial, public or other non-state organization or to a person working for such an organization, to a participant in a sporting event or a betting event, goods, services, privileges or benefits in any form, for itself or for another person, in order to fulfill or not

or to delay or accelerate the fulfillment of an action in exercising its position or contrary to it either within a sporting event or a betting event,

[Art.334 par. (1), the provision in the Criminal Law 38 of 21.03.13, Official Gazette 75-81 / 12.04.13 art.233]

shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment for up to 3 years, and the legal entity shall be punished by a fine from 5000 to 9000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.334 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.334 par.(1), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.334 par.(1) in the edition of the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

(2) The same action committed:

a) - **excluded**

b) by two or more persons;

c) in large proportions, shall be punished by a fine from 2350 to 4350 conventional units or by imprisonment for up to 5 years, and the legal entity shall be punished by a fine from 9000 to 13000 conventional units with the deprivation of the right to exercise a specific activity.

[Art.333 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.334 par.(2), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.334 par.(2), sanction amended by the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

(3) The actions provided at par.(1) or (2), committed:

a) in particularly large proportions;

b) in the interest of an organized criminal group or a criminal organization, shall be punished by a fine from 6350 to 8350 conventional units or by imprisonment from 3 to 7 years, and the legal entity shall be punished by a fine from 13000 to 15000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.333 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.334 par.(3), sanction in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.334 par.(3), sanction amended by the Criminal Law 78 as of 12.04.12, Official Gazette 99-102/25.05.12 art.334]

(4) The person who gave the bribe is released from criminal liability if the bribe was extorted or if the person denounced itself not knowing that the criminal investigating authorities were aware of the offence committed by it.

Article 335. Official misconduct

(1) The intentional use by a person who manages a commercial, public or other non-state organization or who works for such an organization of its professional status, the

organization's assets in its material interest, in other personal interests or in the interest of third parties, directly or indirectly, if it caused damage in considerably large proportions to public interests or to the rights and interests protected by law of individuals or legal entities,

[Art.335 par. (1), provision amended by the Criminal Law 180 of 25.07.14, provision amended by the Criminal Law 238 -246 / 15.08.14 art.559]

[Art.335 par. (1), provision amended by the Criminal Law 78 as of 12.04.12, provision amended by the Criminal Law 99-102 / 25.05.12 art.334]

shall be punished by fine from 650 to 1150 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.335 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.335 par.(1), sanction amended by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.335 par.(1), sanction amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(1¹) The actions provided at par. (1), resulting in serious consequences, shall be punished by a fine from 1350 to 2350 conventional units or by imprisonment from 2 to 6 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.335 par.(1¹), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.335 par.(1¹) introduced by the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.335 par.(2) repealed by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

(3) The actions provided at par. (1), committed in the interest of an organized criminal group or a criminal organization or committed by the administrator of a bank,

[Art.335 par. (3), provision amended by the Criminal Law 180 of 25.07.14, Official Gazette 238-246 / 15.08 .14 art.559]

shall be punished by imprisonment from 3 to 7 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 10 to 15 years.

[Art.335 par.(3) in the edition of the Criminal Law 326 as of 23.12.13, Official Gazette 47-48/25.02.14 art.92; in force 25.02.14]

[Art.335 amended by the Criminal Law 245 as of 02.12.11, Official Gazette 25-28/03.02.12 art.77]

Article 335¹. Forged accounting documents

(1) The drawing up or use of an invoice or any other document or accounting record containing false information, as well as the deliberate omission to register a payment in the accounting records, committed for the purpose of disguising or concealing acts of corruption, if the act does not constitute complicity, shall be punished by a fine of up to 1350 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years, in all cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years, and the legal entity shall

be punished by a fine from 1350 to 2850 conventional units with the deprivation of the right to exercise a specific activity for a period of 2 to 5 years.

[Art.335¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed in the interest of an organized criminal group or a criminal organization

shall be punished by a fine of up to 185500 conventional units or by imprisonment from 3 to 7 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years, and the legal entity is punishable by a fine from 3000 to 5000 conventional units with the deprivation of the right to exercise a specific activity for 2 to 5 years.

[Art.335¹ par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.335¹ introduced by the Criminal Law 77 as of 12.04.12, Official Gazette 103/29.05.12 art.347]

Article 336 - excluded

Chapter XVII

OFFENCES AGAINST PUBLIC AUTHORITIES AND NATIONAL SECURITY

Article 337. Treason

(1) The treason, namely the act intentionally committed by a citizen of the Republic of Moldova to the detriment of the sovereignty, territorial inviolability or national security and the defense capacity of the Republic of Moldova, by aligning with the enemy, espionage, disclosure of a state secret to a foreign state, a foreign organization or their representatives, as well as the granting of aid to a foreign state in carrying out hostile activity against the Republic of Moldova,

shall be punished by imprisonment from 12 to 20 years.

(2) The citizen of the Republic of Moldova, who was recruited by the foreign espionage service for conducting hostile activities against the Republic of Moldova is released from criminal liability if it did not commit any actions for the fulfillment of the criminal duty entrusted to it and if it voluntarily declared to the authorities about its connection with the foreign espionage service.

Article 338. Espionage

Transmitting and collecting information constituting state secrets for the purpose of transmitting it to a foreign state, a foreign organization or their agency, as well as transmitting or collecting, from the foreign espionage service, other information to be used to the detriment of the interests of the Republic of Moldova, if the espionage is committed by a foreign citizen or by a stateless person,

shall be punished by imprisonment from 12 to 20 years.

Article 339. Usurpation of state power

(1) The actions committed for the purpose of usurpation or forced maintenance of state power in violation of the provisions of the Constitution of the Republic of Moldova shall be punished by imprisonment from 10 to 15 years.

(2) The same actions that caused:

a) the change by violence of the constitutional order of the Republic of Moldova;

- b) the death of a person;
- c) other serious consequences

are punishable by imprisonment from 12 to 20 years. Article 340. Armed rebellion

Organizing or leading an armed rebellion, as well as participating in it, in order to overthrow or change by force the constitutional order or to violate the territorial integrity of the Republic of Moldova

shall be punished by imprisonment from 12 to 20 years.

Article 341. Calls to the overthrow or change by violence of the constitutional order of the Republic of Moldova

(1) The public calls to the overthrow or change by violence of the constitutional order or to the violation of the territorial integrity of the Republic of Moldova, as well as the dissemination by various means for this purpose of materials with such calls, shall be punished by a fine from 550 to 950 conventional units or by imprisonment for up to 3 years.

[Art.341 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) - excluded

b) by two or more persons

are punishable by a fine from 650 to 1350 conventional units or by imprisonment from 1 to 4 years.

[Art.341 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2), committed by the entrusting on the part of a foreign organization or its representatives, shall be punished by imprisonment from 3 to 7 years.

Article 342. Assault to the life of the President of the Republic of Moldova, the President of the Parliament or the Prime Minister

The assault to the life of the President of the Republic of Moldova, the President of the Parliament or the Prime Minister, committed to stop their state activity or other political activity or out of revenge for such activity,

shall be punished by imprisonment from 12 to 20 years or by life imprisonment.

Article 343. Diversion

The commission, in order to weaken the economic basis and defense capacity of the country, of explosions, arsons or other actions aimed at mass extermination of people, injuring the bodily integrity or health of many persons, destroying or damaging enterprises, buildings, roads and communication means, telecommunication means or other state or public goods, as well as the provocation for the same purposes of poisoning or spreading of epidemics or epizootics,

shall be punished by imprisonment from 12 to 20 for years.

Article 344. Disclosure of state secret

(1) The disclosure of information constituting state secret by a person to whom this information was entrusted or made known in connection with its service or work, unless it constitutes treason or espionage,

shall be punished by a fine from 550 to 950 conventional units or by imprisonment of up

to 4 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.344 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action resulting in serious consequences shall be punished by imprisonment from 3 to 7 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

Article 345. Loss of documents containing state secrets

The loss of documents containing state secrets as well as objects, data constituting state secrets, by a person to whom these documents or objects were entrusted, if the loss was a result of the breach of the established rules for storing the documents or objects mentioned above and if it caused serious consequences, shall be punished by a fine from 550 to 750 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.345 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 346. Intentional actions aimed at enforcing national, ethnic, racial or religious dissension, differentiation or disunity

[Art.346 title amended by the Criminal Law 306 as of 26.12.12, Official Gazette 27-30/08.02.13 art.104]

The intentional actions, public appeals, including through mass media, written and electronic, aimed at enforcing national, ethnic, racial or religious dissension, differentiation or disunity, at humiliating the national honor and dignity and the direct or indirect limitation of rights or the establishment of direct or indirect advantages to citizens by virtue of their national, ethnic, racial or religious affiliation,

[Art.346 provision amended by the Criminal Law 306 of 26.12.12, Official Gazette 27-30 / 08.02.13 art .104]

shall be punished by a fine of up to 650 conventional units or community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.336 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 347. Defilement of state symbols

[Art.347 title amended by the Criminal Law 290 as of 21.12.12, Official Gazette 27-30/08.02.13 art.102]

(1) The defilement of the state symbols (flag, coat of arms, anthem) of the Republic of Moldova or of another state, publicly used or uttered

[Art.347 par. (1) amended by the Criminal Law 290 of 21.12.12, Official Gazette 27-30 /08.02.13 art.102]

shall be punished by a fine of up to 850 conventional units or by community service from 100 to 200 hours.

[Art.347 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) - excluded

b) by two or more persons shall be punished by a fine from 350 to 1050 conventional units or by community service from 150 to 220 hours or by imprisonment for up to 1 year.
[Art.347 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par.(1) or (2) committed by a person with a responsibility position liable for the observance of the use of state symbols,
[Art.347 par. (3) amended by the Criminal Law 290 21.12.12, Official Gazette 27-30 / 08.02.13 art.102]

shall be punished by a fine from 850 to 1150 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years, in all cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of up to 5 years.

[Art.347 par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 348 - excluded Article 349. Threat or violence committed against a person with a responsibility position or a person who fulfills its public duty

(1) The threat of death, injury to bodily integrity or health, or destruction of the property of a person with a responsibility position or its close relatives, in order to cease its work service or change of its nature in the interest of the person that performs the threatening or of another person, as well as the same threat against a person who performs a public duty or against its close relatives in connection with the participation of that person in the prevention or cessation of an offence or antisocial act shall be punished by a fine from 650 to 1350 conventional units or by community service for up to 180 hours, or by imprisonment for up to 2 years.

[Art.349 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(1¹) Applying life-threatening or health-related violence to the accountable person or his close relatives, either by destroying their possessions in order to cease their service or to change their character in the interest of the person practicing the violence or other person, and the same actions applied against a person performing a public duty or close relatives in connection with the participation of that person in the prevention or cessation of an offence or an antisocial act

shall be punished by a fine from 850 to 1350 conventional or unpaid labor community service from 180 to 240 hours, or imprisonment for up to 3 years.

[Art.349 par.(1¹), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The actions provided at par.(1) or (1¹) accompanied by:

a) the application of violence dangerous to the life or health of the persons provided at par.(1);

b) the destruction of the property by means dangerous to the life or health of several persons;

c) material damage in large proportions;

d) other serious consequences

are punishable by imprisonment from 4 to 8 years.

Article 350 - excluded

Article 351. Usurpation of official capacities

(1) The usurpation of official capacities, accompanied by the commission on such basis of another offence, is punished by a fine of up to 950 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 3 years.

[Art.351 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed by two or more persons shall be punished by a fine from 650 to 1050 conventional units or by imprisonment for up to 4 years.

[Art.351 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The actions provided at par.(1) or (1)¹

Article 352. Arbitrariness

(1) Arbitrariness, namely the exercise of a legitimate or supposedly arbitrary right and in violation of the established order, if damage in large proportions was caused to the public interests or to the rights and interests protected by law of individuals or legal entities,

shall be punished by a fine of up to 850 conventional units or by community service from 100 to 240 hours

[Art.352 par. (1), sanction amended by the Criminal Law 207 of 29.07.16, Official Gazette 369-378 /28.10.16 art.751; in force 07.11.16]

(2) The same action:

a) - excluded

b) - excluded

c) accompanied by threat of death or injury of bodily integrity or health;

d) accompanied by the application of violence that is not dangerous to life or health;

e) accompanied by the destruction of property

shall be punished by a fine from 850 to 1350 conventional units or by imprisonment from 3 to 5 years.

[Art.352 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.352 par.(2), sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(3) The actions provided at par.(1) or (2):

a) - excluded;

b) accompanied by applying violence dangerous to the life or health;

c) committed by using a weapon;

d) resulting in damage in particularly large proportions;

e) resulting in other serious consequences, shall be punished by imprisonment from 3 to 8 years.

Article 352¹. False statements

(1) Inappropriate declaration of truth to a competent body for the purpose of producing legal consequences for itself or for a third person if, according to law or circumstances, the statement serves to produce such consequences,

shall be punished by a fine of up to 950 conventional units or by imprisonment for up to

1 year with the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.352¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

[Art.352¹ par.(1), sanction amended by the Criminal Law 181 as of 19.12.11, Official Gazette 1-6/06.01.12 art.4; in force 01.03.12]

(2) The intentional inclusion of incomplete or false data, the intentional non-inclusion of data in the declaration of assets and personal interests shall be punished by a fine from 400 to 600 conventional units or by imprisonment for up to 1 year, in both cases with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

[Art.352¹ par.(2) introduced by the Criminal Law 134 as of 17.06.16, Official Gazette 245-246/30.07.16 art.515, the single paragraph becomes par.(1); in force 01.08.16]

Article 353. Evasion from the military service based on a term, short term military service or from military service as concentrated or mobilized reservists

The evasion from the military service based on a term, short term military service or from the military service as concentrated or mobilized reservists by self-mutilation, simulation of a disease, falsification of documents or other deceit shall be punished by a fine of up to 650 conventional units or by community service from 100 to 150 hours.

[Art.353 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 354. Evasion from mobilization

The wartime evasion from mobilization to the Armed Forces is punishable by imprisonment from 2 to 5 years.

Article 355. Evasion or refusal to fulfill the alternative service obligations

The evasion or refusal of a person performing the alternative service to fulfill its obligations under this service by self-mutilation, simulation of a disease, falsification of documents or other deceit shall be punished by a fine of up to 650 conventional units or by community service from 100 to 150 hours.

[Art.355 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 356. Wartime evasion from the fulfillment of provisions

The wartime evasion from mobilization to work or the fulfillment of other provisions is punishable by imprisonment for up to 5 years.

Article 357. Organizing or directing an illegal strike, as well as hindering the activity of an enterprise, institution or organization under conditions of emergency, siege and warfare

Organizing or directing an illegal strike, as well as hindering the activity of an enterprise, institution or organization under conditions of emergency, siege and warfare, shall be punished by a fine of up to 850 conventional units or by community service from 100 to 240 hours.

[Art.357 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 358 - excluded

Article 359. Purchase or sale of official documents

The purchase or sale of official documents granting rights or exempting from obligations

shall be punished by a fine of up to 550 conventional units.

[Art.359 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 360. Taking, stealing, concealing, deteriorating or destroying documents, printed items, stamps or seals

(1) Taking, stealing, concealing, deteriorating or destroying documents, printed items, stamps or seals belonging to enterprises, institutions, organizations, regardless of the type of property or legal form of organization, if this act was committed from material or other illegal reasons, shall be punished by a fine of up to 750 conventional units or by community service from 150 to 200 hours or by imprisonment for up to 3 years.

[Art.360 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) Taking, stealing, concealing, deteriorating, destroying or keeping identity documents or other important documents of individuals, with the intention of limiting the freedom of the person, including freedom of movement, or of depriving it from such freedom,

shall be punished by a fine of up to 850 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 5 years.

[Art.360 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 361. Manufacturing, holding, selling or using false official documents, printed items, stamps or seals

(1) The manufacturing, holding, sale or use of false official documents, granting rights or exempting from obligations, the manufacturing or sale of false printed items, stamps or seals of enterprises, institutions, organizations, irrespective of the type of property and the legal form of organization, shall be punished by a fine of up to 650 conventional units or by community service from 150 to 200 hours or by imprisonment for up to 2 years.

[Art.361 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions:

a) - excluded

b) committed by two or more persons;

c) committed in relation to a document of particular importance; d) resulted in damages in large proportions to the public interests or to the rights and interests protected by the law of individuals or legal entities

[Art.361 par. (2), letter d) the phrase "public interests or" declared unconstitutional by the Judgment of the Constitutional Court 33 as of 07.12.17, Official Gazette 27-32 / 26.01.18 art.4; in force 07.12.17]

shall be punished by a fine from 550 to 950 conventional units or by community service from 180 to 240 hours or by imprisonment for up to 5 years.

[Art.361 par.(2), sanction amended by the Criminal Law 207 as of 29.07.16, Official

Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Article 362. Illegal crossing of the state border

(1) The crossing of the state border of the Republic of Official Moldova by evading or obstructing the control carried out upon its crossing,

[Art.362 par. (1) amended by the Criminal Law 304 as of 26.12.12, Official Gazette 48 / 05.03.13 art.150 ; in force 05.03.13]

shall be punished by a fine of up to 750 conventional units or by community service from 150 to 200 hours or by imprisonment for up to 2 years.

[Art.362 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) - excluded

(3) The actions provided at par. (1):

a) accompanied by violence;

b) committed by using a weapon,

shall be punished by imprisonment from 5 to 8 years.

[Art.362 par.(3) sanction amended by the Criminal Law 119 as of 23.05.13, Official Gazette 130-134/21.06.13 art.423]

(4) The action of this article shall not extend to foreign citizens coming to the Republic of Moldova, without the established passport or without an authorization, in order to use the right of asylum granted by the Constitution of the Republic of Moldova, as well as to persons who are victims of human trafficking.

Article 362¹. Organization of illegal migration

(1) The organization, in order to obtain, directly or indirectly, a financial or material benefit, the illegal entry, stay, transit of the state territory or the exit from that territory of a person who is neither a citizen nor a resident of that state

shall be punished by a fine from 650 to 850 conventional units or by imprisonment from 1 to 3 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 1 to 3 years, and the legal entity is punishable by a fine from 2000 to 3000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.362¹ par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions committed:

a) - excluded

b) against two or more persons,

c) by two or more persons,

d) by a public person, by a person with a responsibility position, by a person with a public dignity position, by a foreign public person or by an international official.

[Art.362¹ par.(2), lett.d) introduced by the Criminal Law 270 as of 07.11.13, Official Gazette 290/10.12.13 art.794]

shall be punished by a fine from 850 to 1150 conventional units or by imprisonment from 3 to 5 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 1 to 3 years, and the legal entity is punishable by a fine from 3000 to 4000 conventional units, with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.[Art.362¹ par.(2), sanction

amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(3) The actions provided at par. (1) or (2):

a) committed by an organized criminal group or by a criminal organization;

b) resulting in damage in particularly large proportions to the public interests or the rights and interests protected by law of individuals and legal entities, shall be punished by a fine from 1150 to 1350 conventional units or by imprisonment from 5 to 7 years, with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 3 to 5 years, and the legal entity is punishable by a fine from 4000 to 6000 conventional units with the deprivation of the right to exercise a specific activity or by the liquidation of the legal entity.

[Art.362¹ par.(3), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(4) The victim of illegal migration is released from criminal liability for the act of illegal entry, stay, transit of the state territory or exit from that territory, as well as for the acts of possession and use of false official documents for the purpose of organizing its illegal migration.

[Art.362¹ par.(4) introduced by the Criminal Law 20 as of 01.03.13, Official Gazette 64-68/29.03.13 art.199]

Article 363. Illegal use of the Red Cross emblem

The use of the Red Cross emblem and the "Red Cross" name by persons who are not empowered with this right, as well as of symbols that may be mistaken for the Red Cross emblem, if this action had serious consequences,

shall be punished by a fine from 500 to 600 conventional units or by community service from 180 to 240 hours.

[Art.363 sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

Chapter XVIII

MILITARY OFFENCES

Article 364. Intentional non-execution of an order

(1) The intentional non-execution of the order of a superior given in the established manner, if it caused damage in considerable proportions to the service interests, shall be punished by community service from 60 to 240 hours or by imprisonment for up to 2 years.

(2) The same action:

a) committed by two or more persons;

b) resulting in serious consequences

shall be punished by imprisonment for up to 5 years.

(3) The actions provided at par.(1) or (2), committed:

a) during wartime;

b) in combat conditions,

are punishable by imprisonment from 5 to 10 years.

(4) Failure to execute the order by negligence or lack of conscientiousness:

a) resulting in serious consequences;

b) during wartime;

c) in combat conditions

is punishable by community service from 60 to 240 hours or by imprisonment for up to 3 years.

(5) - excluded

[Art.364 par.(6) repealed by the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

Article 365. Resistance to the superior or its coercion to violate the service obligations

(1) Resistance to the superior, against another person who fulfills military service obligations or coercion to violate these obligations, accompanied by violence, is punishable by imprisonment for up to 5 years.

(2) The same actions:

a) committed by two or more persons;

b) committed by using a weapon; c) resulting in serious consequences
are punishable by imprisonment from 3 to 8 years.

(3) The actions provided at par.(1) or (2):

a) - excluded; b) committed during wartime; **c) committed in combat conditions,**
shall be punished by imprisonment from 7 to 13 years.

Article 366. Insulting the military

The insult to the superior by the subaltern, as well as to the subaltern by the superior, during the fulfillment of military service obligations, shall be punished by community service from 60 to 240 hours or by imprisonment for up to 6 months.

Article 367. Threatening the military

(1) The death threat to the military by the superior or subaltern, by injury to bodily integrity or health or by it beating during the performance of military service obligations shall be punished by community service from 60 to 240 hours or by imprisonment for up to 2 years.

(2) The same action committed:

a) during wartime;

b) in combat conditions,

shall be punished by imprisonment from 3 to 8 years.

Article 368. Acts of violence committed against the military

(1) The intentional minor injury to bodily integrity or health, or hitting the subaltern by the superior and the superior by the subaltern while performing their military service obligations, are punishable by imprisonment for up to 5 years.

(2) The same actions:

a) committed by two or more persons;

b) committed by using a weapon; c) resulting in serious consequences; d) committed during wartime;

e) committed in combat conditions

shall be punished by imprisonment from 3 to 12 years. Article 369. Violation of statutory rules on relations between militaries if there are no subordination relationships between

them

(1) The violation of statutory rules on relations between militaries during the performance of military service, if there are no subordination relationships between them, and if such violation was manifested by acts of violence, is punishable by community service from 60 to 240 hours or by imprisonment for up to 3 years.

(2) The same action:

a) - excluded

b) committed against two or more persons;

c) resulting in minor or average injury to bodily integrity or health shall be punished by imprisonment for up to 5 years.

(3) The actions provided at par.(1) or (2):

a) committed by two or more persons;

b) committed by using a weapon; c) resulting in serious consequences shall be punished by imprisonment from 4 to 8 years.

Article 370. Abuse of power, excess of power or inaction in exercising power

(1) The abuse of power, excess of power or overriding work attributions by the superior or by a person with a responsibility position, the inaction in the exercise of power, if they caused damage in considerable proportions to the victim or the work interests, shall be punished by a fine from 850 to 950 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or exercise a specific activity for up to 5 years.

[Art.370 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same actions resulting in serious consequences shall be punished by imprisonment from 3 to 7 years with the deprivation of the right to hold certain positions or exercise a specific activity for a period of 2 to 5 years.

(3) The actions provided at par.(1) or (2), committed:

a) during wartime;

b) in combat conditions,

are punishable by imprisonment from 7 to 12 years.

Article 371. Desertion

(1) Desertion, namely leaving the military unit, training center or place of service to the purpose of escaping from military service, from concentration or mobilization, as well as failure to be present for the same reason for service or concentration or mobilization in cases of permission in the military unit or training center, of assignment, transfer, return from a mission, holiday or curative institution, committed by a military or reservist, shall be punished by a fine from 850 to 950 of conventional units or by imprisonment for up to 5 years.

[Art.290 par.(1), sanction amended by the Criminal Law 207 as of 29.07.16, Official Gazette 369-378/28.10.16 art.751; in force 07.11.16]

(2) The same action committed:

a) by using a weapon;

b) by two or more persons,

shall be punished by imprisonment from 3 to 7 years.

(3) The actions provided at par.(1) or (2), committed:
a) during wartime;
b) in combat conditions,
are punishable by imprisonment from 6 to 12 years.

(4) - excluded

(5) The military who deserted for the first time under the conditions of par.(1) shall be released from criminal liability if the desertion was committed following the occurrence of serious circumstances.

Article 372. Evasion from military service

(1) The evasion of the military or reservist from the fulfillment of military service obligations or from concentration or mobilization by self-mutilation or by simulating a disease, by forging documents or by other deceit is punishable by community service from 60 to 240 hours.

(2) The same actions committed:

a) during wartime;
b) in combat conditions,
shall be punished by imprisonment for up to 5 years.

Article 373. Violation of the rules on handling weapons, handling substances and objects that pose an increased danger to others

(1) The violation of the rules on handling weapons, handling ammunition, explosive substances, radioactive substances and other substances and objects that pose an increased danger to others, if it caused minor or average injury to bodily integrity or health, is punishable by community service from 60 to 240 hours or by imprisonment for up to 3 years.

(2) The same action that caused by imprudence:

a) serious injury to bodily integrity or health;
b) the death of a person;
c) other serious consequences

is punishable by imprisonment from 2 to 7 years.

(3) The same action that caused by imprudence the death of two or more persons is punishable by imprisonment from 3 to 8 years.

Article 374. Violation of statutory rules on guard service

(1) The violation of statutory rules on guard service, of the orders and dispositions issued to the purpose of amending and supplementing these rules, if it caused damage in considerable proportions, is punishable by community service from 60 to 240 hours.

(2) The same action that caused serious consequences is punishable by imprisonment for up to 5 years.

(3) The actions provided at par.(1) or (2), committed:

a) during wartime;
b) in combat conditions,

are punishable by imprisonment from 4 to 10 years.

Article 375. Violation of the rules on the (combat) alarming service of military troupes

(1) The violation of the rules on the (combat) alarming service for the discovery and

rejection in time of an attack by surprise on the Republic of Moldova or for the defense and security of the Republic of Moldova, if it caused or could cause damage to the interests of state security, shall be punished by community service from 60 to 240 hours or by imprisonment for up to 5 years.

(2) The same action that caused serious consequences shall be punished by imprisonment from 3 to 7 years.

(3) The actions provided at par.(1) or (2), committed:

a) during wartime;

b) in combat conditions,

are punishable by imprisonment from 7 to 12 years.

Article 376. Violation of statutory rules on the internal service

(1) The violation of statutory rules on the internal service by a person who is part of the day care staff of the military unit, except for the guard and the cart, if it caused damage in considerable proportions, is punishable by community service from 60 to 240 hours.

(2) The same action resulting in damage in considerable proportions, whose prevention falls within the obligations of the person indicated at par.(1), shall be punished by imprisonment from 6 months to 2 years.

(3) The actions provided at par.(1) or (2) committed:

a) during wartime;

b) in combat conditions,

shall be punished by imprisonment from 1 to 5 years.

Article 377. Violation of the rules on the maintenance of public order and ensuring public security

(1) The violation of the rules on the maintenance of order by a person in a military unit to the purpose of maintaining public order and ensuring public security, accompanied by violation of human rights and freedoms or by violence, is punishable by community service from 60 to 240 hours or by imprisonment for up to 2 years.

(2) The same action resulting in serious consequences shall be punished by imprisonment for up to 5 years.

Article 378. Negligent attitude towards military service

(1) The negligent attitude of the superior or another person with a responsibility position towards the military service, if it caused damage in large proportions, shall be punished by imprisonment for up to 3 years.

(2) The same action resulting in serious consequences shall be punished by imprisonment for up to 5 years.

(3) The actions provided at par.(1) or (2) committed:

a) during wartime;

b) in combat conditions,

shall be punished by imprisonment from 3 to 7 years.

Article 379. Intentional destruction or damage to military patrimony

(1) The intentional destruction or damage to weapons, ammunition, means of transportation, military equipment or other military assets shall be punished by community service from 60 to 240 hours or by imprisonment for up to 2 years.

(2) The same action resulting in serious consequences shall be punished by imprisonment from 3 to 7 years.

(3) The actions provided at par.(1) or (2), committed:

a) during wartime;

b) in combat conditions,

are punishable by imprisonment from 6 to 12 years.

Article 380. Destruction or deterioration by imprudence of the military patrimony

(1) The destruction or deterioration by imprudence of the military patrimony in large proportions (ut3) is punishable by community service from 60 to 240 hours or by imprisonment for up to 2 years.

(2) The same actions committed:

a) during wartime;

b) in combat conditions,

are punishable by imprisonment from 3 to 8 years.

Article 381. Waste or loss of military patrimony

(1) The sale, pledge or assignment of use by a military of the equipment released for its personal use, as well as the loss or damage of such objects as a result of breaching the storage rules, shall be punished by community service from 60 to 240 hours.

(2) The same actions committed:

a) during wartime;

b) in combat conditions,

are punishable by imprisonment for up to 3 years.

(3) Loss of or damage, as a result of the violation of storage rules, of weapons, ammunition, means of transportation, technical supplies or other military patrimony entrusted to be used during service, is punishable by community service from 60 to 240 hours or by imprisonment for up to 3 years.

(4) The same actions committed:

a) during wartime;

b) in combat conditions,

are punishable by imprisonment from 2 to 7 years.

Article 382. Violation of the rules of driving or operating machines

(1) The violation of the rules of driving or operating combat, special or transportation machines, if it caused an average injury to bodily integrity or health or damage in large proportions, is punishable by community service from 60 to 240 hours or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to drive the means of transportation for up to 2 years.

(2) The same action that caused:

a) serious injury to bodily integrity or health;

b) the death of a person

is punishable by imprisonment from 3 to 7 years with (or without) the deprivation of the right to drive the means of transportation for up to 5 years.

(5) The same action that caused the death of two or more persons shall be punished by imprisonment from 5 to 10 years with the deprivation of the right to drive the means of transportation for a period of up to 5 years. Article 383. Violation of flight rules or flight

preparation

The violation of flight rules or flight preparation, if it caused a catastrophe or other serious consequences,
is punishable by imprisonment from 5 to 10 years.

Article 384. Violation of navigation rules

The violation of navigation rules, if it caused:

- a) sinking or serious damage to the ship;
- b) the death of a person;
- c) other serious consequences,

shall be punished by imprisonment for 5 to 10 years.

Article 385. Surrender or submission to the enemy of war means

The surrender by the superior of the military forces entrusted to it, as well as the abandonment, unjustified by combat situation, of fortifications, fighting techniques and other means of war to the enemy, shall be punished by imprisonment from 10 to 15 years.

Article 386. Deliberately leaving the battlefield or the refusal to use the weapon

Deliberately leaving the battlefield during combat or the refusal to use the weapon during combat
shall be punished by imprisonment from 10 to 15 years.

Article 387. Voluntary surrender in order to be taken as a prisoner

The voluntary surrender in order to be taken as a prisoner
is punishable by imprisonment from 10 to 15 years.

Article 388. Criminal actions of the military prisoners

(1) The voluntary participation of the military prisoner in military works or other works known to cause damage to the Republic of Moldova or to the allied states, if it does not constitute treason, shall be punished by imprisonment from 3 to 8 years.

(2) The acts of violence committed against other war prisoners or the cruel conduct towards them by a war prisoner holding a superior position are punishable by imprisonment from 10 to 15 years.

(3) The commission by a military prisoner of actions to the detriment of other war prisoners from material interest or in order to ensure an indulgent conduct on the part of the enemy is punishable by imprisonment from 5 to 10 years.

[Art.389-393 repealed by the Criminal Law 64 as of 04.04.13, Official Gazette 115/21.05.13 art.359]

PRESIDENT OF THE PARLIAMENT

Eugenia OSTAPCIUC

No. 985-XV. Chişinău, 18 April 2002.