

Criminal Code of the Republic of Kazakhstan

of July 3, 2014 No. 226-V ZRK

(amended as of 19-04-2019)

General part

Section 1. Penal statute

Article 1. Penal legislation of the Republic of Kazakhstan

1. The penal legislation of the Republic of Kazakhstan consists of this Criminal Code of Kazakhstan, other laws providing criminal liability are subject to application only after their inclusion in this Code.

2. This Code is based on [the Constitution](#) of the Republic of Kazakhstan and the conventional principles and rules of international law. The constitution of the Republic of Kazakhstan has the highest legal force and direct action in all territory of the Republic. In case of contradictions between regulations of this Code and the Constitution of the Republic of Kazakhstan Constitution provisions are effective. The regulations of this Code recognized unconstitutional, including infringing the rights and freedoms of man and citizen affirmed by the Constitution of the Republic of Kazakhstan, lose legal force and are not subject to application. Normative resolutions of the Constitutional Council and Supreme Court of the Republic of Kazakhstan are component of the penal legislation of the Republic of Kazakhstan.

3. The international agreements ratified by the Republic of Kazakhstan have priority before this Code. The procedure and conditions of action in the territory of the Republic of Kazakhstan of international treaties which participant is the Republic of Kazakhstan are determined by the legislation of the Republic of Kazakhstan.

Article 2. Tasks of the Criminal code

1. Tasks of this Code are: protection of the rights, freedoms and legitimate interests of man and citizen, property, the rights and legitimate interests of the organizations, public order and safety, the environment, the constitutional system and territorial integrity of the Republic of Kazakhstan protected by the law of interests of society and state from socially dangerous encroachments, protection of the world and safety of mankind, and also the prevention of criminal offenses.

2. For implementation of these tasks this Code establishes the bases of criminal liability, determines what dangerous to the personality, societies or the states of act are criminal offenses, that is crimes or criminal offenses, establishes punishments and other measures of criminal law action for their making.

Article 3. Explanation of some concepts containing in this Code

The concepts containing in this Code have if there are no special instructions in the law, the following values:

1) exploitation of the person - use by the guilty person of forced labor, that is any work or service required from the face by use of violence or threat of its application for which accomplishment this person did not offer voluntarily the services, except as specified, provided by the laws of the Republic of Kazakhstan;

use by the guilty person of occupation prostitution by other person or other services rendered to them for the purpose of assignment of the gained income, and is equal compulsion of person to rendering services of sexual nature without prosecution by the guilty person of this purpose;

compulsion of person to occupation begging, that is to making of the antisocial act connected with begging at other persons of money and (or) other property;

other actions connected with implementation guilty powers of the owner concerning person who for the reasons which are not depending on it cannot refuse performance of works and (or) services for guilty and (or) other person;

2) significant damage and the considerable size - in Articles: [198 and 199](#) - the extent of damage or value of the rights on use of intellectual property items or cost of copies of objects of copyright and (or) the related rights or goods containing inventions, useful models, industrial designs, selection achievements or topology of integral chips

by two hundred times exceeding monthly settlement indicator; [202](#) - damage on the amount by two hundred times exceeding monthly settlement indicator; [214](#) - goods quantity which cost exceeds two thousand monthly settlement indicators; [233](#) - the damage caused on the amount in one thousand times exceeding monthly settlement indicator; [325, 326, 328, 335, 337](#) and [342](#) - value term of the costs necessary for recovery of the environment and consumer properties of natural resources, in the amount of, exceeding hundred monthly settlement indicators; in other Articles - the extent of damage on the amount by two hundred times exceeding monthly settlement indicator; [366 and 367](#) - amount of money, cost of securities, other property or benefit of property nature from fifty to three thousand monthly settlement indicators;

3) especially major damage and especially large size - in Articles: [188, 191](#) and [192](#) - the property value or the extent of damage in two thousand times exceeding monthly settlement indicator; [189, 190, 194, 197, 202](#) and [204](#) - the property value or the extent of damage in four thousand times exceeding monthly settlement indicator; [214](#) - the income which amount exceeds twenty thousand monthly settlement indicators; [216](#) - the damage caused to the citizen on the amount in five thousand times exceeding monthly settlement indicator, or the damage caused to the organization or the state on the amount exceeding fifty thousand monthly settlement indicators; [217](#) - the income which amount exceeds five thousand monthly settlement indicators; [229, 230](#) - damage on the amount in twenty thousand times exceeding monthly settlement indicator; [234](#) - the cost of the moved goods exceeding twenty thousand monthly settlement indicators; 245 - the amount of not come payments the budget exceeding seventy five thousand monthly settlement indicators; [253](#) - the amount of money, cost of securities, other property or benefit of property nature exceeding two thousand monthly settlement indicators; [307](#) - the income which amount exceeds five thousand monthly settlement indicators; [324, 325, 326, 328, 329, 330, 332, 333, 334, 337](#) and [343](#) - value term of the costs necessary for recovery of the environment and consumer properties of natural resources, in the amount of, exceeding twenty thousand monthly settlement indicators; [365](#) - the damage caused to the citizen on the amount in two thousand times exceeding monthly settlement indicator, or the damage caused to the organization or the state on the amount in ten thousand times exceeding monthly settlement indicator; [366 and 367](#) - amount of money, cost of securities, other property or benefit of property nature over ten thousand monthly settlement indicators; in other Articles - the extent of damage on the amount in four thousand times exceeding monthly settlement indicator;

4) heavy effects - the following effects in cases when they are not specified as sign of structure of the criminal offense provided by this Code:

death of the person: death of two or more persons; suicide of the victim (victim) or his (her) close (relatives); causing severe harm to health; causing severe harm to health to two or more persons; mass disease, infection, radiation or poisoning of people; deterioration in the state of health of the population and environment; approach of undesirable pregnancy; approach of technogenic or ecological disaster, emergency ecological situation; causing large or especially major damage; failure of execution of the tasks set by the high command; creation of safety hazard of the state, catastrophic crash or accident; long decrease in level of combat readiness and fighting capacity of military units and divisions; failure of accomplishment of fighting task; inactivation of military equipment; other effects testimonial of weight of damage suffered;

5) administrative functions - the right of management and the order of the property which is on balance of the organization granted in the procedure established by the law of the Republic of Kazakhstan;

6) military criminal offenses - the acts provided [by Chapter 18](#) of this Code, directed against established procedure of execution of military service, made by the military personnel undergoing military military service or under the contract in Armed Forces of the Republic of Kazakhstan, other troops and military forming of the Republic of Kazakhstan and also the citizens staying in inventory during passing of charges by them;

7) gang - the organized group pursuing the aim of attack on citizens or the organizations using or threat of use of weapons or the objects used as weapon;

8) other motorized vehicles - tractors, motorcycles, self-propelled machines (excavators, truck cranes, graders, skating rinks);

9) the public agent - the person who is in public service, allocated in the procedure established by the law of the Republic of Kazakhstan with administrative powers concerning persons which are not from it in job dependency including the employee of law enforcement or special state body, body of military police, the serviceman participating in ensuring public order;

10) the insignificant size - in [Article 187](#) - property value, belonging to the organization, not exceeding ten monthly settlement indicators, or the property belonging to physical person, not exceeding two monthly settlement indicators;

11) severe harm to health - the harm to health of the person dangerous to his life, or other harm to health which entailed: loss of sight, speech, hearing or any body; loss of its functions by body; indelible disfiguration of person; the disorder of health connected to considerable permanent loss of general working capacity on one third at least; complete loss of professional working capacity; termination of pregnancy; mental disturbance; disease of drug addiction or toxicomania;

12) average severity harm to health - the harm to health of the person not dangerous to his life which caused long disorder of health (for the term of more than twenty one day) or considerable permanent loss of general working capacity (less than on one third);

13) little harm to health - the harm to health of the person which entailed short-term disorder of health (for the term of no more than twenty one day) or insignificant permanent loss of general working capacity (less than on the one tenth part);

14) essential harm - the following effects in cases when they are not specified as sign of structure of the criminal offense provided by this Code:

violation of constitutional rights and freedoms of man and citizen, rights and legitimate interests of the organizations protected by the law of interests of society and state; causing significant damage; emergence of difficult life situation at the injured person; violation of normal work of the organizations or state bodies; failure of important military actions or short-term decrease in level of combat readiness and fighting capacity of military units and divisions; untimely detection or reflection of attack of armed groups or certain armed individuals, overland, air or marine military equipment, assumption of free illegal transition through Frontier of the Republic of Kazakhstan of persons and vehicles, movements of smuggled goods, connivance to the actions causing damage to boundary constructions, technical means of protection of border; other effects testimonial of materiality of damage suffered;

15) the mercenary - person who is specially enlisted for participation in armed conflict, the military operations or other violent acts directed to overthrow or blasting the constitutional system or the violation of territorial integrity of the state operating for the purpose of receipt of material remuneration or other personal benefit which is not citizen of the party which is in the conflict or the states against which the specified actions are directed is not staff of armed forces of the party which is in the conflict is not sent by other state for accomplishment of official obligations as person which is part of its armed forces;

16) person holding responsible state position - person holding position which is established [by the Constitution](#) of the Republic of Kazakhstan, the constitutional and other laws of the Republic of Kazakhstan for direct execution of functions of the state and powers of state bodies, including the deputy of Parliament, the judge and is equal person occupying political state position or managerial state position of the case "A" according to the legislation of the Republic of Kazakhstan on public service;

17) plunder - the illegal non-paid withdrawal made with a mercenary motive and (or) the address of alien property for benefit of the guilty person or other persons which caused damage to the owner or other owner of this property;

18) illegal paramilitary force - not stipulated by the legislation forming of the Republic of Kazakhstan (consolidation, group, the team or other group consisting of three and more people) having organizational structure of the militarized type, having one-man management, fighting capacity, harsh discipline;

19) person performing managerial functions in commercial or other organization - person, is permanent, temporary or on special power carrying out organizational and administrative or administrative type duties in the organization which is not state body, local government body or the organization, the share of the state in which constitutes more than fifty percent;

20) transport - railway, automobile, sea, internal water, including ocean and river small size vessels, air, city electric, including the subway, and also the main pipeline transport which is in the territory of the Republic of Kazakhstan;

20-1) other severe harm to the vital interests of the Republic of Kazakhstan - the harm done as a result of making of the acts provided [by Article part two 160, Article 163, Article part two 164, Articles 168, of 169, of 175, Article part three 179, Article part three 180, Article 181, Article part three 182, article 455](#) of this Code;

21) the leader of public association - the head of public association, and also other member of public association capable by means of the influence and the authority solely to make corrective action on activities of this public association;

22) coordination of criminal acts - approval between organized groups (the criminal organizations) for the purpose of joint making of crimes (creation of stable relations between heads or other participants of organized

groups (the criminal organizations), plan development, conditions for making of crimes, and also the Section of spheres of criminal influence, the income from criminal activities);

23) criminal society - merging of two or more criminal organizations which entered into collision for joint making of one or several criminal offenses, and equally in creation of conditions for independent making of one or several criminal offenses of any of these criminal organizations;

24) criminal group - organized group, the criminal organization, criminal society, transnational organized group, the transnational criminal organization, transnational criminal society, terrorist group, extremist group, gang, illegal paramilitary force;

25) the criminal organization - organized group which participants are distributed on organizationally, functionally and (or) to territorially isolated groups (structural divisions);

26) the official - person, is permanent, temporary or on special power performing functions of the public agent or performing organizational and administrative or administrative functions in state bodies, local government bodies, and also in Armed Forces of the Republic of Kazakhstan, other troops and military forming of the Republic of Kazakhstan;

26-1) compulsory payment are obligation of person who made criminal offense on payment of the fixed sum of money collected on conviction of court according to the legislation of the Republic of Kazakhstan on Fonda of compensation by the victim;

27) person authorized on accomplishment of the state functions - the government employee according to the legislation of the Republic of Kazakhstan on public service, the deputy of maslikhat;

28) the person equated to the persons authorized on accomplishment of the state functions - the person chosen in local government bodies; the citizen registered according to the procedure established by the law of the Republic of Kazakhstan as the candidate for president of the Republic of Kazakhstan, deputies of Parliament of the Republic of Kazakhstan or maslikhats and also in members of elected body of local self-government; serving, constantly or temporarily working in local government body which compensation is made from means of the government budget of the Republic of Kazakhstan; the person performing managerial functions in the state organization or the organization in which authorized capital the share of the state constitutes more than fifty percent, including in national managing holding, national holding, the national company, national institute of development which shareholder is the state, their affiliated organization which more than fifty percent of voting shares (shares) belong to them, and also the legal entity whose more than fifty percent of voting shares (shares) belong to the specified affiliated organization; employees of National Bank of the Republic of Kazakhstan and its departments;

29) corruption crimes - the acts provided [by Articles 189](#) (Item 2) parts three), [190](#) (Item 2) parts three), [216](#) (Item 4) parts two), [217](#) (Item 3) parts three), [218](#) (Item 1) parts three), [234](#) (Item 1) parts three), [249](#) (Item 2) parts three), [307](#) (Item 3) parts three), [361](#), [362](#) (Item 3) parts four), [364](#), [365](#), [366](#), [367](#), [368](#), [369](#), [370](#), [450](#), [451](#) (Item 2) parts two) and [452](#) of this Code;

30) terrorist crimes - the acts provided [by Articles 170, of 171, of 173, of 177, of 178, of 184, of 255, of 256, of 257, of 258, of 259, of 260, of 261, of the 269 and 270](#) of this Code;

31) terrorist group - the organized group pursuing the aim of making of one or several terrorist crimes;

32) person holding leading position - person allocated with heads of organized groups (the criminal organizations) powers on coordination of criminal acts or person behind whom members of group recognize the right to undertake the most crucial decisions infringing on them on interests and determining the direction and nature of their criminal activities;

33) transnational criminal society - merging of two or more transnational criminal organizations;

34) the transnational criminal organization - the criminal organization pursuing the aim of making of one or several criminal offenses in the territory of two or more states or one state under the organization of making of act or management of its execution from the territory of other state, and it is equal with the assistance of citizens of other state;

35) transnational organized group - the organized group pursuing the aim of making of one or several criminal offenses in the territory of two or more states or one state at the organization of making of act or management of its execution from the territory of other state, and it is equal with the assistance of citizens of other state;

36) organized group - steady group of two or more persons which in advance combined with the purpose of making of one or several criminal offenses;

37) organizational and administrative functions - the right granted in the procedure established by the law of the Republic of Kazakhstan to issue the orders and orders obligatory for execution by persons subordinated on service, and also to apply measures of encouragement and authority punishments to subordinates;

37-1) means received from foreign sources - the money and (or) other property provided by foreign states, the international and foreign organizations, foreigners, stateless persons;

38) major damage and the large size - in Articles: [185](#), [186](#) and [458](#) - damage on the amount by five hundred times exceeding monthly settlement indicator; [188](#), [191](#) and [192](#) - the property value or the extent of damage by five hundred times exceeding monthly settlement indicator; [189](#), [190](#), [194](#), [195](#), [196](#), [197](#), [200](#), [202](#) and [204](#) - the property value or the extent of damage in one thousand times exceeding monthly settlement indicator; [198](#) and [199](#) - the extent of damage or value of the rights on use of intellectual property items or cost of copies of objects of copyright and (or) the related rights or goods containing inventions, useful models, industrial designs, selection achievements or topology of integral chips in one thousand times exceeding monthly settlement indicator; [214](#) - the income which amount exceeds ten thousand monthly settlement indicators; [214](#), [221](#), [237](#), [238](#) (part one), [239](#) (parts one and the second), [240](#), [242](#), [243](#) and [250](#) (part two) - the damage caused to the citizen on the amount in two thousand times exceeding monthly settlement indicator, or the damage caused to the organization or the state on the amount in ten thousand times exceeding monthly settlement indicator; [216](#) - the damage caused to the citizen on the amount in two thousand times exceeding monthly settlement indicator, or the damage caused to the organization or the state on the amount exceeding twenty thousand monthly settlement indicators; [217](#) - the income which amount exceeds one thousand monthly settlement indicators; [218](#) - the money and (or) other property received in the criminal way for the amount exceeding twenty thousand monthly settlement indicators; [219](#), [222](#), [223](#), [224](#), [225](#), [226](#), [227](#), [228](#) and [241](#) - the damage caused to the citizen on the amount by two hundred times exceeding monthly settlement indicator, or the damage caused to the organization or the state on the amount in two thousand times exceeding monthly settlement indicator; [220](#), [229](#), [230](#) - damage on the amount in ten thousand times exceeding monthly settlement indicator; [221](#) - the income which amount exceeds twenty thousand monthly settlement indicators; [231](#) - the cost of banknotes, coins, securities, foreign currency concerning which the counterfeit by five hundred times exceeding monthly settlement indicator is made; [234](#) - the cost of the moved goods exceeding ten thousand monthly settlement indicators; 235 - the amount of not returned means in national and (or) foreign currency exceeding forty five thousand monthly settlement indicators; [236](#) - the cost of unpaid customs duties, customs fees, taxes, the special, anti-dumping, compensatory duties exceeding five thousand monthly settlement indicators; [238](#) (part two) and [239](#) (part three) - the damage caused to the subject of medium business on the amount in twenty thousand times exceeding monthly settlement indicator or to the subject of big business on the amount in forty thousand times exceeding monthly settlement indicator; 244 - the amount of not come payments the budget exceeding twenty thousand monthly settlement indicators; 245 - the amount of not come payments the budget exceeding fifty thousand monthly settlement indicators; [247](#) - the amount received by person or the cost of the services rendered to him exceeding three hundred monthly settlement indicators; [253](#) - the amount of money, cost of securities, other property or benefit of property nature exceeding five hundred monthly settlement indicators; [258](#) - the amount of money, property value, benefits of property nature, the rendered services exceeding one thousand monthly settlement indicators; [274](#) - the damage caused to the citizen on the amount in two thousand times exceeding monthly settlement indicator, or the damage caused to the organization or the state on the amount in ten thousand times exceeding monthly settlement indicator; [292](#) - the damage caused to the physical person on the amount in one thousand times exceeding monthly settlement indicator, or the damage caused to the organization or the state on the amount in two thousand times exceeding monthly settlement indicator; [307](#) - the income which amount exceeds one thousand monthly settlement indicators; [323](#) - the cost of medicines and medical products concerning which the falsification exceeding one thousand monthly settlement indicators is made; [324](#), [325](#), [326](#), [328](#), [329](#), [330](#), [332](#), [333](#), [334](#), [335](#), [337](#), [338](#), [340](#), [341](#) and [343](#) - value term of the costs necessary for recovery of the environment and consumer properties of natural resources, in the amount of, exceeding one thousand monthly settlement indicators; [344](#) - the extent of damage exceeding two thousand monthly settlement indicators; [350](#), [354](#), [355](#) and [356](#) - the damage caused to the citizen in the amount of, by two hundred times exceeding monthly settlement indicator, or the damage caused to the organization or the state in the amount of, in one thousand times exceeding monthly settlement indicator; [365](#) - the damage caused to the citizen on the amount by two hundred times exceeding monthly settlement indicator, or the damage caused to the organization or the state on the amount in two thousand times exceeding monthly settlement indicator; [366](#) and [367](#) - amount of money, cost of securities, other property or benefit of property nature over three thousand and to ten thousand monthly settlement indicators; [399](#) - the cost of special technical means exceeding five thousand monthly settlement indicators; in other Articles - the extent of damage on the amount in one thousand times exceeding monthly settlement indicator;

39) extremist crimes - the acts provided [by Articles 174, of 179, of 180, of 181, of 182, of 184, of 258, of 259, of 260, of 267, 404](#) (parts two and third) and [the 405th](#) of this Code;

- 40) extremist group - the organized group pursuing the aim of making of one or several extremist crimes;
- 41) the electronic medium - the material carrier intended for storage of information electronically, and also record or its reproduction by means of technical means;
- 42) crimes against sexual integrity of minors - the acts provided [by Articles 120](#) (rape), [121](#) (violent acts of sexual nature), [122](#) (sexual connection or other actions of sexual nature with person which did not reach 16-year age), [123](#) (compulsion to sexual connection, sodomy, lesbianism or other actions of sexual nature), [124](#) (depravity of juveniles) of this Code, made concerning juveniles and minors.

Article 4. Basis of criminal liability

The single basis of criminal liability is making of criminal offense, that is the act containing all signs of actus reus or criminal offense, provided by this Code. Nobody can be subjected to repeatedly criminal liability for the same criminal offense. Application of the penal statute by analogy is not allowed.

Article 5. Action of the penal statute in time

Crime and punishability of act are determined by the law existing during making of this act. Time of making of criminal offense time of implementation of socially dangerous action (failure to act) irrespective of time of approach of effects is recognized.

Article 6. Retroactive effect of the penal statute

1. The law eliminating crime or punishability of act, commuting responsibility or penalty, or otherwise improving condition of the person which made criminal offense has retroactive force, that is extends on the persons which made the corresponding act before introduction of such law in action including on the persons serving sentence or which served sentence, but having criminal record.

2. If the new penal statute mitigates punishability of act for which person serves sentence, then the imposed penalty is subject to reducing within the sanction of again published penal statute.

3. The law establishing crime or punishability of act, strengthening responsibility or punishment, or otherwise worsening situation of person who made this act has no retroactive force.

Article 7. Action of the penal statute concerning persons who made criminal offense in the territory of the Republic of Kazakhstan

1. Person who made criminal offense in the territory of the Republic of Kazakhstan is subject to responsibility under this Code.

2. The criminal offense made in the territory of the Republic of Kazakhstan act which is begun is recognized or continued or was ended in the territory of the Republic of Kazakhstan. Action of this Code extends also to the criminal offenses made on the continental shelf and in exclusive economic zone of the Republic of Kazakhstan.

3. Person who made criminal offense on the vessel attributed to the port of the Republic of Kazakhstan and which is in open water or airspace outside the Republic of Kazakhstan is subject to criminal liability under this Code if other is not provided by the international treaty of the Republic of Kazakhstan. Under this Code criminal liability is born also by person who made criminal offense on the warship or the military aircraft of the Republic of Kazakhstan irrespective of the place of its stay.

4. The question of criminal liability of diplomatic representatives of foreign states and other citizens who use immunity in case of making by these persons of criminal offense in the territory of the Republic of Kazakhstan is allowed according to rules of international law.

Article 8. Action of the penal statute concerning persons who made criminal offense outside the Republic of Kazakhstan

1. The citizens of the Republic of Kazakhstan who made criminal offense outside the Republic of Kazakhstan are subject to criminal liability under this Code if the act made by them acknowledged penal in the state in the territory of which it was made and if these persons were not condemned in other state. In case of condemnation of specified persons punishment cannot exceed upper limit of the sanction provided by the law of that state in the territory of which the criminal offense was made. On the same bases the foreigners and stateless persons which are

in the territory of the Republic of Kazakhstan in cases when they cannot be issued to foreign state for criminal prosecution or serving sentence according to the international treaty of the Republic of Kazakhstan bear responsibility.

Provisions of this Code are applied irrespective of the place of crime execution to citizens of the Republic of Kazakhstan, persons without citizenship who are constantly living in the territory of the Republic of Kazakhstan in cases of making of terrorist or extremist crime or crime against the world and safety of mankind or for causing other severe harm to the vital interests of the Republic of Kazakhstan if other is not established by the international treaty of the Republic of Kazakhstan.

2. The criminal record and other criminal consequence in law of committing by person of penal act in the territory of other state have no criminal and legal value for the solution of question of criminal liability of this person for the criminal offense made in the territory of the Republic of Kazakhstan if other is not provided by the international treaty of the Republic of Kazakhstan or if the penal act made in the territory of other state did not infringe on national interests of the Republic of Kazakhstan.

3. The military personnel of the military units of the Republic of Kazakhstan which are deployed beyond its limits bears criminal liability under this Code for the criminal offenses made in the territory of foreign state if other is not provided by the international treaty of the Republic of Kazakhstan.

4. Foreigners, and also the persons without citizenship who are constantly not living in the territory of the Republic of Kazakhstan, committed crime outside the Republic of Kazakhstan are subject to criminal liability under this Code in cases if this act is directed against interests of the Republic of Kazakhstan, and in the cases provided by the international treaty of the Republic of Kazakhstan if they were not condemned in other state and are brought to trial in the territory of the Republic of Kazakhstan.

Article 9. Issue of persons who made criminal offense

1. The citizens of the Republic of Kazakhstan who made criminal offense in the territory of other state are not subject to issue if other is not established by the international treaty of the Republic of Kazakhstan.

2. The foreigners and persons without citizenship who committed crime outside the Republic of Kazakhstan and being in the territory of the Republic of Kazakhstan can be issued to foreign state for criminal prosecution or serving sentence according to the international treaty of the Republic of Kazakhstan.

3. Nobody can be issued to foreign state if there are serious reasons to believe that in this state application of tortures, violence, other cruel or degrading human dignity address or punishment, and also in case of threat of application of capital punishment can threaten it if other is not provided by international treaties of the Republic of Kazakhstan.

Section 2. Criminal offenses

Article 10. Concepts of crime and criminal offense

1. Criminal offenses depending on degree of public danger and punishability are subdivided into crimes and criminal offenses.

2. Crime is recognized committed socially dangerous act (action or failure to act) prohibited by this Code under the threat of mulctary punishment, corrective works, attraction to social jobs, restriction of freedom, imprisonment or capital punishment is guilty.

3. Criminal offense is recognized committed the act (action or failure to act) which is not constituting big public danger, did insignificant harm or created threat of damnification of the personality, the organization, to society or the state for which making mulctary punishment, corrective works, attraction to social jobs, arrest, expulsion out of limits of the Republic of Kazakhstan of the foreigner or the stateless person is prescribed is guilty.

4. Action or failure to act though it is formal and containing signs of any act provided by the Special [part](#) of this Code, but owing to insignificance not constituting public danger is not criminal offense.

Article 11. Categories of crimes

1. Crimes depending on nature and degree of public danger are subdivided into crimes of small weight, crime of average weight, serious crimes and especially serious crimes.

2. Crimes of small weight intentional acts for which making the maximum punishment prescribed by this Code does not exceed two years of imprisonment, and also careless acts for which making the maximum punishment prescribed by this Code does not exceed five years of imprisonment are recognized.

3. Crimes of average weight intentional acts for which making the maximum punishment prescribed by this Code does not exceed five years of imprisonment, and also careless acts for which making custodial sanction for the term of over five years is prescribed are recognized.

4. Serious crimes intentional acts for which making the maximum punishment prescribed by this Code does not exceed twelve years of imprisonment are recognized.

5. Especially serious crimes intentional acts for which making this Code prescribes custodial sanction for the term of over twelve years, lifelong imprisonment or capital punishment are recognized.

Article 12. Not momentariness of criminal offenses

1. Not momentariness of criminal offenses making of two or more acts provided by the same Article or part of Article of the Special part of this Code is recognized. The crime and criminal offense do not form among themselves not momentariness.

2. The criminal offense is not recognized committed repeatedly if person was condemned or exempted for earlier made criminal offense from criminal liability on the bases, the established law.

3. The continued criminal offense, that is the criminal offense consisting of number of identical illegal acts which are covered by single intention and the purpose is not recognized numerous and form in general one criminal offense.

4. In cases when not momentariness of crimes is provided by this Code as the circumstance involving more stiff punishment, the committed by person crimes are qualified by the corresponding part of Article of the Special part of this Code prescribing punishment for not momentariness of crimes.

5. In cases when not momentariness of criminal offenses is provided by this Code as the circumstance involving more stiff punishment, the committed by person criminal offenses are qualified by the corresponding part of Article [of the Special part](#) of this Code prescribing punishment for not momentariness of criminal offenses.

Article 13. Set of criminal offenses

1. Set of criminal offenses making of two or more acts provided by different Articles or parts of Article of this Code of which person was not condemned for one or of was not exempted from criminal liability on the bases, the established law is recognized. In case of set of criminal offenses person bears criminal liability for each committed act under the relevant article or part of Article of this Code if signs of these acts are not covered by regulation of one Article or part of Article of this Code prescribing more stiff punishment.

2. Set of criminal offenses also one action (failure to act) containing signs of the criminal offenses provided by two or more Articles of this Code is recognized. In case of such set person bears criminal liability for each committed act under the relevant articles of this Code if signs of one act are not covered by regulation of Article of this Code prescribing more stiff punishment for other act.

3. If the same act falls under signs of general and special regulations of the relevant articles of this Code, set of criminal offenses is absent and criminal liability comes under Article of the Special part of this Code containing special regulation.

Article 14. Recurrence of crimes, dangerous recurrence of crimes

1. Recurrence of crimes is recognized as committing of serious crime by person if earlier this person was condemned to imprisonment for making of serious crime.

2. Dangerous recurrence of crimes committing by person is recognized:

1) serious crime if earlier this person was twice condemned to imprisonment for making of serious crime or it was condemned for especially serious crime;

2) especially serious crime if earlier it was condemned to imprisonment for heavy or especially serious crime.

3. Criminal records for the crimes which are committed by person aged up to eighteen years, and also the criminal records removed or extinguished according to the procedure, established by this Code, are not considered in case of recognition of recurrence of crimes and dangerous recurrence of crimes.

4. The recurrence of crimes and dangerous recurrence of crimes attract more stiff punishment on the basis and in the limits provided by this Code.

Article 15. Persons which are subject to criminal liability

1. The responsible physical person which reached by the time of making of criminal offense of sixteen-year age is subject to criminal liability.

2. Persons which reached by the time of crime execution of fourteen-year age are subject to criminal liability for murder ([Article 99](#)), intentional causing severe harm to health ([Article 106](#)), intentional causing average weight of harm to health in case of aggravating circumstances ([Article part two 107](#)), rape ([Article 120](#)), violent acts of sexual nature ([Article 121](#)), kidnapping ([Article 125](#)), attack on persons or the organizations using international protection ([Article 173](#)), excitement of social, national, patrimonial, racial, class or religious discord ([Article 174](#)), infringement of life of the First President of the Republic of Kazakhstan - Elbasa ([Article 177](#)), infringement of life of the President of the Republic of Kazakhstan ([Article 178](#)), diversion ([Article 184](#)), theft ([parts two, the third and fourth Articles 188](#)), robbery ([parts two, the third and fourth Articles 191](#)), robbery ([Article 192](#)), racketing ([parts two, the third and fourth Articles 194](#)), illegal occupancy by the car or other vehicle without the plunder purpose in case of aggravating circumstances ([part two, the third and fourth Articles 200](#)), intentional destruction or damage of alien property in case of aggravating circumstances ([part two and third Articles 202](#)), the act of terrorism ([Article 255](#)), promotion of terrorism or public calls for making of the act of terrorism ([Article 256](#)), creation, management of terrorist group and participation in its activities ([part one and the second Articles 257](#)), financing of terrorist or extremist activities and other complicity to terrorism or extremism ([Article 258](#)), taking of the hostage ([Article 261](#)), attack on buildings, constructions, intermedia and bonds or their capture ([Article 269](#)), obviously untrue report on the act of terrorism ([Article 273](#)), plunder or racketing of weapon, ammunition, explosives and destructive devices ([Article 291](#)), hooliganism in case of aggravating circumstances ([part two and third Articles 293](#)), vandalism ([Article 294](#)), plunder or racketing of drugs, psychotropic substances, their analogs ([Article 298](#)), violation of bodies of the dead and places of their burial in case of aggravating circumstances ([Article part two 314](#)) and intentional reduction in worthlessness of vehicles or means of communication ([Article 350](#)).

3. If the minor reached the age provided by parts one or the second this Article, but owing to lagging in the mental development which is not connected with mental disturbance during making of criminal offense could not realize fully the actual nature and public danger of the actions (failure to act) or direct them, it is not subject to criminal liability.

4. Persons who made criminal offenses are equal before the law irrespective of origin, social, official and property status, floor, race, nationality, language, the relation to religion, beliefs, belonging to public associations, the residence or any other circumstances.

Article 16. Diminished responsibility

1. Person who during making of socially dangerous act provided by this Code was in diminished responsibility condition is not subject to criminal liability, that is could not realize the actual nature and public danger of the actions (failure to act) or direct them owing to chronic mental disease, temporary mental disturbance, weak-mindedness or other disease state of mentality.

2. The enforcement powers of medical nature provided by this Code can be applied to person recognized deranged by court.

Article 17. Criminal liability of persons with the mental disturbance which is not excluding sanity

1. The responsible person who during making of criminal offense owing to mental disturbance could not realize fully the actual nature and public danger of the actions (failure to act) or direct them, is subject to criminal liability.

2. The mental disturbance which is not excluding sanity is considered by court in case of assignment of punishment as attenuating circumstance and can form the basis for purpose of the enforcement powers of medical nature provided by this Code.

Article 18. Criminal liability of persons who made criminal offense in state of intoxication

Person who made criminal offense in the state of intoxication caused by alcohol intake, drugs, the psychotropic or other stupefying substances is not exempted from criminal liability.

Article 19. Wine

1. Person is subject to criminal liability only for those socially dangerous acts (actions or failure to act) and the come socially dangerous effects concerning which his guilt is ascertained.
2. Objective imputation, that is criminal liability for innocent damnification, is not allowed.
3. Of criminal offense it is found only guilty person who made act is intentional or on imprudence.
4. The act made on imprudence is recognized criminal offense only that case when it is specially provided by the relevant article [of the Special part](#) of this Code.

Article 20. The criminal offense made intentionally

1. The criminal offense made intentionally the act made with direct or indirect intent is recognized.
2. The criminal offense is recognized committed with direct intention if person realized public danger of the actions (failure to act), expected opportunity or inevitability of socially dangerous effects and wished their approach.
3. The criminal offense is recognized committed with indirect intent if person realized public danger of the actions (failure to act), expected possibility of approach of socially dangerous effects, did not wish, but consciously allowed approach of these effects or was indifferent to them.

Article 21. The criminal offense made on imprudence

1. The criminal offense made on imprudence the act made on self-confidence or negligence is recognized.
2. The criminal offense is recognized committed on self-confidence if person expected possibility of approach of socially dangerous effects of the actions (failure to act), but without the bases, sufficient to that, thoughtlessly expected prevention of these effects.
3. The criminal offense is recognized committed due to negligence if person did not expect possibility of approach of socially dangerous effects of the actions (failure to act) though it in case of due attentiveness and foresight shall and could expect these effects.

Article 22. Responsibility for the criminal offenses made with two forms of fault

If as a result of making of intentional criminal offense heavy effects which under the law attract more stiff punishment and which were not covered by intention of person are caused, criminal liability for such effects comes only in cases if person expected possibility of their approach, but without the bases, sufficient to that, self-confidently expected their prevention or if person did not expect, but shall and could expect possibility of approach of these effects. In general such criminal offense is recognized committed intentionally.

Article 23. Innocent damnification

1. Act is recognized committed is innocent if actions (failure to act) and the come socially dangerous effects were not covered by intention of person which made it, and criminal liability for making of such act and causing socially dangerous effects on imprudence is not provided by this Code.
2. Act is recognized committed is innocent if person which made it did not realize and based on the circumstances of a matter could not realize public danger of the actions (failure to act) or did not expect possibility of approach of socially dangerous effects and based on the circumstances of a matter shall not or could not expect them. Act is recognized also committed is innocent if person expecting approach of socially dangerous effects in case of its making expected their prevention with the bases, sufficient on that, or could not prevent these effects owing to discrepancy of the psychophysiological qualities to requirements of extreme conditions or to psychological overloads.

Article 24. Preparation for crime and attempted crime

1. Preparation for crime the finding made with direct intention, production or adaptation of means or crime instruments, finding of assisting offenders, collusion on crime execution or other intentional creation of conditions for crime execution are recognized if at the same time the crime was not finished on the circumstances which are not depending on will of person.

2. Criminal liability comes for preparation for heavy or especially serious crime, and also for preparation for terrorist crime.

3. Attempted crime the actions (failure to act) made with direct intention, directly directed to crime execution are recognized if at the same time the crime was not finished on the circumstances which are not depending from the face.

4. Criminal liability comes for attempted crime of average weight, heavy or especially serious crime, and also for attempt at terrorist crime.

5. Criminal liability for preparation for crime and attempted crime comes under the same Article of this Code, as for completed crime, with reference to the corresponding part of this Article.

Article 25. The ended criminal offense

The criminal offense is recognized ended if the committed by person act contains all signs of structure of the offense provided [by the Special part](#) of this Code.

Article 26. Voluntary refusal of criminal offense

1. Voluntary refusal of criminal offense the termination-faced preparatory actions or cancellation (failure to act) which is directly directed to making of this act is recognized if person understood possibility of finishing it up to the end. Person is not subject to criminal liability for criminal offense if it voluntarily and finally refused finishing this act up to the end.

2. Person who voluntarily refused finishing criminal offense up to the end is subject to criminal liability only if the act which is actually made by it contains structure of other criminal offense.

3. The organizer and the instigator of criminal offense are not subject to criminal liability if these persons the message to state bodies or other taken measures prevented finishing this offense by the contractor up to the end. The helper is not subject to criminal liability if before the termination by the contractor of criminal offense refuses to it in advance promised assistance or will eliminate results of already given help.

4. If the actions of the organizer or the instigator specified in part three of this Article did not lead to prevention of criminal offense, then the measures taken by them can be acknowledged as court attenuating circumstances in case of assignment of punishment.

Article 27. Concept of partnership in criminal offense

Partnership in criminal offense intentional joint participation of two or more persons in making of intentional criminal offense is recognized.

Article 28. Types of accomplices of criminal offense

1. Accomplices of criminal offense along with the contractor the organizer, the instigator and the helper are recognized.

2. The contractor the person who directly made criminal offense or directly participating in its making together with other persons (collaborators), and also person who made criminal offense by means of use of other persons which are not subject to criminal liability owing to the age, diminished responsibility or other circumstances provided by this Code is recognized, and it is equal by means of use of persons who made act on imprudence.

3. The organizer the person who organized making of criminal offense or directing its execution is recognized, and the person who created criminal group or directing it is equal.

4. The instigator person which inclined other person to making of criminal offense by arrangement, bribery, threat or in a different way is recognized.

5. The helper person promoting making of criminal offense by councils, instructions, provision of information, tools or means of making of this act or removal of obstacles to its making, and also person who was in advance promising to hide the contractor, tools or other means of making of criminal offense, traces of this act or objects got in the illegal way is recognized, and person which was in advance promising to acquire or sell such objects is equal.

Article 29. Responsibility of accomplices of criminal offense

1. Criminal liability of accomplices is determined by nature and extent of participation of each of them in making of criminal offense.

2. Collaborators answer under the same Article of this Code for jointly the criminal offense made by them without reference to [article 28](#) of this Code.

3. Responsibility of the organizer, instigator and helper comes under Article prescribing punishment for committed act with reference to article 28 of this Code, except as specified, when they at the same time were collaborators.

4. In case of not finishing by the principal offender up to the end on the circumstances which are not depending on it other accomplices bear responsibility for partnership in preparation for crime or in attempted crime. Also person who on the circumstances which are not depending on it did not manage to incline other persons to making of this act bears criminal liability for preparation for crime.

5. The person which is not the subject of criminal offense which is specially specified in the relevant article [of the Special part](#) of this Code, participating in making of the act provided by this Article bears criminal liability for this criminal offense as his organizer, the instigator or the helper.

Article 30. Excess of the accomplice of criminal offense

Excess of the accomplice committing by person of the criminal offense which is not covered intention of other accomplices is recognized. For excess other accomplices of criminal liability are not subject.

Article 31. Criminal liability for the criminal offenses made by group

1. The criminal offense is recognized made by group of persons if two or more contractors without previous concert jointly participated in its making.

2. The criminal offense is recognized made by group of persons by previous concert if persons who in advance agreed about joint making of criminal offense participated in it.

3. The crime is recognized made by criminal group if it is made by organized group, the criminal organization, criminal society, transnational organized group, the transnational criminal organization, transnational criminal society, terrorist group, extremist group, gang or illegal paramilitary force.

4. The person who created criminal group or directing it is subject to criminal liability for the organization of criminal group and management of it in the cases provided by the relevant articles of the Special part of this Code and also for all crimes committed by criminal group if they were covered by its intention.

5. Other participants of criminal group bear criminal liability for participation in it in the cases provided by the relevant articles [of the Special part](#) of this Code and also for crimes, in preparation or making of which they participated.

Article 32. Justifiable defense

1. Justifiable defense lawful protection of the personality is recognized and it is right defending and other persons and also protected by the law of interests of society and state from socially dangerous encroachment including by damnification to the encroaching person.

All persons irrespective of their professional or other special training and official position have the right to justifiable defense equally. This right belongs to person irrespective of opportunity to avoid socially dangerous encroachment or to ask for the help other persons or state bodies.

2. Damnification to the encroaching person in condition of justifiable defense is not criminal offense, that is in case of protection of the personality, the dwelling, property, the parcel of land and other rights of defending or other persons protected by the law of interests of society or state from socially dangerous encroachment by causing encroaching harm if at the same time exceeding of limits of justifiable defense was not allowed.

3. Exceeding of limits of justifiable defense explicit discrepancy of protection to nature and degree of public danger of encroachment therefore encroaching obviously excessive, not caused by situation harm is caused is recognized. Such exceeding involves criminal liability only in cases of intentional damnification.

Damnification to person encroaching on human life is not exceeding of limits of justifiable defense, or in case of reflection of other encroachment integrated to armed attack or violence, life-threatening defending or other

persons, or with direct threat of such violence, or with forcible entry to the dwelling, the room and also if defending owing to suddenness of encroachment could not estimate objectively degree and nature of danger of attack.

Article 33. Damnification during detention of person who made encroachment

1. Damnification to person who made penal act is not criminal offense during his detention for delivery to state bodies and suppression of possibility of making of new encroachments by it if other means to detain such person did not represent possible and at the same time exceeding necessary for this purpose was not allowed died.

2. Exceeding of the measures necessary for detention of person who made encroachment their explicit discrepancy to nature and degree of public danger made by the detained person of offense and to circumstances of detention when obviously excessive, not caused by situation harm is needlessly caused to person is recognized. Such exceeding involves criminal liability only in cases of intentional damnification.

3. Possessory lien of person who made encroachment along with persons which are specially authorized on that also the victims and other citizens have.

Article 34. Emergency

1. Damnification to the interests protected by this Code in emergency condition, that is for elimination of danger, directly life-threatening is not criminal offense, to health, the rights and legitimate interests of this person or other persons, to interests of society or state if this danger could not be eliminated with other means and at the same time are not allowed excesses of limits of emergency.

2. Exceeding of limits of emergency damnification, obviously not corresponding to nature and degree to the threatening danger and situation in which danger was eliminated when the harm equal or more considerable was done to the right protected interests, than prevented is recognized. Such exceeding involves responsibility only in cases of intentional damnification.

Article 35. Implementation of operational search, counterprospecting actions or secret investigative actions

1. The act made in case of accomplishment according to the law of the Republic of Kazakhstan of operational search, counterprospecting actions or secret investigative actions by the employee of authorized state body or at the request of such body the other person cooperating with this body which did harm to the interests protected by this Code is not criminal offense if this act is made for the purpose of prevention, identification, disclosure or investigation of the criminal offenses made by group of persons, group of persons by previous concert, criminal group, preventions, opening and suppression of prospecting and (or) blasting shares and also if the damage suffered to the right protected interests is less considerable, than the harm done by the specified criminal offenses and if their prevention, disclosure or investigation, and exposure of criminal offenses of persons, guilty of making, is equal could not be performed by different way.

2. Provisions of part one of this Article do not extend to persons who made the acts integrated to threat of life or to health of the person, environmental disaster, public disaster or other heavy effects.

Article 36. Reasonable risk

1. Damnification to the interests protected by this Code is not criminal offense in case of reasonable risk for achievement of the socially useful purpose.

2. The risk is recognized reasonable if the specified objectives could not be achieved by the actions (failure to act) which are not connected with risk and person which allowed risk took sufficient measures for prevention of harm to the interests protected by this Code.

3. The risk is not recognized reasonable if it was obviously integrated to threat of life or to human health, environmental disaster, public disaster or other heavy effects.

Article 37. Physical or mental compulsion

1. Damnification to the interests protected by this Code as a result of physical or mental compulsion is not criminal offense if owing to such coercion person could not direct the actions (failure to act).

2. The question of criminal liability for damnification to the interests protected by this Code as a result of physical or mental compulsion owing to which person kept opportunity to direct the actions is solved taking into account [Article](#) provisions [34](#) of this Code.

Article 38. Execution of the order or order

1. Damnification to the interests protected by this Code by person acting in pursuance of orders or the order, obligatory for it, is not criminal offense. Criminal liability for causing such harm is born by person who made the illegal order or the order.

2. Person who made intentional criminal offense in pursuance of obviously illegal order or the order bears criminal liability in accordance with general practice. Non-execution of obviously illegal order or order excludes criminal liability.

Section 3. Punishment

Article 39. Concept and purposes of punishment

1. Punishment is the measure of the state coercion appointed according to the court verdict. Punishment is applied to person found guilty of making of criminal offense and consists in the deprivation provided by this Code or restriction of the rights and freedoms of this person.

2. Punishment is applied for the purpose of recovery of social justice, and also correction of the convict and the prevention of making of new criminal offenses both the convict, and other persons. Punishment does not aim at causing physical sufferings or humiliation of human dignity.

Article 40. Types of punishments

1. The following primary punishments can be applied to person found guilty of making of criminal offense:

- 1) penalty;
- 2) corrective works;
- 3) attraction to social jobs;
- 4) arrest;
- 5) expulsion out of limits of the Republic of Kazakhstan the foreigner or the stateless person.

2. The following primary punishments can be applied to person found guilty of crime execution:

- 1) penalty;
- 2) corrective works;
- 2-1) attraction to social jobs;
- 3) restriction of freedom;
- 4) imprisonment;
- 5) capital punishment.

3. The following additional punishments can be applied to person found guilty of making of criminal offense along with primary punishment:

- 1) confiscation of property;
- 2) deprivation of special, military or honorary title, class rank, diplomatic rank, qualification class and state awards;
- 3) deprivation of the right to hold certain position or to be engaged in certain activities;
- 3-1) deprivation of nationality of the Republic of Kazakhstan;
- 4) expulsion out of limits of the Republic of Kazakhstan the foreigner or the stateless person.

Article 41. Penalty

1. The penalty is the cash collection appointed in the limits provided by this Code, in the amount of, corresponding to certain quantity of the monthly settlement indicators established by the legislation of the Republic of Kazakhstan and operating at the time of making of criminal offense, or in the amount of, multiple to the amount or cost of bribe, the amount of the transferred money or cost of the transferred property, the cost of stolen property, the amount of the gained income or the amount of not come payments the budget.

2. For criminal offenses the penalty is established ranging from twenty to two hundred monthly settlement indicators, for crimes - ranging from two hundred to ten thousand monthly settlement indicators or in multiple size.

3. In case of infliction of penalty the court determines its size and payment due date taking into account weight of criminal offense, property and marital status of the convict, possibility of receipt by it of the salary or other income.

4. The payment due date of penalty is estimated from the moment of the introduction of sentence in legal force and according to the court verdict cannot exceed three years.

5. In case of temporary deterioration in property status of the convict in connection with delay or nonpayment of the salary, temporary disability, loss of work or the income the court can grant delay for a period of one month up to one year. Time of delay does not enter calculation of payment due date of the penalty established by the court verdict.

6. In case of failure to pay penalty at the scheduled time the sentence (resolution) of court is subject to forced execution. Unpaid part of penalty is replaced:

1) condemned for criminal offense - attraction to social jobs at the rate of one hour of social jobs for one unpaid monthly settlement indicator or arrest at the rate of one days of arrest for four unpaid monthly settlement indicators;

2) condemned for crime of small or average weight - restriction of freedom or imprisonment at the rate of one day of restriction of freedom or imprisonment for four unpaid monthly settlement indicators;

3) condemned for serious crime - imprisonment at the rate of one day of imprisonment for four unpaid monthly settlement indicators;

4) the convict to multiple penalty - imprisonment within the sanction of the relevant article of the Special part of this Code taking into account the paid and collected part of penalty.

7. In case of purpose of milder pinishment, than it is provided for this criminal offense, assignment of punishment for unfinished crime, and also when replacing punishment the size of penalty can be below the lowest limit set by this Article.

Article 42. Corrective works

1. Corrective works are the cash collection appointed in the limits provided by this Code, in the amount of, corresponding to certain quantity of the monthly settlement indicators established by the legislation of the Republic of Kazakhstan and operating at the time of making of criminal offense.

2. Corrective works are performed by monthly deduction and transfer in Fund of compensation by the victim from ten to fifty percent of the salary (monetary pay) of the convict less the means which are subject to periodical payment (collection) on account of the alimony, the indemnification caused by mutilation or other damage of health, and also the death of the supporter.

3. For criminal offenses corrective works are established ranging from twenty to two hundred monthly settlement indicators, for crimes - ranging from two hundred to ten thousand monthly settlement indicators.

4. In case of purpose of corrective works the court determines their size taking into account weight of criminal offense, property and marital status of the convict.

5. In case of disability the convict can be exempted from execution of the rest of punishment or unexecuted part is replaced with penalty. In case of other circumstances interfering execution of corrective works they are replaced:

1) condemned for criminal offense - attraction to social jobs or arrest at the rate of one hour of social jobs for one outstanding monthly settlement indicator, one days of arrest for four outstanding monthly settlement indicators;

2) condemned for crime of small or average weight - restriction of freedom or imprisonment at the rate of one day of restriction of freedom or imprisonment for four outstanding monthly settlement indicators;

3) condemned for serious crime - imprisonment at the rate of one day of imprisonment for four outstanding monthly settlement indicators.

6. In case of purpose of milder punishment, than it is provided for this criminal offense, assignment of punishment for unfinished crime, and also when replacing punishment the size of corrective works can be below the lowest limit set by this Article.

7. Corrective works are not appointed to the persons recognized disabled or which do not have permanent job or the student in educational institutions with separation from production.

Article 43. Attraction to social jobs

1. Social jobs consist in accomplishment by the convict of the free socially useful works which are not requiring certain qualification organized by local executive bodies in public places.

2. Social jobs are established for criminal offenses for a period of twenty till two hundred o'clock, for crimes of small and average weight - for a period of two hundred till one thousand two hundred o'clock. Social jobs are left not over four hours a day with release of the convict for the period of their serving from accomplishment of labor obligations in the place of the main work or for non-study time.

2-1. In case of evasion from social jobs they are replaced:

1) condemned for criminal offense - arrest at the rate of one days of arrest in four unfinished hours of social jobs;

2) condemned for crime - restriction of freedom or imprisonment at the rate of one day of restriction of freedom or imprisonment in four unfinished hours of social jobs.

2-2. In case of purpose of milder punishment, than it is provided for this criminal offense, assignment of punishment for unfinished crime, and also when replacing punishment the term of social jobs can be below the lowest limit set by this Article.

3. Attraction to social jobs is not appointed to the expectant mothers, women having juvenile children under three years, to the men raising alone juvenile children under three years, to women at the age of fifty eight and over years, to men at the age of sixty three and over years, to disabled people of the first or second group, the military personnel.

Article 44. Restriction of freedom

1. Restriction of freedom consists in establishment of probation of control of the convict for a period of six months up to seven years and attraction it to forced labor for hundred hours annually during all term of serving sentence. Restriction of freedom is left at the place of residence of the convict without isolation from society. Forced labor will be organized by local executive bodies in public places and not over four hours a day are left. The convicts taking permanent place of employment or occupied on study the minor, expectant mothers, women having juvenile children under three years, the men raising alone juvenile children under three years, women at the age of fifty eight and over years, the man at the age of sixty three and over years, disabled people of the first or second group, and also convicts with which punishment is replaced with restriction of freedom less than six months are not involved in forced labor.

2. Probation control is exercised by authorized state body and by a court decision includes execution by the convict of obligations: not change the permanent residence, work, study without notice of the authorized state body exercising control of behavior of the convict; not visit certain places; receive medical treatment for alcoholism, drug addiction, toxicomania, diseases, sexually transmitted; perform material support of family; other obligations which promote correction of the convict and the prevention of making of new criminal offenses by it.

3. In case of malicious evasion from serving of restriction of freedom its unexpired term is replaced with imprisonment at the rate of one day of imprisonment in one day of restriction of freedom.

4. In case of purpose of milder punishment, than it is provided for this criminal offense, assignment of punishment for unfinished crime, and also when replacing punishment term of restriction of freedom can be below the lowest limit, set by this Article.

Article 45. Arrest

1. Arrest consists in content of the imposed penalty condemned in the conditions of strict isolation from society for all term.

2. Arrest is established for a period of ten up to fifty days. The term of detention joins arrest in time.

3. Arrest is not appointed to the minor, expectant mothers, women having juvenile children, to the men raising alone juvenile children, to women at the age of fifty eight and over years, to men at the age of sixty three and over years, to disabled people of the first or second group.

4. Arrest is left by the military personnel on guardroom.

5. When replacing punishment the term of arrest can be below the lowest limit set by this Article.

Article 46. Imprisonment

1. Imprisonment consists in isolation of the convict from society by the direction it in organization of criminal executive system.

2. Persons condemned to imprisonment which at the time of adjudgement did not perform eighteen years are located in organizations of criminal executive system of average safety for content of minors.

3. Imprisonment for making of the crimes provided by this Code is established for a period of six months up to fifteen years, and for especially serious crimes - up to twenty years or for life. For crimes on imprudence term of deprivation of freedom cannot exceed ten years. In case of replacement of penalty, corrective works, attraction to social jobs or restriction of freedom with imprisonment it can be appointed to term less than six months. In case of partial or complete addition of terms of deprivation of freedom in case of assignment of punishment on cumulative offenses and in the cases provided [by Article part five 47](#), [part five of Article 71](#) and [part five of article 77](#) of this Code, the maximum term of deprivation of freedom cannot be more than twenty five years, and on cumulative sentences - more than thirty years.

4. Lifelong imprisonment can be established for making of especially serious crimes and also as alternative of capital punishment. Lifelong imprisonment is not designated to persons who committed crime aged up to eighteen years, to women, men at the age of sixty three and over years. Lifelong imprisonment according to the procedure of pardon can be replaced with imprisonment with certain term.

5. Serving of imprisonment is appointed:

1) in organizations of criminal executive system of the minimum safety: to persons condemned for the crimes committed on imprudence; to persons condemned for the crimes which are not connected using violence, provided by Chapters 7, of 8, of 9, of the 12 and 13 of this Code; to persons condemned for the crimes provided by Chapter 15 of this Code in case of full recovery by them the damage caused by crime; to persons for the first time condemned for making of intentional crime for which penalty to imprisonment for a period of up to two years is imposed;

2) in organizations of criminal executive system of average safety: to the persons condemned to imprisonment for the term of over two years for making of intentional crimes of small, average weight or serious crimes, who were earlier not leaving imprisonment; to the women who committed especially serious crime and also in case of recurrence of crimes; to persons to whom penalty, corrective works, attraction to social jobs, restriction of freedom are replaced with imprisonment;

3) in organizations of criminal executive system of the maximum safety: to men, for the first time convicts to imprisonment for making of especially serious crimes; to the persons condemned to imprisonment, who were earlier leaving imprisonment for making of intentional crime, except for persons condemned for the crimes which are not connected using violence, provided by Chapters 7, of 8, of 9, of the 12 and 13 of this Code, and also persons condemned for the crimes provided by Chapter 15 of this Code in case of full recovery by them the damage caused by crime; to the men condemned in case of recurrence of crimes; to women - in case of dangerous recurrence of crimes;

4) in case of dangerous recurrence of crimes, and also to persons condemned to lifelong imprisonment - in organizations of criminal executive system of extreme safety.

In case of cumulative sentences for serving of imprisonment more severe looking of the organization established by one of sentences entering set is determined.

6. To persons condemned to imprisonment for the term of over five years for making of especially serious crimes and also in case of dangerous recurrence of crimes, serving of part of term of punishment, but no more than five years, in organizations of criminal executive system of complete safety can be appointed.

7. Change of type of the organization appointed sentence is made by court according to [Article 96](#) of the Penitentiary code of the Republic of Kazakhstan.

Article 47. Capital punishment

1. Capital punishment - execution as exceptional measure of punishment is established for the terrorist crimes integrated to death of people, and also for especially serious crimes committed in wartime, with provision sentenced the rights to petition for pardon.

2. Capital punishment is not designated to persons who committed crime aged up to eighteen years, to women, men at the age of sixty three and over years.

3. In case of introduction by the President of the Republic of Kazakhstan of the moratorium on execution of capital punishment execution of sentence about capital punishment stops for the period of operation of the moratorium.

4. The sentence about capital punishment is carried out not earlier than after one year from the moment of its entry into force and also not earlier than after one year after cancellation of the moratorium on execution of capital punishment.

5. Capital punishment according to the procedure of pardon can be replaced with lifelong imprisonment or imprisonment with certain term with serving sentence in organization of criminal executive system of extreme safety. Persons sentenced to death in case of cancellation of the moratorium on execution of capital punishment have the right to petition for pardon irrespective of whether they petitioned for it before introduction of the moratorium or not.

Article 48. Confiscation of property

1. Confiscation of property is forced uncompensated taking and the address to property of the state of the property which is in property of the convict got in the criminal way or acquired on the money earned in the criminal way and also the property which is the tool or means of making of criminal offense.

2. Confiscations are subject money and other property:

1) received as a result of making of criminal offense, and any income from this property, except for property and the income from it which are subject to return to the legal owner;

To which 2) the property received as a result of making of criminal offense, and the income from this property were in parts or in full turned or transformed;

3) used or intended for financing or other ensuring extremist or terrorist activities or criminal group;

4) being the tool or means of making of criminal offense;

5) specified in Items 1), the 2), 3) and 4) this part transferred by the convict to the possession of other persons.

3. If confiscation of the certain subject entering the property specified in parts one and the second this Article at the time of adoption by court of the decision on confiscation of this subject is impossible owing to its use, sale or for other reason, the sum of money which corresponds to the cost of this subject by a court decision is subject to confiscation.

4. In the cases provided [by Section 15](#) of the Code of penal procedure of the Republic of Kazakhstan, confiscation of property can be applied by a court decision as criminal law action measure.

5. Confiscations are not subject:

1) the property necessary for the convict or persons who are in its dependence according to the list provided by the criminal and executive legislation;

2) the money and other property legalized according to [the Law](#) of the Republic of Kazakhstan "About amnesty of citizens of the Republic of Kazakhstan, the oralmans and persons having the residence permit in the Republic of Kazakhstan in connection with legalization of property by them" if they are received as a result of making of criminal offense on which the same Law provides release from criminal liability.

Provisions of Item of the second of part five of this Article are not applied to the court resolutions which entered as of September 1, 2014 legal force, and also do not extend to the legalized properties and money which were not subject to legalization.

Article 49. Deprivation of special, military or honorary title, class rank, diplomatic rank, qualification class and state awards

1. In case of condemnation for making of intentional criminal offense taking into account the identity of the guilty person the court can deprive of it special, military, honorary or other title, the class rank, diplomatic rank, qualification class.

2. In case of condemnation for making of intentional criminal offense of person having the state awards of the Republic of Kazakhstan, and equally special, military, honorary or other title, the class rank, diplomatic rank or qualification class appropriated by the President of the Republic of Kazakhstan can bring court in case of adjudgement, and on corruption crimes brings representation to the President of the Republic of Kazakhstan about deprivation of the convict of these awards, ranks, the class rank, diplomatic rank or qualification class.

Article 50. Deprivation of the right to hold certain position or to be engaged in certain activities

1. Deprivation of the right to hold certain position or to be engaged in certain activities consists in prohibition to hold certain positions in public service, in local government bodies, the financial organizations or to be engaged in certain professional or other activity.

2. Deprivation of the right to hold certain position or to be engaged in certain activities is established for a period of one year up to ten years.

For making of crimes in the field of economic activity and against interests of service in the financial organizations made by the leading employee of the financial organization, bank and (or) insurance holding, the large participant (large shareholder) - physical person, the head, the member of governing body, the head, the member of executive body, the chief accountant of the large participant (large shareholder) - the legal entity of the financial organization, provided by Article part two 238, Article part three 239, part two of article 250 of this Code, including persons, it is temporary or on special power performing functions of governing body or executive body of the financial organization, provided by part three of article 239 of this Code, led to causing major damage to the citizen, the legal entity, the financial organization or the state, deprivation of the right to hold certain position is established for a period of five years before establishment of prohibition to hold leading employee position of the financial organization, bank and (or) insurance holding and to be the large member (large shareholder) of the financial organization for life.

For making of the crimes provided [by parts of the 3-1 and fourth Article 120, parts of the 3-1 and fourth Article 121, parts two](#) and [third Article 122, parts two](#) and [third Article 124, parts two, third, fourth](#) and [fifth Article 132, parts two](#) and [third Article 133, Item 2\) of part four of Article 134](#) and [Items 1\) and 2\) of part three of article 312](#) of this Code, deprivation of the right to hold certain positions or to be engaged in certain activities it is appointed surely and consists to hold pedagogical positions and positions in lifelong prohibition, work-related with minors.

3. Deprivation of the right to hold certain positions or be engaged in certain activities can be appointed also in cases when it is not provided by the relevant article [of the Special part](#) of this Code as additional punishment for the corresponding criminal offense if taking into account nature and degree of public danger of committed act and the identity of the guilty person the court recognizes impossible preserving the right behind it to hold certain positions or to be engaged in certain activities.

4. In case of purpose of this punishment as additional to imprisonment, arrest it extends to all the time of serving of primary punishment, but at the same time its term is estimated from the moment of departure of imprisonment, arrest. In case of purpose of deprivation of the right to hold certain positions or to be engaged in certain activities as auxiliary view of punishment to other main types of punishment, and also in case of delay of serving sentence or conditional condemnation its term is estimated from the moment of the introduction of sentence in legal force.

Article 50-1. Deprivation of nationality of the Republic of Kazakhstan

1. Deprivation of nationality of the Republic of Kazakhstan consists in the forced termination of the steady political legal bond by the state with the convict expressing set of their mutual rights and obligations.

2. Deprivation of nationality of the Republic of Kazakhstan is not designated to persons who committed crime aged up to eighteen years.

Article 51. Expulsion out of limits of the Republic of Kazakhstan the foreigner or the stateless person

1. Expulsion out of limits of the Republic of Kazakhstan of the foreigner or the stateless person is performed forcibly with establishment of prohibition on entrance of this person on the territory of the Republic of Kazakhstan for a period of five years.

2. Expulsion out of limits of the Republic of Kazakhstan of the foreigner or the stateless person for crime execution can be appointed as auxiliary view of punishment, and for making of criminal offense - in quality as the main, and auxiliary view of punishment.

In case of appointment of this type of punishment as court as additional it is performed after departure of main type of punishment or release from its further serving on the bases provided by subitems 3), 5), 6) and 7) of part one of Article 161 of the Penitentiary code of the Republic of Kazakhstan, and in cases of application of conditional condemnation - from the moment of the introduction of sentence in legal force.

Section 4. Assignment of punishment

Article 52. General beginnings of assignment of punishment

1. To person found guilty of making of criminal offense just punishment in the limits set by the relevant article of the Special part of this Code and taking into account provisions of the General part of this Code is imposed.

2. To person who made criminal offense the penalty necessary and sufficient for its correction and the prevention of new criminal offenses shall be imposed. More severe looking of punishment from among provided for committed criminal offense is appointed only if its less severe looking will not be able to provide punishment goal achievement. More stiff punishment, than is provided by the relevant articles of the Special part of this Code for committed act, can be appointed on set of criminal offenses or on cumulative sentences according to [Articles 58 and 60](#) of this Code. The bases for purpose of less stiff punishment, than it is provided by the relevant articles of the Special part of this Code for committed act, are determined [by article 55](#) of this Code.

3. In case of assignment of punishment nature and degree of public danger of criminal offense, the identity of the guilty person, including his behavior before making of offense, the circumstances commuting and aggravating responsibility and penalty, and also influence of the imposed penalty on correction of the convict and on living conditions of his family or persons which are in its dependence are considered.

Article 53. The circumstances commuting criminal liability and penalty

1. The circumstances commuting criminal liability and penalty are recognized:

1) making for the first time criminal offense or for the first time crime of small or average weight owing to accidental combination of circumstances;

2) infancy of the guilty person;

3) pregnancy;

4) availability of juvenile children at the guilty person;

5) rendering medical or other care to the victim directly after making of criminal offense irrespective of effects of rendering such help;

6) voluntary compensation of the property damage caused as a result of criminal offense, smoothing down of the moral and other harm done by criminal offense;

7) making of criminal offense owing to confluence of difficult personal, family or other circumstances or for motive of compassion;

8) making of criminal offense as a result of physical or mental compulsion or owing to material, job or other dependency;

9) making of criminal offense in case of violation of conditions of legitimacy of justifiable defense, emergency, detention of person who made offense, reasonable risk, execution of the order or the order when implementing operational search, counterprospeting actions or secret investigative actions;

10) illegality or immorality of the behavior of the victim which was reason for criminal offense;

11) frank repentance, surrender, active contribution to disclosure of criminal offense, exposure of other accomplices of criminal offense and search of the property got as a result of criminal offense.

2. In case of assignment of punishment also the circumstances which are not provided by part one of this Article can be considered as mitigating.

3. If the attenuating circumstance is provided by the relevant article [of the Special part](#) of this Code as sign of criminal offense, it in itself cannot repeatedly be considered in case of assignment of punishment.

Article 54. The circumstances aggravating criminal liability and punishment

1. The circumstances aggravating criminal liability and punishment are recognized:

- 1) not momentariness of criminal offenses, recurrence of crimes, dangerous recurrence of crimes;
- 2) causing by criminal offense of heavy effects;
- 3) making of criminal offense as a part of group of persons, group of persons by previous concert, criminal group;
- 4) especially active role in making of criminal offense;
- 5) attraction to making of criminal offense of persons who obviously for the guilty person suffer from heavy mental disturbance, or persons under the age of, from which there comes criminal liability;
- 6) making of criminal offense for motive of national, racial and religious hatred or hostility, from revenge for lawful actions of other persons, and also with the purpose to hide other criminal offense or to facilitate its making;
- 7) making of criminal offense concerning the woman, obviously for guilty the pregnancy which is in condition, and also concerning the juvenile, other defenseless or helpless person or person which is depending on the guilty person;
- 8) making of criminal offense concerning person or his relatives in connection with accomplishment by this person of the office, professional or social duty;
- 9) making of criminal offense with special cruelty, sadism, mockery, and also tortures for the victim;
- 10) making of criminal offense with use of weapon, ammunition, explosives, the explosive or imitating them devices, specially manufactured technical means, flammable and combustible liquids, toxic and radioactive materials, medicinal and other chemical and pharmacological medicines, and also using physical or mental compulsion or all-dangerous method;
- 11) making of criminal offense in the conditions of emergency state, emergency situation, and also during mass riots;
- 12) making of criminal offense is able alcoholic, drug or inhalant intoxication. Court this circumstance having the right not to recognize criminal offense depending on nature aggravating;
- 13) making of criminal offense by person who violated thereby the oath taken by it or professional oath;
- 14) making of criminal offense with use of the trust put in the guilty person owing to his official position or the agreement;
- 15) making of criminal offense with use of uniform or documents of the public agent;
- 16) making of criminal offense by the employee of law enforcement or special state body, the judge with use of the official position.

2. If the circumstance specified in part one of this Article is provided by the relevant article of the Special part of this Code as sign of criminal offense, it cannot repeatedly be considered as the circumstance aggravating responsibility and punishment.

3. In case of assignment of punishment the court cannot recognize aggravating the circumstances which are not specified in part one of this Article.

Article 55. Purpose of milder punishment, than is provided for this criminal offense

1. If Article or part of Article [of the Special part](#) of this Code under which person is found guilty, provides less strict, than imprisonment, main type of punishment, imprisonment is not appointed in case of condemnation of person for crime execution:

- 1) small or average weight in case person voluntarily indemnified property damage, smoothed down the moral and other harm done by crime;

2) in the field of economic activity, except for provided [by Articles 218, of the 248 and 249](#) of this Code in case person voluntarily indemnified the property damage caused by crime.

2. In the presence of the attenuating circumstance which is not provided in quality of sign of the committed crime and lack of aggravating circumstances the term or the size of main type of punishment cannot exceed when making:

1) crimes of small or average weight - half;

2) serious crime - two thirds;

3) especially serious crime - three quarters of the maximum term or the size provided by the relevant article [of the Special part](#) of this Code.

3. For the accelerated pre-judicial investigation, and also to cases on which all conditions of the procedural agreement are satisfied the term or the size of main type of punishment for committed criminal offense cannot exceed half of the maximum term or size provided by the relevant article of the Special part of this Code. On cases on which the conviction is pronounced according to the procedure of mandative production fine is ordered to pay in the amount of ten to twenty monthly settlement indicators when making criminal offense, from fifty to two hundred monthly settlement indicators - in case of crime execution of small weight.

4. In the presence of the exceptional circumstances connected with the purposes and motives of act, role of the guilty person, his behavior in time or after making of criminal offense, and other circumstances significantly reducing degree of public danger of act, and it is equal with active assistance of the participant of group criminal offense to disclosure of the acts made by group penalty can be imposed below the lowest limit provided by the relevant article of the Special part of this Code, or the court can appoint softer type of punishment, than it is provided by this Article, or not to apply the auxiliary view of punishment provided in quality of obligatory.

5. Both separate attenuating circumstances, and set of such circumstances can be recognized exclusive.

6. In the presence of the circumstances specified in parts two or third this Article, penalty can be imposed below the lowest limit provided by the relevant article of the Special part of this Code.

7. In cases of assignment of punishment for preparation or attempted crime the limits specified in parts two and third this Article are determined taking into account provisions of article 56 of this Code.

Article 56. Assignment of punishment for unfinished crime

1. In case of assignment of punishment for unfinished crime circumstances owing to which the crime was not finished are considered.

2. The term or the amount of punishment for preparation for crime cannot exceed half of the maximum term or the size of main type of the punishment prescribed by the relevant article [of the Special part](#) of this Code for completed crime.

3. The term or the amount of punishment for attempted crime cannot exceed three quarters of the maximum term or the size of main type of the punishment prescribed by the relevant article of the Special part of this Code for completed crime.

4. Capital punishment and lifelong imprisonment for preparation for crime and attempted crime are not appointed.

Article 57. Assignment of punishment for the criminal offense made in partnership

1. In case of assignment of punishment for the criminal offense made in partnership nature and extent of the actual participation of person in its making, value of this participation for goal achievement of criminal offense, its influence on nature and the extent of the done or possible harm are considered.

2. The commuting or aggravating responsibility and penalty of circumstance relating to the identity of one of accomplices are considered in case of assignment of punishment only to this accomplice.

Article 58. Assignment of punishment on set of criminal offenses

1. In case of set of criminal offenses court, having imposed penalty (the main and additional) for each offense separately, final punishment by absorption of less stiff punishment by more strict or by complete or partial addition of the imposed penalties determines.

2. If set of criminal offenses includes only criminal offenses, then final punishment is imposed by absorption of less stiff punishment by more strict or by partial or complete addition of punishments. At the same time the final amount of mulctary punishment cannot exceed four hundred monthly settlement indicators, and the final term of punishment in the form of attraction to social jobs or arrest - four hundred hours or fifty days respectively.

If set of criminal offenses includes only criminal offenses, crimes of small weight and average weight, then finally punishment is imposed by absorption of less stiff punishment by more strict.

3. If set of criminal offenses includes heavy or especially serious crime, then final punishment is imposed by absorption of less stiff punishment by more strict or by partial or complete addition of punishments. At the same time final custodial sanction cannot exceed twenty years.

4. If set of criminal offenses includes at least one especially serious crime for which making this Code prescribes custodial sanction for a period of up to twenty years, then final punishment is appointed by partial or complete addition of punishments. At the same time final custodial sanction cannot exceed twenty five years.

If set of criminal offenses includes at least one especially serious crime for which making this Code prescribes custodial sanction for a period of up to twenty years, and also criminal offense for which making fine is ordered to pay, then final punishment is imposed by absorption of less stiff punishment by more strict.

If for the crime entering set lifelong imprisonment or capital punishment is appointed, then final penalty is imposed in the form of lifelong imprisonment or according to capital punishment.

5. The additional punishments imposed for the offenses forming set can be attached to the primary punishment imposed on set of criminal offenses. Final additional punishment in case of partial or complete addition cannot exceed the maximum term or the size established for this type of punishment [by the General part](#) of this Code.

6. By rules of this Article penalty is imposed if after removal of verdict by court it is determined that the convict is guilty also of other criminal offense made by it before adjudgement on the first case. In this case in the final time of punishment the sentence served according to the first court verdict is set off.

Article 59. Assignment of punishment in case of recurrence of crimes, dangerous recurrence of crimes

In case of assignment of punishment in case of recurrence of crimes or dangerous recurrence of crimes the number, nature and degree of public danger of earlier committed crimes, circumstances owing to which corrective impact of the previous punishment was insufficient, and also nature and degree of public danger of again committed crimes are considered.

Article 60. Assignment of punishment on cumulative sentences

1. If the convict after adjudgement, but before complete departure of punishment made new criminal offense, court fully or partially attaches unexpired part of punishment according to the previous court verdict to the penalty imposed according to the last court verdict.

2. Final punishment on cumulative sentences if it is not connected with imprisonment, cannot exceed the maximum term or the size provided for this type of punishment [by the General part](#) of this Code.

3. Final punishment on cumulative sentences in the form of imprisonment cannot exceed twenty five years. If the cumulative sentences include sentence by which person is found guilty of making at least of one especially serious crime for which making this Code prescribes custodial sanction for a period of up to twenty years, then final punishment on cumulative sentences in the form of imprisonment cannot exceed thirty years. If for the crime entering set lifelong imprisonment or capital punishment is appointed, then final penalty is imposed in the form of lifelong imprisonment or according to capital punishment.

4. Final punishment on cumulative sentences shall be more as the penalty imposed for again made criminal offense and unexpired part of punishment according to the previous court verdict.

5. Accession of additional types of punishments in case of assignment of punishment on cumulative sentences is made by rules of assignment of punishment on set of criminal offenses.

Article 61. Procedure for determination of terms of punishment in case of their addition

1. In case of partial or complete addition of punishments on set of criminal offenses and cumulative sentences:

1) to one day of imprisonment there correspond four monthly settlement indicators of penalty or corrective works, four hours of social jobs, one days of arrest, one day of restriction of freedom;

2) to one day of restriction of freedom there correspond four monthly settlement indicators of penalty or corrective works, four hours of social jobs, one days of arrest;

3) to one days of arrest there correspond four monthly settlement indicators of penalty or corrective works, four hours of social jobs;

4) to one hour of social jobs there corresponds one monthly settlement indicator of penalty or corrective works;

5) to one monthly settlement indicator of corrective works there corresponds one monthly settlement indicator of penalty.

2. Deprivation of special, military or honorary title, the class rank, diplomatic rank, qualification class and the state awards, deprivation of the right to hold certain positions or to be engaged in certain activities, expulsion out of limits of the Republic of Kazakhstan of the foreigner or the stateless person, confiscation of property, and also enforcement powers of medical nature in case of their addition with penalty, corrective works, attraction to social jobs, restriction of freedom, arrest, imprisonment are performed independently.

Article 62. Calculation of terms of punishments and offset of punishment

1. Terms of deprivation of the right to hold certain positions or to be engaged in certain activities, restrictions of freedom, imprisonment are estimated in months and years, arrest - in days, attraction to social jobs - in hours.

2. When replacing punishment or addition of the punishments specified in part one of this Article and also when offsetting punishment terms can be estimated in days.

3. Time of detention to the introduction of sentence in legal force is set off custodial sanctions, arrest, restriction of freedom at the rate of one day in one day, in the form of attraction to social jobs, corrective works, penalty in time - at the rate of one day of detention in four hours of social jobs or four monthly settlement indicators respectively.

4. Content time under house arrest to the introduction of sentence in legal force is set off custodial sanctions, restrictions of freedom, arrest at the rate of two days in one day, in the form of attraction to social jobs, corrective works, penalty in time - at the rate of one day of content under house arrest in two hours of social jobs or two monthly settlement indicators respectively.

5. Time of content of person under guards to the introduction of the court verdict in legal force and time of departure of the imprisonment appointed by the court verdict for the crime committed outside the Republic of Kazakhstan in case of issue of person based on [article 9](#) of this Code are set off at the rate of one day in one day.

6. In case of review of sentence with appointment to person of other type of punishment the served sentence or the performed amount of punishment before review of sentence is set off in time or the amount of new punishment. When offsetting of the served sentence or the performed amount of punishment:

1) to one day of imprisonment there correspond four monthly settlement indicators of penalty or corrective works, four hours of social jobs, one days of arrest, one day of restriction of freedom;

2) to one day of restriction of freedom there correspond four monthly settlement indicators of penalty or corrective works, four hours of social jobs, one days of arrest;

3) to one days of arrest there correspond four monthly settlement indicators of penalty or corrective works, four hours of social jobs;

4) to one hour of social jobs there corresponds one monthly settlement indicator of penalty or corrective works;

5) to one monthly settlement indicator of corrective works there corresponds one monthly settlement indicator of penalty.

7. Time during which enforcement powers of medical nature were applied to person who got sick after crime execution with mental disease is set off in time or the amount of punishment.

Article 63. Conditional condemnation

1. If, having imposed custodial sanction, the court comes to conclusion about possibility of correction of the convict without serving sentence, he decides to consider the imposed penalty conditional.

2. In case of application of conditional condemnation the court considers nature and degree of public danger of the committed crime, the identity of the guilty person including commuting and aggravating responsibility and penalty of circumstance.

3. In case of purpose of conditional condemnation the court establishes by rules [of part two of Article 44](#) of this Code probation control on all appointed term of deprivation of freedom, and to the minors for a period of six months up to one year.

Application of conditional condemnation by the minor is possible also in case of repeated crime execution of small or average weight in the period of probation of control in case of conditional condemnation.

Probation control is not identified in case of conditional condemnation of the foreigner or stateless person to which the court appointed expulsion out of limits of the Republic of Kazakhstan as auxiliary view of punishment.

4. In case of conditional condemnation additional types of restrictions and punishments, except confiscation of property can be appointed.

5. In case of conditional condemnation to the minor enforcement powers of educational impact can be appointed.

6. Conditional condemnation is not applied to persons in case of recurrence of crimes, dangerous recurrence of crimes, in case of condemnation of person for especially serious crime, corruption crime, terrorist crime, extremist crime, the crime committed as a part of criminal group, crime against sexual integrity of minors. The specified restriction does not extend to the minors who committed crime against sexual integrity of the minor aged from fourteen up to eighteen years.

Article 64. Cancellation of conditional condemnation

1. If before the expiration of probation of control conditionally the convict the behavior proved the correction, court on representation of the body exercising probation control can decide about cancellation of conditional condemnation and about removal from the convict of criminal record. At the same time conditional condemnation can be cancelled after at least a half of fixed term.

2. The court on representation of the body exercising probation control can extend the term of probation of control, but no more than for one year, in cases when conditionally the convict made:

1) the administrative offense encroaching on public order and morality, the rights of minors on the personality and in the field of the home relations for which administrative punishment was imposed on it;

2) intentional damage (spoil) of electronic means of tracking or was not for registration without reasonable excuse or replaced the residence without notice of the body exercising probation control;

3) criminal offense.

3. In case of non-execution of conditionally condemned obligations assigned to it by court or repeated making conditionally condemned the violations specified in parts two of this Article, court on representation of the body specified in part one of this Article decides about cancellation of conditional condemnation and execution of the imposed penalty by the court verdict, and concerning the minor convict can repeatedly extend the term of probation of control, but no more than for one year.

4. In making cases by the minor who are conditionally condemned during the term of probation of control of crime on imprudence or intentional crime of small weight, and conditionally condemned - crimes of small or average weight the question of cancellation or of preserving conditional condemnation is solved court in case of assignment of punishment for new crime.

5. In making cases conditionally condemned during the term of probation of control of intentional crime of average weight, heavy or especially serious crime, and to the minors - heavy or especially serious crime the court cancels conditional condemnation and imposes to it penalty by rules of assignment of punishment on cumulative sentences. By the same rules penalty in the cases provided by part four of this Article is imposed.

Section 5. Release from criminal liability and punishment

Article 65. Release from criminal liability in connection with active repentance

1. Person who made criminal offense or for the first time the committed crime, can be exempted from criminal liability taking into account the identity of the guilty person, its surrender, contribution by it to disclosure, investigation of criminal offense, smoothing down of the harm done by criminal offense by it.

2. Provisions of part one of this Article do not extend to persons who committed terrorist crime, extremist crime, the crime committed as a part of criminal group, crime against sexual integrity of the minors, tortures, heavy or especially serious crime against the personality, except as specified, which are specially provided by the relevant articles of the Special part of this Code. The specified restriction does not extend to the minors, tortures who committed crime against sexual integrity of the minor aged from fourteen up to eighteen years.

Article 66. Release from criminal liability in case of exceeding of limits of justifiable defense

Person which exceeded limits of justifiable defense owing to the fear, fright or confusion caused by socially dangerous encroachment can be exempted taking into account the facts of the case from criminal liability.

Article 67. Release from criminal liability in case of accomplishment of conditions of the procedural agreement

1. Person who satisfied all conditions of the procedural agreement can be exempted from criminal liability.

2. The provision of part one of this Article does not extend to persons who committed crimes against sexual integrity of minors, except as specified making of such crime by the minor concerning the minor aged from fourteen up to eighteen years.

Article 68. Release from criminal liability in connection with conciliation

1. Person who made criminal offense or the crime of small or average weight which is not connected with causing death is subject to release from criminal liability if it conciliated with the victim, the applicant, including according to the procedure of mediation, and smoothed down damage suffered.

2. The minor, expectant mothers, women having juvenile children, the men raising alone juvenile children, women at the age of fifty eight and over years, the man at the age of sixty three and over years, for the first time committed the serious crime which is not connected with causing death or severe harm to health of the person can be exempted from criminal liability if they conciliated with the victim, the applicant, including according to the procedure of mediation, and smoothed down damage suffered. In case of release from criminal liability enforcement powers of educational impact are applied to the minor.

3. In cases when the criminal offense does harm to the interests of society and state protected by the law, person specified in part one or the second this Article can be exempted from criminal liability if it frankly regretted and smoothed down the harm done to the interests of society or state protected by the law.

4. Provisions of this Article do not extend to persons who made tortures, crimes against sexual integrity of minors, except for case of making of such crime by person who did not reach age of majority concerning the minor aged from fourteen up to eighteen years, the crimes on imprudence which entailed the death of the person or the death of two and more persons, except for case of making of the road accident which entailed on imprudence the death of his close relatives, corruption crime, terrorist crime, extremist crime, the crime committed as a part of criminal group.

Article 69. Release from criminal liability with establishment of the guarantee

1. Person which for the first time made criminal offense or the crime of small or average weight which is not connected with causing death or severe harm to health of the person for which making the relevant article or part of Article [of the Special part](#) of this Code provides penalty among other types of primary punishments can be exempted by court from criminal liability with establishment of the guarantee.

2. Establishment of the guarantee consists in bail by the physical person acting as the guarantor in the amount of, equal double, and the legal entity - to the tenfold maximum size of penalty provided for committed criminal offense.

3. The term of the guarantee is established:

1) when making criminal offense - from six months to one year;

2) in case of crime execution of small weight - from one to two years;

3) in case of crime execution of average weight - from two to five years.

4. If person exempted from criminal liability did not make in the period of the guarantee of new criminal offense, after guarantee term pledge returns to the guarantor.

5. If in the period of the guarantee person makes new criminal offense, the court cancels the decision on release from criminal liability and imposes to it penalty by rules of assignment of punishment on cumulative sentences. At the same time pledge addresses in the income of the state.

6. Provisions of this Article do not extend to persons who committed corruption crimes, terrorist crimes, extremist crimes, crimes committed as a part of criminal group, crime against sexual integrity of minors.

Article 70. Release from criminal liability in connection with change of situation

1. Person who made criminal offense is subject to release by court from criminal liability if it is acknowledged that by the time of consideration of the case in court owing to change of situation the act made by it stopped being socially dangerous.

2. Person which for the first time made criminal offense or for the first time the committed crime of small or average weight, is subject to release by court from criminal liability if it is determined that owing to the subsequent irreproachable conduct this person by the time of consideration of the case in court cannot be considered socially dangerous.

Article 71. Release from criminal liability in connection with lapse of time

1. Person is exempted from criminal liability if from the date of making of criminal offense the following terms expired:

- 1) one year after making of criminal offense;
- 2) two years after crime execution of small weight;
- 3) five years after crime execution of average weight;
- 4) ten years after making of serious crime, corruption crime of small or average weight;
- 5) fifteen years after making of especially serious crime.

2. Prescriptive limits are estimated from the date of making of criminal offense and until the introduction of the court verdict in legal force.

3. The current of prescriptive limits on criminal offenses irrespective of making of new criminal offense does not stop and is not interrupted.

4. The current of prescriptive limits stops if person who committed crime evades from the investigation or court. In this case the current of prescriptive limits renews from the moment of detention of person or its appearance from guilty. At the same time person cannot be brought to trial if since crime execution the prescription was not interrupted and the following terms expired:

- 1) five years after crime execution of small weight;
- 2) ten years after crime execution of average weight;
- 3) fifteen years after making of serious crime, corruption crime of small or average weight;
- 4) twenty years after making of especially serious crime.

The course of prescription is interrupted if before the expiration of the terms specified in part one of this Article person who committed heavy or especially serious crime commits new heavy or especially serious crime. In such cases calculation of prescriptive limit begins again from the date of making of new crime. In other cases if till the lapse of time person commits crime again, prescriptive limit on each crime passes independently.

5. The question of application of prescriptive limit to person who committed crime for which under this Code capital punishment or lifelong imprisonment can be appointed is allowed by court. If the court does not find it possible to exempt person from criminal liability in connection with lapse of time, then capital punishment is replaced with lifelong imprisonment, and lifelong imprisonment is replaced with imprisonment for a period of twenty five years.

6. Prescriptive limits are not applied to persons who committed crimes against the world and safety of mankind, terrorist crimes, extremist crimes, tortures, crimes against sexual integrity of minors and also especially serious

crimes against the personality, bases of the constitutional system and safety of the state, against public safety and public order.

Article 72. Parole from serving sentence

1. Person, the leaving restriction of freedom or imprisonment, after the actual departure of the terms specified in parts three, the fourth and fifth this Article can be exempted by court conditional ahead of schedule if court will be acknowledged that for the correction it does not need complete serving of the imposed penalty.

Person, the leaving restriction of freedom or imprisonment, after the actual departure of the terms specified in parts three, the fourth and fifth this Article is subject to release conditional ahead of schedule in case of full recovery it the damage caused by crime and absence at it malicious violations of established procedure of serving sentence.

Person, the leaving imprisonment appointed for the terrorist or extremist crime which did not entail death of people and is not integrated to making of especially serious crime after the actual departure of the terms specified in parts three, the fourth and fifth this Article can be exempted by court conditional ahead of schedule if it renders active assistance in prevention, disclosure or investigation of terrorist or extremist crimes, exposure of participants of terrorist or extremist group.

At the same time person can be fully or partially exempted from serving of auxiliary view of punishment.

2. Behind person exempted conditional ahead of schedule from serving sentence in the form of imprisonment during the remained unexpired part of punishment by court probation control by rules [of part two of Article 44](#) of this Code is established. In case of application of parole the obligations provided by the Penitentiary code of the Republic of Kazakhstan are also assigned to person.

Probation control is not identified in case of parole of the foreigner or stateless person to which the court appointed expulsion out of limits of the Republic of Kazakhstan as auxiliary view of punishment.

3. Parole can be applied only after the actual departure by the convict:

- 1) at least one third of term of the penalty imposed for crime of small or average weight;
- 2) at least a half of term of the penalty imposed for serious crime;
- 3) at least two thirds of term of the penalty imposed for especially serious crime and also if the parole applied earlier was cancelled on the bases provided [by Items 1\)](#) and [2\) of part seven](#) of this Article;
- 4) at least three quarters of term of punishment if the parole applied earlier was cancelled on the basis, stipulated in Item 3) parts seven of this Article;
- 5) at least one third of term of the penalty imposed for serious crime, or at least a half of term of the penalty imposed for especially serious crime, in case of accomplishment condemned all conditions of the procedural agreement.

4. Parole from serving sentence can be applied to the expectant mothers, women having juvenile children, to the men raising alone juvenile children, to women at the age of fifty eight and over years, to men at the age of sixty three and over years, to disabled people of the first or second group after the actual departure:

- 1) at least one fourth terms of the penalty imposed by court for crime of small or average weight;
- 2) at least one third of term of the penalty imposed by court for serious crime;
- 3) at least a half of term of the penalty imposed by court for especially serious crime which is not integrated to infringement of human life and also if the parole applied earlier was cancelled on the bases provided [by Items 1\)](#) and [2\) of part seven](#) of this Article;
- 4) at least two thirds of term of the penalty imposed by court for especially serious crime integrated to infringement of human life and also if the parole applied earlier was cancelled on the basis, stipulated in Item 3) parts seven of this Article;
- 5) at least one fourth terms of the penalty imposed for serious crime, or at least one third of term of the penalty imposed for especially serious crime, in case of accomplishment condemned all conditions of the procedural agreement.

5. The term of deprivation of freedom which is actually served by the convict cannot be less than six months.

6. Person, the leaving lifelong imprisonment appointed by court, can be exempted conditional ahead of schedule if court will be acknowledged that it does not need further serving of this punishment and actually at least twenty

five years of imprisonment left. If person, the leaving lifelong imprisonment appointed by court, satisfied all conditions of the procedural agreement, it can be exempted conditional ahead of schedule after the actual departure at least fifteen years of imprisonment.

7. If during the remained unexpired part of punishment person to whom parole was applied made:

1) two and more administrative offenses for which administrative punishments were imposed on it or evaded without reasonable excuse more than two times from fulfillment of duties assigned to it in case of parole application or without reasonable excuse was not for registration at the chosen place of residence within five working days after release from places of detention, the court on representation of authorized state body can decide about cancellation of parole and execution of the remained unexpired part of punishment;

2) the crime on imprudence, and is equal in cases of making of criminal offense, intentional crime of small weight by the expectant mother, the woman having juvenile children, the man raising alone juvenile children, the woman at the age of fifty eight and over years, the man at the age of sixty three and over years, the disabled person of the first or second group, the question of cancellation or of preserving parole is solved court in case of assignment of punishment for new crime. If the court cancels parole, penalty is imposed by rules of assignment of punishment on cumulative sentences;

3) intentional crime, except as specified, specified in Item 2) to this part, the court imposes to it penalty by rules of assignment of punishment on cumulative sentences.

8. Parole is not applied to person to whom punishment in the form of capital punishment is replaced with imprisonment according to the procedure of pardon, to person condemned for the terrorist or extremist crime which entailed death of people or integrated to making of especially serious crime to person condemned for crime against sexual integrity of minors. The specified restriction does not extend to the minors who committed crime against sexual integrity of the minor aged from fourteen up to eighteen years.

Article 73. Replacement of unexpired part of punishment with softer type of punishment or reducing term of the imposed penalty

1. To person leaving imprisonment for crimes of small, average weight or serious crimes in case of full recovery it the damage caused by crime or absence at it malicious violations of established procedure of serving sentence, the part of punishment which remained unexpired can be replaced with court softer type of punishment. At the same time person can be fully or partially exempted from serving of auxiliary view of punishment, except for the penalties imposed for life.

2. Unexpired part of punishment can be replaced with softer type of punishment after the actual departure by the convict at least one fourth terms of punishment for crime execution of small and average weight, one third of term of punishment for serious crimes or earlier conditionally ahead of schedule exempted from serving sentence in the form of imprisonment and committed new crimes in the period of the remained unexpired part of punishment.

Replacement of unexpired part of punishment with softer type of punishment is not applied to persons condemned for crime against sexual integrity of minors, except for case of making of such crime by the minor concerning the minor aged from fourteen up to eighteen years, the terrorist or extremist crime which entailed death of people or integrated to making of especially serious crime and also the crime committed as a part of criminal group.

3. When replacing unexpired part of punishment the court can choose penalty at the rate of one monthly settlement indicator in four days of imprisonment or restriction of freedom at the rate of one day of restriction of freedom in one day of imprisonment. Condition of replacement by penalty is the full recovery of the damage caused by crime.

4. To person leaving imprisonment for crimes of small, average weight, heavy or especially serious crimes if it during serving sentence promoted disclosure and investigation of the crimes committed by criminal group or satisfied all conditions of the procedural agreement, the part of punishment which remained unexpired can be reduced by court no more than half.

Article 74. Serving sentence delay to the expectant mothers and women having juvenile children, to the men alone raising juvenile children

1. To the condemned expectant mothers the court can delay serving sentence up to one year. To the condemned women having juvenile children and the men raising alone juvenile children, the court can delay execution of the punishment up to five years, but no more than before achievement of fourteen-year age by the

child. To the expectant mothers and women having juvenile children, to the men raising alone juvenile children, condemned to imprisonment for the term of over five years for heavy or especially serious crimes against the personality, terrorist crimes, extremist crimes committed as a part of criminal group, crime against sexual integrity of juveniles, delay of serving sentence is not granted.

2. In cases if the condemned person specified in part one of this Article refused the child or continues to evade from education of the child or to disturb the public peace after the double written warning issued by the body exercising control of the condemned person concerning which serving sentence is delayed court can cancel delay of serving sentence on representation of this body and send the condemned person for serving sentence to the place designated according to the court verdict.

3. After the term of delay of execution of the punishment or in cases of death of the child or termination of pregnancy the court, depending on behavior of the condemned person, can exempt it from serving sentence or replace the imposed penalty with softer type of punishment or make the decision on the direction of the condemned person in the relevant organization for serving sentence.

4. If during serving sentence delay the condemned person commits new crime, the court imposes to it penalty by rules of assignment of punishment on cumulative sentences.

Article 75. Release from punishment in connection with disease

1. Person at whom after making of criminal offense there came the mental disturbance depriving of its opportunity to realize the actual nature and public danger of the actions (failure to act) or to direct them, is exempted by court from punishment, and person serving sentence is exempted by court from its further serving. To such persons the court can appoint the enforcement powers of medical nature provided by this Code.

2. Person having other serious illness interfering serving sentence except lifelong imprisonment is exempted by court from serving sentence or punishment can be replaced with softer type of punishment taking into account nature of disease, weight of committed criminal offense, the identity of the convict and other circumstances.

3. Persons specified in parts one and the second this Article in case of their recovery are subject to criminal liability and punishment if prescriptive limits of criminal prosecution or conviction did not expire.

Article 76. Release from punishment and delay of serving sentence owing to confluence of difficult circumstances

1. Person condemned for criminal offense or crime of small and average weight can be exempted by court from punishment if there were circumstances which entailed especially heavy effects for his family owing to the fire or natural disaster, serious illness or the death of the single able-bodied family member or other force majeure.

2. To person condemned to imprisonment for heavy or especially serious crime except for of persons condemned for terrorist or extremist crime or the crime committed as a part of criminal group or against sexual integrity of minors the court can in the presence of the bases specified in part one of this Article delay serving sentence for a period of up to three months.

Restriction in delay of serving sentence does not extend to minors in case of crime execution concerning the minor aged from fourteen up to eighteen years.

Article 77. Release from serving sentence in connection with conviction lapse of time

1. Person condemned for criminal offense is exempted from serving sentence if the conviction was not carried out in the following terms, considering from the date of the introduction it in legal force:

- 1) one year in case of condemnation for criminal offense;
- 2) two years in case of conviction of an offense of small weight;
- 3) five years in case of conviction of an offense of average weight;
- 4) ten years in case of condemnation for serious crime;
- 5) fifteen years in case of condemnation for especially serious crime.

2. The current of prescriptive limits on criminal offenses irrespective of making of new criminal offense does not stop and is not interrupted.

3. The current of prescriptive limit on crimes stops if the convict evades from serving sentence. In this case the current of prescriptive limits renews from the moment of detention of person or its appearance from guilty. The prescriptive limits which expired by the time of evasion of the convict from serving sentence are subject to offsetting. At the same time the conviction cannot be carried out if since its removal there passed twenty years and the prescription was not interrupted with making of new crime. In case of serving sentence delay the current of prescriptive limit stops before the delay expiration.

4. The current of prescriptive limit on crimes is interrupted if before the expiration of the terms specified in part one of this Article person commits new intentional crime. In such cases calculation of prescriptive limit begins again from the date of making of new crime.

5. The question of application of prescriptive limit to person condemned to capital punishment or lifelong imprisonment is solved court. If the court does not find possible to apply prescriptive limit, capital punishment is replaced with lifelong imprisonment, and lifelong imprisonment is replaced with imprisonment for a period of twenty five years. Prescriptive limits are not applied to persons condemned for making of crimes against sexual integrity of minors, except for case of making of such crime by the minor concerning the minor aged from fourteen up to eighteen years against the world and safety of mankind, corruption crimes, terrorist crimes, extremist crimes, tortures, and also especially serious crimes against the personality, bases of the constitutional system and safety of the state, in the field of economic activity.

Article 78. Release from criminal liability and punishment based on the act of amnesty or pardon

1. The act of amnesty is issued by Parliament of the Republic of Kazakhstan concerning individually not certain group of people.

2. Based on the act of amnesty of person, the made criminal offense or crime of small or average weight, can be exempted from criminal liability. Persons condemned for making of criminal offense or crime of small or average weight can be exempted from punishment or the penalty imposed by it can be reduced or replaced with softer type of punishment, or such persons can be exempted from auxiliary view of punishment. To persons condemned for making of heavy or especially serious crime the term of the penalty imposed by it can be reduced. From the persons who served sentence or exempted from its further serving, the criminal record can be removed by the act of amnesty.

The act of amnesty does not extend to persons who committed crimes against sexual integrity of minors, except for case of making of such crime by the minor concerning the minor aged from fourteen up to eighteen years, terrorist crimes, extremist crimes, tortures, and also penalty to which is imposed in case of recurrence of crimes or dangerous recurrence of crimes.

3. The act of pardon of individually certain person concerning which the conviction took legal effect and equally in the person who is serving or served the penalty imposed according to the court verdict of foreign state in the territory of the Republic of Kazakhstan is issued by the President of the Republic of Kazakhstan.

4. In case of pardon person condemned for crime can be exempted from further serving sentence or the penalty imposed to it can be reduced or replaced with softer type of punishment, or such person can be exempted from auxiliary view of punishment. From the person who served sentence or exempted from its further serving, the criminal record can be removed by the act of pardon.

Article 79. Criminal record

1. Person condemned for crime execution is considered offender from the date of the introduction of conviction of court in legal force until repayment or removal of criminal record. The criminal record according to this Code is considered in case of determination of recurrence of crimes, dangerous recurrence of crimes and in case of assignment of punishment.

2. The person exempted from punishment, and also condemned for making of criminal offense is recognized not having criminal record.

3. The criminal record is settled:

1) concerning persons who are conditionally condemned - after the term of probation of control;

2) concerning persons condemned to softer types of punishments than imprisonment, - on the actual departure of punishment;

3) concerning persons condemned to imprisonment for crimes of small or average weight - after three years after punishment departure;

4) concerning persons condemned to imprisonment for serious crimes - after six years after punishment departure;

5) concerning persons condemned to imprisonment for especially serious crimes - after eight years after punishment departure.

4. If the convict in the procedure established by the law of the Republic of Kazakhstan was ahead of schedule exempted from serving sentence or unexpired part of punishment was replaced with softer type of punishment, then the repayment period of criminal record is estimated proceeding from actually served punishment sentence from the moment of release from serving of the main and additional types of punishments.

5. If along with primary punishment to person additional penalty was imposed according to the court verdict, then the repayment period of criminal record is estimated from the moment of departure of the main and additional types of punishments.

In cases of purpose of additional punishment in the form of deprivation of the right to hold certain position or to be engaged in certain activities for life the repayment period of criminal record is estimated from the moment of departure of main type of punishments.

6. In case of condemnation of person on set of criminal offenses or on cumulative sentences for the crimes relating to varying severity, criminal records are settled for each crime independently, at the same time repayment periods are estimated from the moment of departure of punishment on set of criminal offenses or cumulative sentences.

7. If the convict after departure of punishment behaved perfectly, then according to its petition the court can remove from it criminal record before the expiration of repayment of criminal record.

This regulation does not extend to persons condemned to imprisonment for heavy or especially serious crimes, and also penalty to which is imposed in case of recurrence of crimes or dangerous recurrence of crimes.

8. If the convict before the expiration of repayment of criminal record committed crime, current of the term settling criminal record again is interrupted. The criminal record repayment period on the first crime is estimated again after the actual departure of the main and additional types of punishments for the last crime. In these cases person is considered offender for both crimes before the expiration of repayment of criminal record for the heaviest of them.

9. Repayment or removal of criminal record cancels all consequence in law connected with criminal record, except for the restrictions set by the auxiliary view of punishment appointed for life.

Section 6. Criminal liability of minors

Article 80. Criminal liability of minors

1. Minors to whom action of this Section extends are recognized person by whom by the time of making of criminal offense it was performed fourteen, but did not perform eighteen years.

2. Penalty can be imposed by the minor who made criminal offense or enforcement powers of educational impact can be applied to them.

Article 81. Types of the penalties imposed by the minor

1. Types of the penalties imposed by the minor are:

1) deprivation of the right to be engaged in certain activities;

2) penalty;

3) corrective works;

4) attraction to social jobs;

5) restriction of freedom;

6) imprisonment.

2. Deprivation of the right to be engaged in certain activities is appointed minor for a period of one year up to two years.

3. Fine is ordered to pay only in the presence at the minor convict of independent earnings or property on which collection can be turned. Fine is ordered to pay in the amount of five to hundred monthly settlement indicators.

4. Corrective works are appointed by the minor having independent earnings or other permanent income in the amount of five to hundred monthly settlement indicators.

5. Attraction to social jobs is appointed for a period of ten till seventy five o'clock, consists in performance of works, feasible for the minor, and time is performed by it in free from study or the main work. Duration of execution of this type of punishment by persons aged up to sixteen years cannot exceed two hours a day, and persons aged from sixteen up to eighteen one or three years of hour a day.

6. Restriction of freedom is appointed by the minor for a period of up to two years, and in case of replacement of unexpired part of custodial sanction with restriction of freedom - to all term of the remained unexpired part of punishment.

7. Imprisonment by the minor can be appointed to term not over ten years, and for murder in case of aggravating circumstances or the act of terrorism or on set of criminal offenses, one of which is murder in case of aggravating circumstances or the act of terrorism, - twelve years. The minor who committed the crime of small weight or crime of average weight which is not connected with causing death, imprisonment is not appointed.

8. Imprisonment by minor convicts is left in organizations of criminal executive system of average safety for content of minors.

9. *It is excluded according to the Law of the Republic of Kazakhstan of 18.04.2017 No. 58-VI ZRK.*

10. The court can instruct the body performing punishment in accounting in case of the treatment of the minor convict of certain features of his personality.

Article 82. Assignment of punishment to the minor

1. In case of assignment of punishment to the minor, except circumstances, [stipulated in Article 52](#) of this Code, conditions of his life and education, the level of mental development, other features of the personality, and also influence of seniors on it on age of persons are considered.

2. The minor age as attenuating circumstance is considered in total with other mitigating and aggravating circumstances.

Article 83. Release of minors from criminal liability and punishment

1. The minor who made criminal offense or crime of small weight or for the first time committed crime of average weight, can be exempted by court from criminal liability if it is determined that its correction is possible without criminal prosecution. At the same time enforcement powers of educational impact can be applied to it.

2. The minor for the first time condemned for making of criminal offense or crime of small or average weight can be exempted by court from punishment if it is acknowledged that its correction can be reached by application of enforcement powers of educational impact.

3. The minor who for the first time committed the serious crime which is not connected with causing death or severe harm to health of the person can be exempted by court from criminal liability in the cases provided [by part two of article 68](#) of this Code.

Article 84. Enforcement powers of educational impact

1. To the minor the following enforcement powers of educational impact can be appointed by court:

- 1) prevention;
- 2) transfer under supervision of the parents or persons replacing them or specialized state body;
- 3) assignment of obligation to smooth down damage suffered;
- 4) restriction of leisure and establishment of special requirements to behavior of the minor;
- 5) the placement to the organization of education with specific mode of content;
- 6) assignment of the obligation to apologize to the victim;

7) establishment of probation of control.

2. To the minor several enforcement powers of educational impact can be appointed at the same time.

Article 85. Content and terms of application of enforcement powers of educational impact

1. The prevention consists in explanation to the minor of the harm done by its act and effects of repeated making of the offenses provided by this Code.

2. Transfer under supervision consists in assignment on the parents or persons replacing them or on specialized state body of obligations on educational impact on the minor and to control of his behavior.

3. Obligation smooth down damage suffered it is assigned taking into account property status of the minor and availability at it the corresponding labor skills.

4. Restriction of leisure and establishment of special requirements to behavior of the minor can provide prohibition of visit of certain places, uses of the certain forms of leisure including connected with control of the motorized vehicle, stay restriction outdoors after certain time of day, departure to other areas without the permission of specialized state body. Also requirement to return to educational institution, to continue or finish training or to find a job by means of specialized state body can be imposed on the minor. This list is not exhaustive.

5. The placement to the organizations of education with specific mode of content for a period of six months up to two years can be appointed by court to the minor who committed intentional crime of average weight or serious crime. Stay in the called organizations can be stopped ahead of schedule in connection with achievement of age of majority by person and also if based on the conclusion of the specialized state body providing correction, the court comes to conclusion that the minor for the correction does not need further application of this measure.

6. Prolongation of stay in the organization of education with specific mode of content after the expiration provided by part five of this Article is allowed to complete only in case of need to the minor general education or professional training, but no more than before achievement of age of majority by it.

7. The procedure and conditions of finding of minors in the organizations of education with specific mode of content are determined by the laws of the Republic of Kazakhstan.

8. The minor brings to the victim personal apologies for damage suffered.

9. Probation control is established for a period of up to one year by rules [of part two of Article 44](#) of this Code.

10. The term of application of the enforcement powers of educational impact provided [by Items 2\) and 4\) of Article part one 84](#) of this Code is established by duration up to six months when making criminal offense, from six months to one year in case of crime execution of small weight, from one to two years in case of crime execution of average weight and from two to three years when making serious crime.

11. In case of intentional non-execution by the minor of enforcement power of educational impact two and more times within year this measure for representation of specialized state body is cancelled by court and materials go for involvement of the minor to criminal liability if prescriptive limit of criminal prosecution did not expire.

Article 86. Parole of minors from serving sentence

1. Persons condemned to imprisonment, restriction of freedom or corrective works for crime execution at minor age in case of absence at them malicious violations of established procedure of serving or execution of the punishment are subject to parole after the actual departure or execution:

1) at least one fourth terms or the amount of the penalty imposed by court for crime of small or average weight;

2) at least one third of term or the amount of the penalty imposed by court for serious crime;

3) at least a half of term of the penalty imposed by court for especially serious crime which is not integrated to infringement of human life;

4) at least two thirds of term of the penalty imposed by court for especially serious crime integrated to infringement of human life.

2. In making cases conditionally ahead of schedule exempted during the term of probation of control of crime on imprudence, intentional criminal offense or intentional crime of small weight the question of cancellation or of preserving parole is solved court in case of assignment of punishment for new crime. If the court cancels parole, penalty is imposed by rules of assignment of punishment on cumulative sentences.

3. In making cases conditionally ahead of schedule exempted during the term of probation of control of intentional crime of average weight, heavy or especially serious crime court cancels parole and imposes penalty by rules of assignment of punishment on cumulative sentences.

Article 87. Replacement of unexpired part of punishment to minors

1. To persons leaving imprisonment for crime execution at minor age in case of absence at them malicious violations of established procedure of serving sentence the part of punishment which remained unexpired is replaced with court restriction of freedom after the actual departure:

- 1) at least one heel of term of the penalty imposed by court for crime of small or average weight;
- 2) one fourth terms of the penalty imposed by court for serious crime;
- 3) one third of term of the penalty imposed by court for especially serious crime which is not integrated to infringement of human life;
- 4) half of term of the penalty imposed by court for especially serious crime integrated to infringement of human life.

2. Replacement of unexpired part of punishment can be applied to persons condemned for making at minor age of crime as a part of criminal group.

Article 88. Prescriptive limits

Prescriptive limits of criminal prosecution or conviction in case of release of minors from criminal liability or serving sentence are cut by half.

Article 89. Criminal record repayment periods

For persons who committed crimes before achievement of age of eighteen years, criminal record repayment periods, [stipulated in Article the 79th](#) of this Code are reduced and are respectively equal:

- 1) to the actual departure of softer types of punishment, than imprisonment;
- 2) to one year after departure of imprisonment for crime of small or average weight;
- 3) to two years after departure of imprisonment for serious crime;
- 4) to three years after departure of imprisonment for especially serious crime.

Article 90. Application of provisions of this Section to persons aged from eighteen up to twenty one years

In exceptional cases taking into account nature of committed act and the personality the court can apply provisions of this Section to persons who committed crime aged from eighteen up to twenty one years except their placement to the organizations of education with specific mode of content.

Section 7. Enforcement powers of medical nature. Other measures of criminal law action

Article 91. Bases of application of enforcement powers of medical nature

1. Enforcement powers of medical nature can be appointed by court to persons:
 - 1) made the acts provided by Articles of the Special part of this Code in diminished responsibility condition;
 - At 2) after which making of criminal offense there came the mental disturbance making impossible appointment or execution of the punishment;
 - 3) made criminal offense and suffering from the mental disturbances which are not excluding sanity;
 - 4) made criminal offense and recognized as persons in need in treatment for alcoholism, drug addiction or toxicomania;
 - 5) is more senior than eighteen years, made criminal offense against sexual integrity of minors.

2. To persons specified in part one of this Article, enforcement powers of medical nature are appointed only in cases when mental disturbances are connected with possibility of causing other essential harm by these persons or with danger to themselves or other persons.

4. Concerning persons specified in Items 1) - 4) parts one of this Article and not constituting danger on the mental condition, the court can transfer required materials to bodies of health care for the solution of question of treatment of these persons or the direction them to the psychoneurological organizations according to the procedure, stipulated by the legislation the Republic of Kazakhstan in the field of health care.

Article 92. Purposes of application of enforcement powers of medical nature

The purposes of application of enforcement powers of medical nature are treatment of the persons specified in [parts one of Article of 91](#) of this Code, or improvement of their mental condition, and also the prevention of making by them of new acts, provided by Articles [of the Special part](#) of this Code.

Article 93. Types of enforcement powers of medical nature

1. The court can appoint the following types of enforcement powers of medical nature:

- 1) out-patient forced observation and treatment at the psychiatrist;
- 2) forced treatment in psychiatric hospital of general type;
- 3) forced treatment in psychiatric hospital of specialized type;
- 4) forced treatment in psychiatric hospital of specialized type with intensive observation;
- 5) forced treatment in the form of chemical castration.

2. To the persons condemned for the criminal offenses made in sanity condition, but needing treatment for alcoholism, drug addiction or toxicomania or treatment of the mental disturbances which are not excluding sanity, the court along with punishment can appoint enforcement powers of medical nature in the form of out-patient forced observation and treatment at the psychiatrist.

3. To persons who committed crime against sexual integrity of minors, the court in case of release from places of detention on departure of term of punishment resolves issue of appointment, prolongation, change or the termination of enforcement powers of medical nature.

Article 94. Out-patient forced observation and treatment at the psychiatrist

Out-patient forced observation and treatment at the psychiatrist can be appointed in the presence of the bases, [stipulated in Article 91](#) of this Code if person on the mental condition does not need the room in psychiatric hospital.

Article 95. Forced treatment in psychiatric hospital

1. Forced treatment in psychiatric hospital can be appointed in the presence of the bases, [stipulated in Article 91](#) of this Code if nature of mental disturbance of person requires such conditions of treatment, leaving, content and observation which can be performed only in psychiatric hospital.

2. Forced treatment in psychiatric hospital of general type can be to the nominated person which on the mental condition and nature of committed socially dangerous act needs hospitalization and observation, but does not require intensive observation.

3. Forced treatment in psychiatric hospital of specialized type can be to the nominated person which on the mental condition and nature of committed socially dangerous act requires permanent observation.

4. Forced treatment in psychiatric hospital of specialized type with intensive observation can be to the nominated person which on the mental condition and nature of committed socially dangerous act constitutes special peril for itself or other persons and requires permanent and intensive observation.

Article 96. Prolongation, change and phase-out of enforcement powers of medical nature

1. Prolongation, change and phase-out of enforcement powers of medical nature are performed by court on representation to administration of the organization performing forced treatment based on the conclusion of the commission of psychiatrists.

2. Person to whom the enforcement power of medical nature is appointed is subject to survey of psychiatrists by the commission at least once in six months for the solution of question of availability of the bases for introduction or change of enforcement power of medical nature the administration of the organization performing forced treatment brings into court the conclusion for prolongation of forced treatment. The first prolongation of forced treatment can be made after six months from the moment of initiation of treatment, in subsequent prolongation of forced treatment is made annually.

3. Change or the termination of enforcement power of medical nature is performed by court in case of such change of mental condition of person in case of which need for application of earlier appointed measure disappears or there is need for purpose of other enforcement power of medical nature.

4. In case of phase-out of forced treatment in psychiatric hospital the court can transfer required materials concerning person which was on forced treatment, to bodies of health care for the solution of question of its treatment or the direction in the psychoneurological organization according to the procedure, stipulated by the legislation the Republic of Kazakhstan in the field of health care.

Article 97. Assignment of punishment after application of enforcement powers of medical nature

1. To person who after making of criminal offense or in term of imprisonment got sick with the mental disease depriving of it opportunity to realize the actions or to direct them, after his recovery by court punishment can be applied if prescriptive limits or not the bases for release it from criminal liability and punishment did not expire.

2. In case of treatment of person at which mental disturbance came after crime execution in case of assignment of punishment or renewal of its execution time during which forced treatment in psychiatric hospital was applied to person, is set off punishments at the rate of one day of stay in psychiatric hospital in one day of imprisonment or in one day of arrest in time.

Article 98. The enforcement powers of medical nature connected to execution of the punishment

1. In the case provided [by Items 3\) and 5\) of part one of Article of 91](#) of this Code, enforcement powers of medical nature are performed in the place of serving of imprisonment, and concerning the punishments condemned to other types - in the organizations of health care giving out-patient mental health services.

2. In case, [stipulated in Item 4\) parts one of Article of 91](#) of this Code, enforcement powers of medical nature are performed in the place of serving of imprisonment, and concerning the punishments condemned to other types - in the organizations of health care.

3. In case of the change of mental condition of the convict requiring hospitalization, the room of the convict in psychiatric hospital or other medical institution is made according to the procedure and on the bases, stipulated by the legislation the Republic of Kazakhstan in the field of health care.

4. Time of stay in the specified organizations is set off serving sentence in time. In case of falling away of need of further treatment of the convict for the specified organizations the statement is made according to the procedure, stipulated by the legislation the Republic of Kazakhstan in the field of health care.

5. Phase-out of the enforcement power of medical nature connected to execution of the punishment is made by court on representation of the body performing punishment based on the conclusion of the commission of psychiatrists.

Article 98-1. Compulsory payment

For the purpose of protection of the rights and legitimate interests of the victims from the perpetrator which made criminal offense, compulsory payment in the form of the fixed sum of money, [stipulated in Clause 98-2](#) of this Code it is collected by court according to the procedure, stipulated by the legislation the Republic of Kazakhstan about Fund of compensation by the victim.

Article 98-2. Size of compulsory payment

The compulsory payment is enforced by court according to the procedure, stipulated by the legislation the Republic of Kazakhstan about Fund of compensation by the victim, in the amount of for:

- 1) criminal offenses - five monthly settlement indicators;
- 2) crimes of small weight - ten monthly settlement indicators;
- 3) crimes of average weight - fifteen monthly settlement indicators;
- 4) serious crimes - twenty monthly settlement indicators;
- 5) especially serious crimes - thirty monthly settlement indicators.

Special part

Chapter 1. Criminal offenses against the personality

Article 99. Murder

1. Murder, that is illegal intentional causing death to other person, -
it is punished by imprisonment for a period of eight up to fifteen years.
2. Murder:
 - 1) two or more persons;
 - 2) person or his relatives in connection with implementation by this person of office activities or accomplishment of professional or social duty;
 - 3) persons, obviously for the guilty person who is down and out, and equally integrated to kidnapping or taking of the hostage;
 - 4) women, obviously for guilty the pregnancy which is in condition;
 - 5) made with special cruelty;
 - 6) made by method, life-threatening other people;
 - 7) made by group of persons, group of persons by previous concert;
 - 8) from mercenary motives, and it is equal on hiring or integrated to robbery or racketing;
 - 9) from hooligan motives;
 - 10) made with the purpose to hide other crime or to facilitate its making, and equally integrated to rape or violent acts of sexual nature;
 - 11) for motive of social, national, racial, religious hatred or hostility or blood feud;
 - 12) made for the purpose of use of bodies or the victim's tissues;
 - 13) committed repeatedly;
 - 14) obviously minor;
 - 15) made by criminal group, and it is equal in conditions of emergency situation or during mass riots, -
it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment, with confiscation of property or without that.

Article 100. Murder of the newborn child by mother

- Murder of the newborn child by mother as at the time of delivery, and in subsequent period, made in the conditions of the psychoinjuring situation or in condition of the mental disturbance which is not excluding sanity -
it is punished by restriction of freedom for a period of up to four years or imprisonment for the same term.

Article 101. The murder committed in the heat of passion

1. The murder committed in condition of suddenly arisen heat passion (affect) caused by violence, mockery or great insult or other illegal or immoral actions (failure to act) of the victim, and equally long psychoinjuring situation which arose in connection with systematic delinquent or immoral behavior of the victim -
it is punished by restriction of freedom for a period of up to three years or imprisonment for the same term.

2. The murder of two or more persons committed under the circumstances specified in part one of this Article -
it is punished by imprisonment for a period of up to five years.

Article 102. The murder committed in case of exceeding of limits of justifiable defense

- The murder committed in case of exceeding of limits of justifiable defense -
it is punished by restriction of freedom for a period of up to two years or imprisonment for the same term.

Article 103. The murder committed in case of exceeding of the measures necessary for detention of person who committed crime

- The murder committed in case of exceeding of the measures necessary for detention of person who committed crime -
it is punished by restriction of freedom for a period of up to three years or imprisonment for the same term.

Article 104. Negligent homicide

1. Negligent homicide -
it is punished by restriction of freedom for a period of up to three years or imprisonment for the same term.
2. Negligent homicide to two or more persons -
it is punished by restriction of freedom for a period of up to five years or imprisonment for the same term.

Article 105. Bringing to suicide

1. Bringing person to suicide or to attempt at suicide by threats, ill treatment or systematic humiliation of human dignity of the victim -
it is punished by restriction of freedom for a period of up to three years or imprisonment for the same term.
2. Same act, committed:
 - 1) concerning person, obviously for the guilty person who is down and out or in material or other dependence on the guilty person;
 - 2) concerning two or more persons;
 - 3) group of persons by previous concert or criminal group;
 - 4) by means of use of networks of telecommunications, including the Internet,it is punished by restriction of freedom for a period of up to five years or imprisonment for the same term.
3. The acts provided by parts one or the second this Article, made concerning the minor
are punished by imprisonment for a period of three up to seven years.

Article 106. Intentional causing severe harm to health

1. Intentional causing severe harm to health -
it is punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term.
2. Same act, committed:
 - 1) concerning two or more persons;
 - 2) concerning person or his relatives in connection with implementation by this person of office activities or accomplishment of professional or social duty;
 - 3) concerning person, obviously for the guilty person who is down and out, and equally integrated to kidnapping or taking of the hostage;
 - 4) with special cruelty;

- 5) group of persons, group of persons by previous concert;
- 6) from mercenary motives, and it is equal on hiring;
- 7) from hooligan motives;
- 8) for motive of social, national, racial, religious hatred or hostility;
- 9) for the purpose of use of bodies or the victim's tissues;
- 10) repeatedly;
- 11) concerning obviously minor,
- 12) in the conditions of emergency situation or during mass riots, -
it is punished by imprisonment for a period of five up to ten years.

3. The acts provided by parts one or the second this Article, which entailed the death of the victim on imprudence or made by criminal group -

are punished by imprisonment for a period of eight up to twelve years.

Article 107. Intentional causing average weight of harm to health

1. Intentional causing average weight of harm to health -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Same act, committed:

- 1) concerning two or more persons;
- 2) concerning person or his relatives in connection with implementation by this person of office activities or accomplishment of professional or social duty;
- 3) with special cruelty, and it is equal in the relation of person, obviously for the guilty person who is down and out;
- 4) group of persons by previous concert, criminal group;
- 5) from hooligan motives;
- 6) for motive of social, national, racial, religious hatred or hostility;
- 7) repeatedly;
- 8) concerning obviously minor, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Article 108.

It is excluded according to the Law of the Republic of Kazakhstan of 03.07.2017 No. 84-VI ZRK

Article 109.

It is excluded according to the Law of the Republic of Kazakhstan of 03.07.2017 No. 84-VI ZRK

Article 110. Torture

1. Causing physical or mental sufferings by systematic drawing beating or other violent acts if this act did not entail causing heavy or average weight of harm to health, -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Same act, committed:

- 1) concerning obviously minor or person, obviously for the guilty person of person which is down and out or in material or other dependence on the guilty person, and equally kidnapped or captured as the hostage;
 - 2) concerning two or more persons;
 - 3) concerning the woman, obviously for guilty the pregnancy which is in condition;
 - 4) using torture;
 - 5) on hiring;
 - 6) for motive of social, national, racial, religious hatred or hostility, -
- it is punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term.

Article 111. Damnification to health in the heat of passion

The intentional causing severe harm to health made in condition of suddenly arisen heat passion (affect) caused by violence, mockery or great insult from the victim either other illegal or immoral actions (failure to act) of the victim, and equally long psychoinjuring situation which arose in connection with systematic delinquent or immoral behavior of the victim -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

Article 112. Causing severe harm to health in case of exceeding of limits of justifiable defense

1. The intentional causing severe harm to health made in case of exceeding of limits of justifiable defense -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

2. The same act which entailed the death of the victim on imprudence -

it is punished by restriction of freedom for a period of up to two years or imprisonment for the same term.

Article 113. Causing severe harm to health during detention of person who committed crime

The intentional causing severe harm to health made in case of exceeding of the measures necessary for detention of person who committed crime -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

Article 114. Careless damnification to health

1. Causing average weight of harm to health on imprudence -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. Causing average weight of harm to health on imprudence to two or more persons -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

3. Causing severe harm to health on imprudence -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

4. Causing severe harm to health on imprudence to two or more persons -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 115. Threat

Threat of murder or causing severe harm to health, and equally other heavy personal violence or destruction of property arson, explosion or by other all-dangerous method in the presence of good causes to be afraid of reduction of this threat in execution -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

Article 116. Coercion to withdrawal or unlawful taking of bodies and tissues of the person

1. Coercion to withdrawal or unlawful taking of bodies and tissues of living person for transplantation or other use, and is equal making of illegal transactions concerning bodies and tissues of living person -

are punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Same acts, committed:

- 1) concerning person, obviously for the guilty person who is down and out;
- 2) concerning obviously minor;
- 3) concerning two and more persons;
- 4) group of persons, group of persons by previous concert;
- 5) repeatedly;
- 6) using the weapon or objects used as weapon;
- 7) concerning the woman, obviously for guilty the pregnancy which is in condition;
- 8) by deception or confidence abuse;
- 9) person with use of the official position;
- 10) with use of material or other dependence of the victim, -

are punished by imprisonment for a period of five up to ten years with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that.

3. The acts provided by parts one or the second this Article, which entailed the death of the victim or other heavy effects on imprudence or made by criminal group -

are punished by imprisonment for a period of eight up to twelve years with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to ten years or without that.

Article 117. Infection with venereal disease

1. Infection of other person with venereal disease with person knowing about availability at it this disease -

it is punished by penalty in the amount up to hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to forty five days.

2. The same act which entailed heavy effects, and is equal infection of two and more persons or obviously minor, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 118. Infection with the human immunodeficiency virus (HIV)

1. Notorious postavljeniye of other person in danger of infection of HIV -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred eighty hours, or arrest for a period of up to fifty days.

2. Infection of other person HIV with person knowing about availability at it this disease -

it is punished by imprisonment for a period of up to five years.

3. The act provided by part two of this Article, made concerning two or more persons or concerning obviously minor -

it is punished by imprisonment for a period of four up to eight years.

Note. Person who made the acts provided by parts one or the second this Article is exempted from criminal liability if other person delivered in danger of infection or infected with HIV was timely warned about availability at the first this disease and voluntarily agreed to make the actions which created danger of infection.

Article 119. Leaving is in danger

1. Notorious leaving without the face which is in life-threatening or health condition and deprived of opportunity to take measures to self-preservation for the early childhood, old age, disease or owing to other helpless condition, in cases if the guilty person had opportunity to give help to this person or owed care for this person or itself delivered it in life-threatening or health condition, -

it is punished by penalty in the amount up to hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to forty five days.

2. The same act which entailed on imprudence causing heavy or average weight of harm to health to person left unaided -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

3. The act provided by part one of this Article, which entailed the death of person left unaided on imprudence

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it is punished by restriction of freedom for a period of up to three years or imprisonment for the same term.

4. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence

-

it is punished by restriction of freedom for a period of up to five years or imprisonment for the same term.

Article 120. Rape

1. Rape, that is sexual connection using violence or with threat of its application to the victim or to other persons or with use of helpless condition of the victim, -

it is punished by imprisonment for a period of three up to five years.

2. Rape:

1) made by group of persons, group of persons by previous concert;

2) connected to threat of murder, and also made with special cruelty in relation to the victim or to other persons;

3) the entailed infection of the victim with venereal disease;

4) committed repeatedly, -

it is punished by imprisonment for a period of five up to ten years.

3. The acts provided by parts one or the second this Article if they:

- 1) entailed the death of the victim on imprudence;
- 2) infection of its HIV or other heavy effects entailed on imprudence causing severe harm to health of the victim;
- 3) *No. 240-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 01.04.2019;*
- 4) are made in the conditions of emergency situation or during mass riots;
- 5) *No. 240-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 01.04.2019;*
- 6) are made by criminal group, -

are punished by imprisonment for a period of ten up to fifteen years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of ten years or without that.

3-1. The acts provided by parts one, the second or third this Article if they:

- 1) are made concerning obviously minor;
- 2) are made concerning the minor parent, the stepfather, the teacher or the other person to who the law of the Republic of Kazakhstan assigns obligations on her education,

are punished by imprisonment for a period of twelve up to seventeen years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one, the second or third this Article if they are made concerning obviously juvenile,

-
are punished by imprisonment for a period of seventeen up to twenty years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities or lifelong imprisonment.

Article 121. Violent acts of sexual nature

1. Sodomy, lesbianism or other actions of sexual nature using violence or with threat of its application to the victim (victim) or to other persons or with use of helpless condition of the victim (victim) -

are punished by imprisonment for a period of three up to five years.

2. Same acts:

- 1) made by group of persons, group of persons by previous concert;
- 2) connected to threat of murder, and also made with special cruelty in relation to the victim (victim) or to other persons;
- 3) entailed infection of the victim (victim) with venereal disease;
- 4) made repeatedly, -

are punished by imprisonment for a period of five up to ten years.

3. The acts provided by parts one or the second this Article if they:

- 1) entailed the death of the victim (victim) on imprudence;
- 2) infection of his (her) HIV or other heavy effects entailed on imprudence causing severe harm to health of the victim (victim);
- 3) *No. 240-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 01.04.2019;*
- 4) are made in the conditions of emergency situation or during mass riots;
- 5) *No. 240-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 01.04.2019;*
- 6) are made by criminal group, -

are punished by imprisonment for a period of ten up to fifteen years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of ten years or without that.

3-1. The acts provided by parts one, the second or third this Article if they:

- 1) are made concerning obviously minor;

2) are made concerning the minor by the parent, the stepfather, the stepmother, the teacher or the other person to who the law of the Republic of Kazakhstan assigns obligations on his education,

are punished by imprisonment for a period of twelve up to seventeen years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one, the second or third this Article if they are made concerning obviously juvenile,

-
are punished by imprisonment for a period of seventeen up to twenty years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities or lifelong imprisonment.

Article 122. Sexual connection or other actions of sexual nature with person which did not reach sixteen-year age

1. Sexual connection, sodomy, lesbianism or other actions of sexual nature with person which obviously did not reach sixteen-year age -

are punished by restriction of freedom for a period of up to five years or imprisonment for the same term.

2. The same acts made concerning person which did not reach sixteen-year age, the parent, the stepfather, the stepmother, the teacher or the other person to who the law of the Republic of Kazakhstan assigns obligations on his education -

are punished by imprisonment for a period of seven up to ten years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article committed repeatedly, -

are punished by imprisonment for a period of ten up to fifteen years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 123. Compulsion to sexual connection, sodomy, lesbianism or other actions of sexual nature

1. Compulsion of person to sexual connection, sodomy, lesbianism or making of other actions of sexual nature by blackmail, threat of destruction, damage or withdrawal of property or with use of material or other dependence of the victim (victim)

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

2. The same act made concerning the minor (minor)

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Article 124. Depravity of juveniles

1. Making of dissolute actions without use of violence concerning obviously juvenile (juvenile) -

it is punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of seven up to ten years.

2. The same act made concerning juvenile (juvenile) by the parent, the stepfather, the stepmother, the teacher or the other person to who the law of the Republic of Kazakhstan assigns obligations on her (his) education -

it is punished by imprisonment for a period of seven up to twelve years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article committed repeatedly, -

are punished by imprisonment for a period of ten up to fifteen years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 125. Kidnapping

1. Kidnapping -

it is punished by imprisonment for a period of four up to seven years.

2. Same act, committed:

- 1) group of persons by previous concert;
- 2) repeatedly;
- 3) using violence, life-threatening or health;
- 4) using the weapon or objects used as weapon;
- 5) concerning obviously minor;
- 6) concerning the woman, obviously for guilty the pregnancy which is in condition;
- 7) concerning two or more persons;
- 8) from mercenary motives, -

it is punished by imprisonment for a period of seven up to twelve years with confiscation of property or without that.

3. The acts provided by parts one or the second this Article if they:

- 1) are made by criminal group;
- 2) are made for the purpose of the exploitation of the kidnapped person (stolen);
- 3) was entailed on imprudence by the death of the victim or other heavy effects, -

are punished by imprisonment for a period of ten up to fifteen years with confiscation of property or without that.

Note. Person which voluntarily exempted the kidnapped person (stolen) is exempted from criminal liability if its actions do not contain structure of other crime.

Article 126. Illegal imprisonment

1. The illegal deprivation of the person of freedom which is not connected with its stealing -

it is punished by restriction of freedom for a period of up to three years or imprisonment for the same term.

2. Same act, committed:

- 1) group of persons by previous concert;
- 2) repeatedly;
- 3) using violence, life-threatening or health;
- 4) using the weapon or objects used as weapon;
- 5) concerning obviously minor;
- 6) concerning the woman, obviously for guilty the pregnancy which is in condition;
- 7) concerning two or more persons;
- 8) from mercenary motives;
- 9) with use of material or other dependence of the victim, -

it is punished by imprisonment for a period of up to five years with confiscation of property or without that.

3. The acts provided by parts one or the second this Article if they:

- 1) are made by criminal group;
- 2) are made for the purpose of operation illegally imprisoned (deprived);
- 3) was entailed on imprudence by the death of the victim or other heavy effects, -

are punished by imprisonment for a period of five up to ten years with confiscation of property or without that.

Article 127. The illegal room in psychiatric hospital

1. The illegal room of person in psychiatric hospital or illegal deduction in it -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. Same act, if it:

- 1) it is made from mercenary motives or other personal interest;
- 2) it is committed by person with use of the official position;
- 3) it is made concerning obviously minor;
- 4) entailed the death of the victim or other heavy effects on imprudence, -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 128. Human trafficking

1. Purchase and sale or making of other transactions concerning person, and equally in its operation or recruitment, transportation, transfer, concealment, obtaining, and also making of other acts for the purpose of operation -

are punished by imprisonment for a period of three up to five years with confiscation of property.

2. Same acts, committed:

- 1) group of persons by previous concert;
 - 2) repeatedly;
 - 3) using violence, life-threatening and health, or threat of its application;
 - 4) using the weapon or objects used as weapon;
 - 5) concerning the woman, obviously for guilty the pregnancy which is in condition;
 - 6) concerning two and more persons;
 - 7) for the purpose of removal of organs or the victim's tissues for transplantation or other use;
 - 8) by deception or confidence abuse;
 - 9) person with use of the official position;
 - 10) with use of material or other dependence of the victim;
 - 11) concerning person, obviously for the guilty person suffering from mental disturbance or being down and out;
 - 12) with withdrawal, concealment or destruction of identity documents of the victim, -
- are punished by imprisonment for a period of five up to seven years with confiscation of property.

3. The acts provided by parts one or the second this Article, made for the purpose of export out of limits of the Republic of Kazakhstan, import to the Republic of Kazakhstan or transportations of person through the territory of the Republic of Kazakhstan from one foreign state in another, and equally in export out of limits of the Republic of Kazakhstan, import to the Republic of Kazakhstan or transportation of person through the territory of the Republic of Kazakhstan from one foreign state to other state for the purpose of making of such acts -

are punished by imprisonment for a period of seven up to ten years with confiscation of property.

4. The acts provided by parts one, the second or third this Article if they:

- 1) are made by criminal group;
 - 2) was entailed on imprudence by the death of the victim or other heavy effects, -
- are punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

Article 129. Cloning of the person

1. Cloning of the person or use of human embryo for the commercial, military or industrial purposes, and equally in export of gametes or human embryo from the Republic of Kazakhstan in the same purposes -

are punished by imprisonment for a period of up to three years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. Same acts, committed:

1) group of persons, group of persons by previous concert;

2) repeatedly, -

are punished by imprisonment for a period of four up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of seven up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 130. Slander

1. Slander, that is distribution of obviously false data discrediting honor and advantage of other person or hurting its reputation -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

2. The same act, committed publicly or with use of mass media or networks of telecommunications, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, connected to accusation of person in making of corruption, heavy or especially serious crime, and which equally entailed heavy effects -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Article 131. Insult

1. Insult, that is the humiliation of honor and advantage of other person expressed in indecent form -

it is punished by penalty in the amount up to hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours.

2. The same act, committed publicly or with use of mass media or networks of telecommunications, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred eighty hours.

Chapter 2. Criminal offenses against family and minors

Article 132. Involvement of the minor in making of criminal offenses

1. Involvement of the minor in making of criminal offenses by person who reached eighteen-year age -

it is punished by imprisonment for a period of two up to six years.

2. The same act made by the parent, the teacher or the other person to who the law of the Republic of Kazakhstan assigns obligations on education of the minor or by means of use of networks of telecommunications, including the Internet -

it is punished by imprisonment for a period of three up to seven years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article, made using violence or with threat of its application

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are punished by imprisonment for a period of four up to eight years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one, the second or third this Article, connected with involvement of the minor in making of heavy or especially serious crime -

are punished by imprisonment for a period of five up to ten years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

5. The acts provided by parts one, the second, third or fourth this Article, connected with involvement of the minor in criminal activities of criminal group -

are punished by imprisonment for a period of ten up to fifteen years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 133. Involvement of the minor in making of antisocial actions

1. Involvement of the minor in the use of the stupefying substances or toxicomania, or in the numerous use of alcoholic drinks, or in occupation vagrancy or begging -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. The same act made by the parent, the teacher or the other person to who the law of the Republic of Kazakhstan assigns obligations on education of the minor -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article committed repeatedly either using violence or with threat of its application, -

are punished by imprisonment for a period of three up to six years with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 134. Involvement of the minor in occupation prostitution

1. Involvement of the minor in occupation prostitution -

it is punished by imprisonment for a period of three up to five years with confiscation of property.

2. Involvement of the minor in occupation prostitution by use of violence or threat of its application, use of dependency, blackmail, destruction or damage of property or by deception -

it is punished by imprisonment for a period of five up to seven years with confiscation of property.

3. The acts provided by parts one or the second this Article committed:

1) group of persons by previous concert;

1-1) by means of use of networks of telecommunications, including the Internet;

2) repeatedly, -

are punished by imprisonment for a period of six up to ten years with confiscation of property.

4. The acts provided by parts one, the second or third this Article committed:

1) criminal group;

2) the parent, the teacher or the other person to who the law of the Republic of Kazakhstan assigns obligations on education of the minor, -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property, and in cases, stipulated in Item 2), with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 135. Trade in minors

1. Purchase and sale or making of other transactions concerning the minor, and equally in its operation or recruitment, transportation, transfer, concealment, obtaining, and also making of other acts for the purpose of operation -

are punished by imprisonment for a period of five up to seven years with confiscation of property.

2. Same acts, committed:

1) group of persons by previous concert;

2) repeatedly;

3) using violence, life-threatening and health, or threat of its application;

4) using the weapon or objects used as weapon;

5) concerning two and more persons;

6) for the purpose of removal of organs or the victim's tissues for transplantation or other use;

7) by deception or confidence abuse;

8) person with use of the official position;

9) for the purpose of involvement of the minor in making of crimes or other antisocial actions;

10) with use of material or other dependence of the victim;

11) concerning the minor, obviously for guilty the pregnancy which is in condition;

12) concerning the minor, obviously for the guilty person suffering from mental disturbance or being down and out;

13) with withdrawal, concealment or destruction of identity documents of the victim, -

are punished by imprisonment for a period of seven up to ten years with confiscation of property.

3. The acts provided by parts one or the second this Article, made for the purpose of export out of limits of the Republic of Kazakhstan, import to the Republic of Kazakhstan or transportations of the minor through the territory of the Republic of Kazakhstan from one foreign state in another, and equally in export out of limits of the Republic of Kazakhstan, import to the Republic of Kazakhstan or transportation of the minor through the territory of the Republic of Kazakhstan from one foreign state to other state for the purpose of making of such acts -

are punished by imprisonment for a period of ten up to twelve years with confiscation of property.

4. The acts provided by parts one, the second or third this Article if they:

1) are made by criminal group;

2) was entailed on imprudence by the death of the victim or other heavy effects, -

are punished by imprisonment for a period of twelve up to fifteen years with confiscation of property.

Article 136. Substitution of the child

1. Intentional substitution of the child -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act made from mercenary or other low motives -

it is punished by imprisonment for a period of three up to seven years.

Article 137. Illegal activities for adoption (adoption)

1. Illegal actions for adoption (adoption) of the child, its transfer under guardianship (guardianship), to the foster tutor -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to

forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same acts made from mercenary motives or the official with use of the official position -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 138. Disclosure of secrecy of adoption (adoption)

The disclosure of secrecy of adoption (adoption) contrary to will of the adoptive father which is committed by person, obliged to store the adoption fact as official or professional secrecy, or the other person from mercenary or other low motives, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred eighty hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 139. Non-execution of obligations on payment of funds for content of children, evasion from payment of funds for content of disabled parents, the disabled spouse (spouse)

Non-execution of obligations more than three months the parent on payment of funds by a court decision for content of minor children, and equally disabled children who reached eighteen-year age, or evasion more than three months of full age able-bodied person from payment by a court decision funds for content of the disabled parent, or evasion more than six months of able-bodied person from payment by a court decision funds for content disabled and needing financial support of the spouse (spouse) -

it is punished by attraction to social jobs for a period of up to six hundred hours or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 140. Non-execution of obligations on education of the minor

1. *It is excluded according to the Law of the Republic of Kazakhstan of 01.04.2019 No. 240-VI ZRK.*

2. Non-execution or improper execution of obligations on education of the minor by the parent or the other person to which these obligations are assigned and is equal the teacher or other employee of the educational, educational, medical or other institution obliged to exercise supervision of the minor, connected to minor abuse, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 141. Improper execution of obligations on safety of life and health of children

1. Improper execution of obligations on safety of life and health of the juvenile by person to which such obligations are assigned on service, or the person which is carrying out these obligations according to the special order or voluntarily assumed such obligations if it entailed on imprudence causing to the juvenile heavy or average weight of harm to health, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed the death of the juvenile on imprudence -

it is punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 142. Abuse of the rights of the guardian or custodian

Use of guardianship or custody in mercenary or other low purposes to the detriment of sponsored (ward) or the intentional leaving of sponsored (ward) without supervision or necessary assistance which entailed essential infringement of the rights and legitimate interests of sponsored (ward)

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 143. Illegal evacuation of the minor out of limits of the Republic of Kazakhstan

1. Illegal evacuation of the minor out of limits of the Republic of Kazakhstan -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act made from mercenary or other low motives or group of persons by previous concert, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property or without that.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of three up to seven years with confiscation of property or without that.

Article 144. Involvement of minors in production of products of erotic content

Involvement of the minor in production of products of erotic content, and also in distribution, advertizing and sale of products of erotic content -

it is punished by penalty in the amount up to hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to forty five days.

Chapter 3. Criminal offenses against the constitutional and other rights and freedoms of man and citizen

Article 145. Violation of equality of man and citizen

1. Direct or indirect restriction of human rights and freedoms (citizen) based on origin, social, official or property status, floor, race, nationality, language, the relation to religion, beliefs, the residence, belonging to public associations or on any other circumstances -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act which is committed by person with use of the official position or the leader of public association -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 146. Tortures

1. The intentional causing physical and (or) mental sufferings made by the investigator, person performing inquiry, either other official or other person from their instigation or from their permission or acquiescence with the purpose to receive from the tortured or other person of the data or recognition or to punish him for action which

was made by it or other person or of making of which it is suspected, and also to intimidate or force it or the third party or for any reason based on discrimination of any nature -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. Same act, committed:

1) group of persons or group of persons by previous concert;

2) repeatedly;

3) with causing average weight of harm to health;

4) concerning the woman, obviously for guilty the pregnancy which is in condition, or the minor, -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. The same act which entailed causing severe harm to health or on imprudence the death of the victim -

it is punished by imprisonment for a period of five up to twelve years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Note. The physical and mental suffering inflicted as a result of lawful acts of officials is not recognized torture.

Article 147. Violation of personal privacy and legislation of the Republic of Kazakhstan on personal data and their protection

1. Non-compliance with measures for personal data protection by person to which the obligation of acceptance of such measures is assigned if this act did essential harm to the rights and legitimate interests of persons, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Illegal collecting of the data on private life of person which are its personal or family secret without its consent or causing essential harm to the rights and legitimate interests of person as a result of illegal collection and (or) processing of other personal data -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

3. The acts provided by part two of this Article, which are committed by person with use of the official position or the special technical means intended for secret receipt of information or by illegal access to electronic information resources, information system or illegal interception of information transferred on network of telecommunications or for the purpose of extraction of benefits and benefits to themselves or to other persons, or the organizations -

are punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of two up to five years or without that.

4. Distribution of the data on private life of person which are its personal or family secret without its consent or causing essential harm to the rights and legitimate interests of person as a result of illegal collection and (or) processing of other personal data -

it is punished by imprisonment for a period of up to five years.

5. Distribution of the data specified in part four of this Article, in public statement, publicly shown work, in mass media or with use of networks of telecommunications -

it is punished by imprisonment for a period of up to seven years.

Article 148. Illegal violation of mystery of correspondence, telephone negotiations, post, cable or other messages

1. Illegal violation of mystery of correspondence, telephone negotiations, post, cable or other messages of physical persons -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act which is committed by person with use of the official position or the special technical means intended for secret receipt of information or by illegal access to electronic information resources, information system or illegal interception of information transferred on networks of telecommunications -

it is punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of two up to five years.

Article 149. Violation of inviolability of home

1. Illegal invasion into the dwelling against the will of person living in it -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

2. The same act made using violence or with threat of its application or group of persons, or at night or which was followed by illegal search, and equally illegal eviction from the dwelling -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, which are committed by person with use of the official position -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 150. Hindrance to implementation of the voting rights or work of the electoral commissions

1. Hindrance to free implementation by the citizen of the voting rights or the rights to participate in referendum, and also illegal intervention in work of the electoral commissions or the commissions on holding referendum and the hindrance to vote, fulfillment of duties connected with registration of the candidate, party lists, counting of votes and determination of results of vote on elections or referendum -

are punished by penalty in the amount up to hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours.

2. Same acts:

- 1) connected to bribery, deception, use of violence or to threat of its application;
- 2) committed by person with use of the official or official position;
- 3) made by group of persons by previous concert or criminal group;
- 4) the functioning of electronic electoral system made by violation of established procedure, -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to four years, or imprisonment for the same term.

Article 151. Falsification of the selective documents, documents of referendum or wrong counting of votes

1. Falsification of the selective documents or documents of referendum, entering of dummy records into bulletins or subscription lists, obviously wrong counting of votes or obviously wrong establishment of election results or results of referendum, or violation of mystery of vote if these acts are made by the authorized representative of

the candidate for president of the Republic of Kazakhstan or the authorized representative of the candidate, and it is equal the member of the electoral commission or commission on holding referendum, -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same acts made by violation of established procedure of functioning of electronic electoral system - are punished by imprisonment for a period of up to seven years.

Article 152. Violation of the labor law of the Republic of Kazakhstan

1. The illegal termination of the employment contract with the worker or non-execution of the judgment about recovery at work, and is equal other violation of the labor law of the Republic of Kazakhstan which entailed causing essential harm to the rights and legitimate interests of the citizen -

are punished by attraction to social jobs for a period of up to hundred sixty hours or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to one year or without that.

2. Unreasonable refusal in execution of an employment agreement with the woman or the unreasonable termination with her the employment contract based on her pregnancy, or unreasonable refusal in execution of an employment agreement, or the unreasonable termination of the employment contract with the woman having children up to three years for these motives, and equally unreasonable refusal in execution of an employment agreement or the unreasonable termination of the employment contract with the disabled person based on disability or to the minors based on its infancy -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to one year or without that.

3. Numerous delay person performing managerial functions, salary payments in full and at the scheduled time in connection with use of money for other purposes -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 153. Violation of the labor law of the Republic of Kazakhstan concerning minors

1. Violation by the employer or official of the labor law of the Republic of Kazakhstan regarding involvement of minors to works at which application of work of the workers who did not reach eighteen-year age is forbidden -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. Same act, committed:

1) group of persons by previous concert;

2) repeatedly;

3) concerning two or more persons;

4) by deception or confidence abuse;

5) concerning the minor, obviously for the guilty person suffering from mental disturbance or being down and out -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom

for a period of two up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 154. Hindrance of legal activities of employee representatives

Hindrance of legal activities of employee representatives by the official with use of the official position, and is equal the intervention in their legal activities made by the official with use of the official position, the entailed fundamental breach of their rights and legitimate interests -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 155. Hindrance of the organization, holding meeting, meeting, demonstration, procession, picketing or to participation in them

1. Illegal hindrance of the organization or to holding meeting, meeting, demonstration, procession, picketing, other legal public action or participation in them or coercion to participation in them -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred eighty hours, or arrest for a period of up to fifty days.

2. The same act made by the official with use of the official position or using violence or threat of its application -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 156. Labor protection abuse of regulations

1. The abuse of regulations of safe engineering, industrial hygiene or other industrial safety rules which is committed by person on which obligations on the organization or ensuring compliance with these rules lay, the causing average weight of harm to health which entailed on imprudence, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act which entailed on imprudence causing severe harm to health -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. The act provided by part one of this Article, which entailed the death of the person on imprudence -

it is punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by restriction of freedom for a period of up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 157. Coercion to participation in strike or to refusal of participation in strike

1. Coercion to participation in strike or to refusal of participation in legal strike -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. The same act which is committed by person with use of the official position or by use of violence or threat of use of violence -

it is punished by penalty at the rate to six thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to six years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 158. Hindrance of legal professional activity of the journalist

1. Hindrance of legal professional activity of the journalist by coercion it to distribution or refusal of distribution of information, and is equal in the way of creation of the conditions which are interfering accomplishment by the journalist of legal professional activity or completely depriving of its this opportunity -

it is punished by penalty in the amount up to hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to forty five days.

2. The same act which is committed by person with use of the official position, and is equal using violence or threat of its application concerning the journalist or his relatives or with damage or destruction of their property, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 159. Illegal restriction of the right to access to information resources

Illegal restriction of the right to access to information resources -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours.

Chapter 4. Crimes against the world and safety of mankind

Article 160. Planning, preparation, unbinding or conducting war of aggression

1. Planning or preparation of war of aggression -

it is punished by imprisonment for a period of ten up to fifteen years.

2. Unleashing or conducting war of aggression -

it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment.

Article 161. Promotion or public calls for unleashing of war of aggression

1. Promotion or public calls for unleashing of war of aggression -

it is punished by imprisonment for a period of up to five years.

2. The same act made with use of mass media or networks of telecommunications or the official holding responsible state position -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 162. Production, acquisition or sale of weapons of mass destruction

Production, acquisition or sale of the chemical, biological, nuclear, and also other type of weapon of mass defeat prohibited by the international treaty of the Republic of Kazakhstan -

are punished by imprisonment for a period of five up to ten years.

Article 163. Application of the prohibited means and methods of warfare

1. The prisoners of war abuse or the civilian population, deportation of the civilian population, destruction or plunder of national property in the occupied territory, application in armed conflict of the means and methods prohibited by the international treaty of the Republic of Kazakhstan -

are punished by imprisonment for a period of ten up to fifteen years with deprivation of nationality of the Republic of Kazakhstan or without that.

2. Use of weapons of the mass defeat prohibited by the international treaty of the Republic of Kazakhstan -

it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment.

Article 164. Violation of the laws and customs of war

1. Compulsion of the persons who handed over weapon or not having remedies, wounded, sick, shipwrecked, health workers, sanitary and spiritual personnel, prisoners of war, the civilian population in the occupied territory or in the war zone, the other persons using during military operations international protection to service in armed forces of the opponent or to resettlement or deprivation of their right to independent and just trial, or restriction of the right of these persons for protection in criminal trial -

it is punished by imprisonment for a period of three up to seven years.

2. Murder of persons listed in part one of this Article -

it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment.

Article 165. Criminal violations of regulations of international humanitarian law during armed conflicts

The violations of regulations of international humanitarian law during armed conflict expressed in transformation of not defended areas and demilitarized zones into subject to attack or agreement breach about truce, suspension of the military operations or local agreements signed with the purpose of export, exchange or transportation of the wounded and dead left in the field of battle or making of attack on the civilian population or civil objects, or movement of part of own civilian population of the occupied territory, or unjustifiable delay of repatriation of prisoners of war and civilians -

are punished by imprisonment for a period of ten up to fifteen years.

Article 166. Failure to act or making the criminal order during armed conflict

1. Intentional rejection during armed conflict by the chief or official within the powers of all feasible measures for the prevention prepared or suppression of the criminal violations of the laws and customs of war or regulations of international humanitarian law made by the subordinate -

it is punished by imprisonment for a period of seven up to fifteen years.

2. Giving during armed conflict by the chief or official to the subordinate of the order not to leave anybody in live or others obviously criminal the order or the order directed to making of criminal violations of the laws and customs of war or regulations of international humanitarian law -

it is punished by imprisonment for a period of ten up to twenty years.

Article 167. Illegal use by the signs protected by international treaties

Intentional use contrary to international treaties during military operations of emblems of the Red Cross, Red Crescent, Red Crystal or security signs for cultural values, or other signs protected by international law or use of national flag or the state differences of the opponent, the neutral state, flag or he is familiar to the international organization -

it is punished by imprisonment for a period of up to five years.

Article 168. Genocide

1. Genocide, that is the intentional acts directed to complete or partial extermination of national, ethnic, racial or religious group by murder of members of this group, causing severe harm to their health, violent hindrance to child-bearing, forced transfer of children, forced relocation or creation of other vital conditions expected physical extermination of members of this group -

it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that.

2. The same acts made in wartime -

are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment.

Article 169. Ecocide

Mass destruction vegetable or fauna, poisoning of the atmosphere, land or water resources, and also making of other actions which caused or capable to cause ecological disaster or emergency ecological situation, -

are punished by imprisonment for a period of ten up to fifteen years with deprivation of nationality of the Republic of Kazakhstan or without that.

Article 170. Nayemnichestvo

1. Recruitment, training, financing or other material security of the mercenary, and its use is equal in the armed conflict, military operations or other violent acts directed to overthrow or blasting the constitutional system or violation of territorial integrity of the state -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

2. The same acts which are committed by person with use of the official position or in respect of the minor -

are punished by imprisonment for a period of twelve up to seventeen years with confiscation of property, deprivation of nationality of the Republic of Kazakhstan or without that.

3. Participation of the mercenary in armed conflict, the military operations or other violent acts directed to overthrow or blasting the constitutional system or violation of territorial integrity of the state -

it is punished by imprisonment for a period of seven up to ten years.

4. The act provided by part three of this Article, which entailed death of people or other heavy effects -

it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment, with confiscation of property.

Article 171. Creation of bases (camps) of training of mercenaries

Creation of base (camp) obviously for training of mercenaries or provision of the room or the parcel of land obviously for the same purposes -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

Article 172. Participation in foreign armed conflicts

Intentional illegal participation of the citizen of the Republic of Kazakhstan in armed conflict or military operations in the territory of foreign state in the absence of nayemnichestvo signs -

it is punished by imprisonment for a period of five up to nine years.

Article 173. Attack on persons or the organizations using international protection

1. Attack on the representative of the foreign state or the employee of the international organization using international protection or the members of his family living together with it, and is equal on office either premises or vehicles of persons using international protection, and stealing or violent imprisonment of these persons, and also threat of making of the specified actions is equal -

are punished by imprisonment for a period of three up to eight years.

2. The same acts made repeatedly or using the weapon or objects used as weapon, or group of persons by previous concert or the wars integrated to causing severe harm to health, and equally made for the purpose of provocation or complication of the international relations, -

are punished by imprisonment for a period of ten up to fifteen years with confiscation of property, deprivation of nationality of the Republic of Kazakhstan or without that.

3. The acts provided by parts one or the second this Article, which entailed the death of the person on imprudence or made by criminal group -

are punished by imprisonment for a period of fifteen up to twenty years with confiscation of property, deprivation of nationality of the Republic of Kazakhstan or without that.

Article 174. Excitement of social, national, patrimonial, racial, class or religious discord

1. The intentional actions directed to excitement of social, national, patrimonial, racial, class or religious discord on insult of national honor and advantage or religious feelings of citizens, and equally in promotion of exclusiveness, superiority or inferiority of citizens on the basis of their relation to religion, class, national, patrimonial or race if these acts are made publicly or with use of mass media or networks of telecommunications, and it is equal in the way of production or distribution of literature or other data carriers propagandizing social, national, patrimonial, racial, class or religious discord -

are punished by restriction of freedom for a period of two up to seven years or imprisonment for the same term.

2. The same actions made by group of persons, group of persons by previous concert or repeatedly or connected to violence or threat of its application, and which are equally committed by person with use of the official position or the leader of public association including with use of the means received from foreign sources -

are punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article, made by criminal group or which entailed heavy effects -

are punished by imprisonment for a period of twelve up to twenty years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Chapter 5. Criminal offenses against bases of the constitutional system and safety of the state

Article 175. High treason

1. High treason, that is the intentional acts of the citizen of the Republic of Kazakhstan expressed in transition to the party of the enemy during armed conflict, and it is equal in espionage, issue of the state secrets to foreign state, the international or foreign organization or their representatives, and is equal in other rendering the help in carrying out the activities directed against national interests of the Republic of Kazakhstan to them -

it is punished by imprisonment for a period of ten up to fifteen years with deprivation of nationality of the Republic of Kazakhstan or without that.

2. The same acts made in fighting situation

are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that.

3. The acts provided by part one, made in wartime -

are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment.

Note. Person who committed the crimes provided by this Article, and also [Articles 176 and 179](#) of this Code is exempted from criminal liability if it the voluntary and timely message to state bodies or otherwise promoted prevention of approach of damage to interests of the Republic of Kazakhstan and if its actions do not contain structure of other crime.

Article 176. Espionage

Transfer, and collecting, stealing or storage for the purpose of transfer to foreign state, the international or foreign organization or their representatives of the data constituting the state secrets and also transfer or collecting on the instructions of foreign intelligence service of other data for their use against national interests of the Republic of Kazakhstan is equal if these acts are made by the foreign citizen or the stateless person, -

are punished by imprisonment for a period of ten up to fifteen years.

Article 177. Infringement of life of the First President of the Republic of Kazakhstan - Elbasa

Infringement of life of the First President of the Republic of Kazakhstan - Elbasa, made for the purpose of hindrance of its legal activities or from revenge for such activities,

it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment.

Article 178. Infringement of life of the President of the Republic of Kazakhstan

The infringement of life of the President of the Republic of Kazakhstan made for the purpose of the termination of its state activities or from revenge for such activities -

it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment.

Article 179. Promotion or public calls for capture or deduction of the power, and equally in capture or deduction of the power or violent change of the constitutional system of the Republic of Kazakhstan

1. Promotion or public calls for the forcible seizure of power or violent deduction of the power in defiance of [the Constitution](#) of the Republic of Kazakhstan, to undermining safety of the state or violent change of the constitutional system of the Republic of Kazakhstan, and production, storage for the purpose of distribution or distribution of materials of such content is equal -

are punished by penalty at the rate from one thousand to five thousand monthly settlement indicators or restriction of freedom for a period of up to seven years, or imprisonment for the same term.

2. The same actions which are committed by person with use of the official position or the leader of public association or with use of mass media or networks of telecommunications, either group of persons or group of persons by previous concert, including with use of the means received from foreign sources -

are punished by imprisonment for a period of five up to ten years.

3. The actions directed to the forcible seizure of power or violent deduction of the power in defiance of [the Constitution](#) of the Republic of Kazakhstan or violent change of the constitutional system of the Republic of Kazakhstan -

are punished by imprisonment for a period of twelve up to seventeen years with deprivation of nationality of the Republic of Kazakhstan or without that.

4. Implementation by representatives of foreign state, the international or foreign organization of the powers which are in competence of authorized bodies and officials of the Republic of Kazakhstan -

it is punished by penalty in the amount of three to seven thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to seven years, or imprisonment for the same term.

Article 180. Separatist activities

1. Promotion or public calls for violation of unitarity and integrity of the Republic of Kazakhstan, immunity and inalienability of its territory or disintegration of the state, and production, storage for the purpose of distribution or distribution of materials of such content is equal -

are punished by penalty at the rate from one thousand to five thousand monthly settlement indicators or restriction of freedom for a period of up to seven years, or imprisonment for the same term.

2. The same actions which are committed by person with use of the official position or the leader of public association or with use of mass media or networks of telecommunications, either group of persons or group of persons by previous concert, including with use of the means received from foreign sources -

are punished by imprisonment for a period of five up to ten years.

3. The actions made for the purpose of violation of unitarity and integrity of the Republic of Kazakhstan, immunity and inalienability of its territory or disintegration of the state -

are punished by imprisonment for a period of ten up to fifteen years with deprivation of nationality of the Republic of Kazakhstan or without that.

Article 181. Armed rebellion

1. The organization of armed rebellion for the purpose of overthrow or change of the constitutional system or violation of unitarity and integrity of the Republic of Kazakhstan, and also immunity and inalienability of its territory, and equally in capture or deduction of the power -

it is punished by imprisonment for a period of twelve up to twenty years with deprivation of nationality of the Republic of Kazakhstan or without that.

2. Participation in armed rebellion -

it is punished by imprisonment for a period of twelve up to seventeen years with deprivation of nationality of the Republic of Kazakhstan or without that.

Article 182. Creation, management of extremist group or participation in its activities

1. Creation of extremist group, and is equal management of it -

are punished by imprisonment for a period of ten up to seventeen years with confiscation of property.

2. Participation in activities of extremist group or in the crimes committed by it -

it is punished by imprisonment for a period of eight up to twelve years with confiscation of property.

3. The acts provided by parts one or the second this Article, which are committed by person with use of the official position or the leader of public association -

are punished by imprisonment for a period of twelve up to seventeen years with confiscation of property, deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years, deprivation of nationality of the Republic of Kazakhstan or without that.

Note. Person which voluntarily stopped participation in activities of extremist group is exempted from criminal liability if its actions do not contain structure of other crime.

Article 183. Giving permission to the publication in mass media of extremist materials

Giving permission to the publication in seal and other mass media of the data and materials directed to kindling - race, patrimonial, racial, social and religious strife, propagandizing class exclusiveness, the war containing appeals to the forcible seizure of power, violent deduction of the power, undermining safety of the state or violent change of the constitutional system, and it is equal to violation of territorial integrity of the Republic of Kazakhstan, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

Article 184. Diversion

Making for the purpose of the undermining safety and defense capability of the Republic of Kazakhstan of explosion, arson or other actions directed to mass extermination of people, damnification to their health, destruction or damage of the companies, constructions, ways and intermedia, means of communication, critical public

infrastructure, and is equal making in the same purposes of mass poisonings or distribution of epidemics and epizooty

-
are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment, with confiscation of property.

Article 185. Illegal collecting, distribution, disclosure of the state secrets

1. Illegal collecting of the data constituting the state secrets, and is equal distribution of illegally received data constituting the state secrets in the absence of signs of high treason or espionage -

are punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Disclosure of the data constituting the state secrets by person to whom they were entrusted or became known on service, work, or on other bases provided by the law of the Republic of Kazakhstan, in the absence of signs of high treason -

it is punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article if they entailed causing major damage or approach of other heavy effects, -

are punished by imprisonment for a period of five up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 186. Loss of carriers of the data containing the state secrets

1. Loss on imprudence of carriers of the data containing the state secrets, person to whom they were entrusted on service, work or on other bases provided by the law of the Republic of Kazakhstan if loss was result of violation of statutory rules of the handling of carriers of the data constituting the state secrets -

it is punished by penalty in the amount up to two hundred monthly settlement indicators with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed causing major damage or approach of other heavy effects -

it is punished by penalty at the rate to four thousand monthly settlement indicators, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Chapter 6. Criminal offenses against property

Article 187. Petty theft

1. Petty theft, that is the theft, fraud, assignment or waste of alien property made in insignificant size -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. Petty theft, committed repeatedly, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

Article 188. Theft

1. Theft, that is secret plunder of alien property, -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property or without that.

2. Theft, committed:

1) group of persons by previous concert;

2) *No. 217-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 21.01.2019;*

3) with illegal penetration into the residential, office or production room, storage or the vehicle;

4) by illegal access to information system or changes of information transferred on networks of telecommunications -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property.

3. Theft, committed:

1) in large size;

2) repeatedly, -

it is punished by restriction of freedom for a period of two up to seven years or imprisonment for the same term, with confiscation of property.

4. Theft, committed:

1) criminal group;

2) from oil and gas pipeline;

3) in especially large size, -

it is punished by imprisonment for a period of five up to ten years with confiscation of property.

Article 189. Assignment or waste of entrusted alien property

1. Assignment or waste, that is plunder of the alien property entrusted to the guilty person -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property or without that.

2. Same act, committed:

1) group of persons by previous concert;

2) *No. 217-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 21.01.2019;*

3) person with use of the official position, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article if they are made:

1) in large size;

2) the person authorized on accomplishment of the state functions, or equated to it by person, either the official, or person holding responsible state position if they are integrated to use of the official position by it;

3) repeatedly, -

are punished by restriction of freedom for a period of two up to seven years or imprisonment for the same term, with confiscation of property, and in cases, stipulated in Item 2), - penalty from stolen property, tenfold to the twentyfold size, or imprisonment for a period of two up to seven years, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one, the second or third this Article if they are made:

- 1) criminal group;
- 2) in especially large size, -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities or without that.

Article 190. Fraud

1. Fraud, that is plunder of alien property or acquisition of right to alien property by deception or confidence abuse, -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property.

2. Fraud, committed:

- 1) group of persons by previous concert;
- 2) *No. 217-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 21.01.2019;*
- 3) person with use of the official position;
- 4) by deception or confidence abuse of the user of information system;
- 5) in the field of public procurements, -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. Fraud, committed:

- 1) in large size;
- 2) the person authorized on accomplishment of the state functions, or equated to it by person, either the official, or person holding responsible state position if it is integrated to use of the official position by it;
- 3) concerning two or more persons;
- 4) repeatedly, -

it is punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with confiscation of property, and in cases, stipulated in Item 2), - penalty from stolen property, tenfold to the twentyfold size, or imprisonment for a period of three up to seven years, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one, the second or third this Article if they are made:

- 1) criminal group;
- 2) in especially large size, -

are punished by imprisonment for a period of five up to ten years with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities or without that.

Article 191. Robbery

1. Robbery, that is open plunder of alien property, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with confiscation of property or without that.

2. Robbery, committed:

- 1) using violence, not life-threatening or health of the victim, or with threat of application of such violence;
- 2) repeatedly;
- 3) group of persons by previous concert;

4) with illegal penetration into the residential, office, production room or storage, -
it is punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with confiscation of property.

3. The robbery made in large size -

it is punished by imprisonment for a period of five up to ten years with confiscation of property.

4. The acts provided by parts one, the second or third this Article if they are made:

1) criminal group;

2) in especially large size, -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

Article 192. Robbery

1. Robbery, that is the attack for the purpose of plunder of alien property connected to violence, life-threatening or health of person which was attacked or to threat of direct application of such violence -

it is punished by imprisonment for a period of three up to seven years with confiscation of property.

2. Robbery, committed:

1) group of persons by previous concert;

2) repeatedly;

3) with illegal penetration into the residential, office, production room or storage;

4) using the weapon or objects used as weapon;

5) with causing severe harm to health, -

it is punished by imprisonment for a period of five up to ten years with confiscation of property.

3. Robbery, committed:

1) with causing the severe harm to health which entailed the death of the victim on imprudence;

2) for the purpose of plunder of property in large size, -

it is punished by imprisonment for a period of seven up to twelve years with confiscation of property.

4. The acts provided by parts one, the second or third this Article if they are made:

1) criminal group;

2) in especially large size, -

are punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

Article 193. Plunder of the objects having special value

1. Plunder of the objects or documents having special historical, scientific, art or cultural value irrespective of plunder method -

it is punished by imprisonment for a period of three up to six years with confiscation of property or without that.

2. Same act, committed:

1) group of persons by previous concert;

2) repeatedly, -

it is punished by imprisonment for a period of seven up to ten years with confiscation of property.

3. The acts provided by parts one or the second this Article if they:

1) are made by criminal group;

2) entailed destruction or spoil of the objects or documents specified in part one of this Article -

are punished by imprisonment for a period of ten up to twelve years with confiscation of property.

Article 194. Racketing

1. The racketing, that is the requirement of transfer of alien property or right to property or making of other actions of property nature under the threat of use of violence or destruction or damage of alien property, and is equal under the threat of distribution of the data dishonoring the victim or his relatives, or other data which announcement can do essential harm to interests of the victim or his relatives -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with confiscation of property or without that.

2. Racketing, committed:

- 1) using violence;
- 2) group of persons by previous concert;
- 3) repeatedly, -

it is punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with confiscation of property.

3. Racketing, committed:

- 1) with causing severe harm to health of the victim;
- 2) for the purpose of receipt of property in large size, -

it is punished by imprisonment for a period of five up to ten years with confiscation of property.

4. The acts provided by parts one, the second or third this Article if they are made:

- 1) criminal group;
- 2) in especially large size, -

are punished by imprisonment for a period of seven up to fifteen years with confiscation of property.

Article 195. Causing property damage by deception or confidence abuse

1. Causing property damage to the owner or other owner of property by deception or confidence abuse in the absence of plunder signs -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act, committed repeatedly, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

3. The acts provided by parts one or the second this Article committed:

- 1) group of persons by previous concert;
- 2) person with use of the official position;
- 3) by illegal access to information system or changes of information transferred on networks of telecommunications -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The acts provided by parts one, the second or third this Article if they:

- 1) are made by criminal group;

2) caused major damage, -

are punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 196. Acquisition or sale of the property which is obviously got in the criminal way

1. In advance not promised acquisition or sale of the property which is obviously got in the criminal way -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same acts made repeatedly -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

3. The acts provided by parts one or the second this Article committed:

1) concerning the car, oil and oil products or other property in large size;

2) group of persons by previous concert;

3) concerning monuments history, culture, and also objects, documents having special historical, scientific, art or cultural value -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with confiscation of property or without that.

4. The acts provided by parts one, the second or third this Article, made by criminal group or person with use of the official position -

are punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 197. Transportation, acquisition, realization, oil storage and oil products, and also oil refining without documents confirming legality of their origin

1. Transportation, acquisition, realization, oil storage and oil products, and also oil refining without documents confirming legality of their origin -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same acts made repeatedly -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

3. The acts provided by parts one or the second this Article, made in large size -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property or without that.

4. The acts provided by parts one, the second or third this Article committed:

1) criminal group;

2) in especially large size, -

are punished by imprisonment for a period of three up to six years with confiscation of property or without that.

Article 198. Violation of the author's and (or) related rights

1. Illegal use of objects author's and (or) the related rights, and is equal acquisition, storage, movement or production of counterfeit copies of objects of copyright and (or) the related rights for the purpose of sale either assignment of authorship or coercion to co-authorship -

are punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours.

2. The same acts if they are made in considerable size or did significant damage or essential harm to the rights or legitimate interests of the author or other owner, or are made repeatedly, -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

3. The acts provided by part two of this Article committed:

- 1) group of persons by previous concert;
- 2) in large size or caused major damage;
- 3) person with use of the official position, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The acts provided by parts two or third this Article, made by criminal group -

are punished by restriction of freedom for a period of three up to six years or imprisonment for the same term.

Article 199. Violation of the rights to inventions, useful models, industrial designs, selection achievements or topology of integral chips

1. Disclosure without the consent of the author or the applicant of essence of the invention, useful model, industrial design, selection achievement or topology of integral chip before the official publication of information about them, and is equal assignment of authorship or coercion to co-authorship or illegal use of the invention, useful model, industrial design, selection achievement or topology of integral chip -

are punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours.

2. The same acts if they are made in considerable size or did significant damage or essential harm to the rights or legitimate interests of the author or other owner or are made repeatedly, -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

3. The acts provided by part two of this Article committed:

- 1) group of persons by previous concert;
- 2) in large size or caused major damage;
- 3) person with use of the official position, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The acts provided by parts two or third this Article, made by criminal group -

are punished by restriction of freedom for a period of three up to six years or imprisonment for the same term.

Article 200. Illegal occupancy by the car or other vehicle without the plunder purpose

1. Illegal occupancy by the car or other vehicle without the purpose of plunder (stealing) -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Same act, committed:

1) group of persons on preliminary to collusion;

2) repeatedly;

3) using violence, not life-threatening or health, or with threat of application of such violence, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, made by criminal group or which caused major damage -

are punished by imprisonment for a period of five up to eight years.

4. The acts provided by parts one, the second or third this Article, made using violence, life-threatening or health or with threat of application of such violence, -

are punished by imprisonment for a period of six up to ten years.

Article 201. Violation of the corporeal rights to the earth

1. The illegal penetration on others parcel of land which entailed the causing essential harm to the rights or the interests of citizens or the organizations or interests of society or state protected by the law protected by the law made using violence or with threat of its application or group of persons or which was followed by illegal search, and equally illegal capture of others parcel of land -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The acts provided by part one of this Article, which are committed by person with use of the official position -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 202. Intentional destruction or damage of alien property

1. The intentional destruction or damage of alien property which caused significant damage -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Same act:

1) made by arson, explosion or other all-dangerous method;

2) the causing which entailed on imprudence heavy or average weight of harm to health;

3) made in connection with accomplishment by the victim of the office or social duty or concerning his close relatives for the same motives;

4) made based on social, race, racial or religious strife;

5) caused major damage, -

it is punished by penalty at the rate from three thousand to seven thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of three up to seven years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, which entailed:

1) on imprudence the death of the person;

2) causing especially major damage, -

are punished by imprisonment for a period of five up to ten years.

Article 203. Intentional destruction or damage of the objects having special value

1. Intentional destruction or damage of monuments of history, the culture, natural complexes or objects taken under protection of the state, and also the objects or documents having special historical, scientific, art or cultural value -

it is punished by imprisonment for a period of three up to seven years.

2. Same act:

1) made by arson, explosion or other all-dangerous method;

2) the causing which entailed on imprudence heavy or average weight of harm to health;

3) made based on social, race, racial or religious strife, -

it is punished by imprisonment for a period of five up to ten years.

3. The acts provided by parts one or the second this Article, which entailed the death of the person on imprudence -

are punished by imprisonment for a period of seven up to twelve years.

Article 204. Careless destruction or damage of alien property

1. The destruction or damage of alien property made on imprudence, which caused major damage -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. The same act made by careless handling of fire or other sources of enhanced danger either which entailed heavy effects or caused especially major damage -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Chapter 7. Criminal offenses in the field of informatization and communication

Article 205. Illegal information access, in information system or network of telecommunications

1. The intentional illegal access to the information protected by the law containing on the electronic medium, to information system or network of telecommunications, which entailed fundamental breach of the rights and legitimate interests of citizens or the organizations or the interests of society or state protected by the law, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. The same act made concerning crucial objects of information and communication infrastructure -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

3. The acts provided by parts one or the second this Article, which entailed heavy effects on imprudence -
are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 206. Illegal destruction or modification of information

1. Intentional illegal destruction or modification of the information protected by the law which is stored on the electronic medium containing in information system or transferred on networks of telecommunications, and equally in input to information system of obviously false information if it entailed fundamental breach of the rights and legitimate interests of citizens or the organizations or the interests of society or state protected by the law, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. Same acts, committed:

- 1) concerning crucial objects of information and communication infrastructure;
- 2) group of persons by previous concert, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article:

- 1) made by criminal group;
- 2) the entailed heavy effects, -

are punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 207. Violation of work of information system or to networks of telecommunications

1. The intentional actions (failure to act) directed to violation of work of information system or to networks of telecommunications -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. Same acts, committed:

- 1) concerning crucial objects of information and communication infrastructure;
- 2) group of persons by previous concert, -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article:

- 1) made by criminal group;
- 2) the entailed heavy effects, -

are punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that.

Article 208. Illegal occupancy by information

1. Intentional illegal copying or other illegal occupancy by the information protected by the law which is stored on the electronic medium containing in information system or transferred on networks of telecommunications if it entailed fundamental breach of the rights and legitimate interests of citizens or the organizations or the interests of society or state protected by the law, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred eighty hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. Same act, committed:

- 1) concerning crucial objects of information and communication infrastructure;
- 2) group of persons by previous concert, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article:

- 1) made by criminal group;
- 2) the entailed heavy effects, -

are punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 209. Coercion to information transfer

1. Coercion to the transfer of the information protected by the law which is stored on the electronic medium, containing in information system or transferred on networks of telecommunications under the threat of use of violence or destruction or damage of property, and is equal under the threat of distribution of the data dishonoring the victim or his relatives, or other data which announcement can do essential harm to interests of the victim or his relatives -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. Same act:

- 1) integrated using physical abuse over person or his relatives;
- 2) made by group of persons by previous concert;

3) made for the purpose of receipt of information from crucial objects of information and communication infrastructure, -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article:

- 1) made by criminal group;
- 2) the entailed heavy effects, -

are punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that.

Article 210. Creation, use or distribution of malicious computer applications and software products

1. Creation of the computer program, software product or modification of the existing program or software product for the purpose of illegal destruction, blocking, modification, copying, use of the information which is stored on the electronic medium, containing in the information system or transferred on networks of telecommunications, violations of operation of the computer, the subscriber device, the computer program, information system or to networks of telecommunications, and equally intentional use and (or) distribution of such program or software product -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Same acts, committed:

- 1) group of persons by previous concert;
- 2) person with use of the official position;
- 3) concerning crucial objects of information and communication infrastructure, -

are punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article:

- 1) made by criminal group;
- 2) the entailed heavy effects, -

are punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that.

Article 211. Illegal distribution of electronic information resources of limited access

1. Illegal distribution of the electronic information resources containing personal data of citizens or other data, access to which is limited by the laws of the Republic of Kazakhstan or their owner or the owner, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred eighty hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Same act, committed:

- 1) group of persons by previous concert;
- 2) from mercenary motives;
- 3) person with use of the official position, -

it is punished by attraction to social jobs for a period of up to one thousand two hundred hours or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article:

- 1) made by criminal group;
- 2) the entailed heavy effects, -

are punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that.

Article 212. Provision of services for placement of the Internet resources pursuing the illegal aims

1. Obviously illegal rendering services in provision of the hardware and software functioning in open for networks of telecommunications for placement of the Internet resources pursuing the illegal aims -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years.

2. The same act made by group of persons by previous concert or criminal group -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 213. Illegal change of identification code of the subscriber structure of cellular communication, device of identification of the subscriber, and also creation, use, distribution of programs for change of identification code of the subscriber device

1. Change of identification code of the subscriber structure of cellular communication, creation of the duplicate of the card of identification of the subscriber of cellular communication if these actions are made without the consent of the producer or the legal owner, -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. Illegal creation, use, distribution of the programs allowing to change identification code of the subscriber structure of cellular communication or to create the duplicate of the card of identification of the subscriber of cellular communication -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of up to five years.

Chapter 8. Criminal offenses in the field of economic activity

Article 214. Illegal entrepreneurship, illegal banking or collection activity

1. Implementation of business activity, banking activity (banking activities) or collection activities without registration, and is equal without the license, obligatory for such activities, or with violation of the law of the Republic of Kazakhstan about permissions and notifications, and occupation the prohibited types of business activity is equal if these acts caused major damage to the citizen, to the organization or the state or are integrated to commercialization in large size or production, storage, transportation or sale of excise goods in considerable sizes, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property or without that.

2. Same acts:

1) made by criminal group;

2) integrated to commercialization in especially large size;

3) made repeatedly, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property.

Note. Person which for the first time made the act provided by part one of this Article is exempted from criminal liability in case of voluntary compensation of damage.

Article 215.

It is excluded according to the Law of the Republic of Kazakhstan of 03.07.2017 No. 84-VI ZRK

Article 216. Making of actions according to the statement of the invoice without the actual performance of works, rendering services, shipment of goods

1. The making by the subject of private entrepreneurship of actions according to the statement of the invoice without the actual performance of works, rendering services, shipment of goods for the purpose of extraction of property benefit which caused major damage to the citizen, the organization or the state -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. The act provided by part one of this Article committed:

1) repeatedly;

2) group of persons by previous concert;

3) *No. 180-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 12.07.2018;*

4) the person authorized on accomplishment of the state functions, or equated to it by person, either the official, or person holding responsible state position if it is integrated to use of the official position by it;

5) *No. 84-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 03.07.2017;*

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property, and in cases, stipulated in Item 4), and with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article, made by criminal group or which caused especially major damage -

are punished by imprisonment for a period of up to seven years with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities or without that.

Article 217. Creation and management of financial (investment) pyramid

1. Creation of financial (investment) pyramid, that is the organization of activities for commercialization (property benefit) from fund raising or other property or the right to it of physical and (or) legal entities without use of the raised funds for the business activity providing undertaken obligations by redistribution of these assets and enrichment of one participants at the expense of fees of others, and is equal management of financial (investment) pyramid or its structural division -

are punished by penalty at the rate to three thousand monthly settlement indicators or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property.

2. Same acts, committed:

1) group of persons by previous concert;

2) repeatedly;

3) person with use of the official position;

4) with fund raising or other property in large size, -

are punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. The acts provided by parts one or the second this Article committed:

1) criminal group;

2) with fund raising or other property in especially large size;

3) the person authorized on accomplishment of the state functions, or equated to it by person, either the official, or person holding responsible state position if they are integrated to use of the official position by it, -

are punished by imprisonment for a period of five up to ten years with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to seven years, and in cases, stipulated in Item 3), with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Note. Person, except the organizer of financial (investment) pyramid, voluntarily declared complicity to creation of financial (investment) pyramid or management of it or its structural division, and also actively promoting disclosure or suppression of its activities, is exempted from criminal liability if its actions do not contain structure of other crime.

Article 218. Legalization (washing) of the money and (or) other property received in the criminal way

1. Involvement in legal money turnover and (or) other property, received in the criminal way, by means of transactions in the form of conversion or transfer of the property representing the income from criminal offenses, or ownership and use of such property, concealment or concealment of its authentic nature, source, the location, method of the order, movement, the rights to property or its accessories if it is known that such property represents the income from criminal offenses, and is equal mediation in legalization of the money and (or) other property received in the criminal way -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property.

2. Same acts, committed:

- 1) group of persons by previous concert;
- 2) repeatedly;
- 3) person with use of the official position, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property.

3. The acts provided by parts one or the second this Article committed:

1) the person authorized on accomplishment of the state functions, or equated to it by person, either the official, or person holding responsible state position if they are integrated to use of the official position by it;

- 2) criminal group;
- 3) in large sizes, -

are punished by imprisonment for a period of three up to seven years with confiscation of property, and in cases, stipulated in Item 1), with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Note. Person who voluntarily declared the preparing or committed legalization of the money and (or) property received in the criminal way is exempted from criminal liability if its actions do not contain the crime components provided by parts two of either third this Article, or other crime.

Article 219. Illegal receipt of the credit or inappropriate use of budget credit

1. Receipt by the individual entrepreneur or head of the organization of the credit, grants or preferential terms of crediting by representation to bank or other creditor of obviously false data on economic provision, financial condition or mortgage property of the individual entrepreneur or the organization, or about other circumstances having essential value for receipt of the credit, grants, preferential terms of crediting, and is equal not message to bank or to other creditor of information on emergence of the circumstances able to entail the termination of crediting, subsidizing, cancellation of privileges or restriction of the sizes of the allocated credit or grants if these acts caused major damage, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Use of budget credit not on purpose if this act caused major damage to the citizen, to the organization or the state, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Note. Person which for the first time made the act provided by this Article is exempted from criminal liability in case of voluntary compensation of damage.

Article 220. Inappropriate use of the money received from placement of bonds

Acceptance of the issuer by bodies (officials of the issuer), not being the financial organization, the decisions attracting violation of the conditions established by the prospectus of bond issue of this issuer and procedure for use of the money received from placement of bonds if this act caused major damage to bondholders, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that.

Article 221. Monopolistic activities

1. Establishment and (or) maintenance by subjects of the market of exclusively high (low) or agreed prices, establishment of the restrictions for resale purchased from the subject of the market holding the dominating or monopoly position, goods (works, services) in territorial sign, circle of buyers, purchase conditions, quantity or the price, the Section of the goods markets on territorial sign, range of goods (works, services), amount of their realization or acquisition, around sellers or buyers, and also other acts directed to competition restriction if they caused major damage to the citizen, to the organization or the state or are integrated to extraction by the subject of the market of the income in the large size, -

are punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

2. The same acts made repeatedly or person with use of the official position, -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one and the second this Article committed:

1) criminal group;

2) using violence or with threat of its application, and it is equal with destruction or damage of alien property or with threat of its destruction or damage in the absence of racketing signs, -

are punished by restriction of freedom for a period of up to six years or imprisonment for the same term, with confiscation of property or without that.

Note. Person which for the first time made the act provided by part one of this Article is exempted from criminal liability in case of voluntary compensation of damage.

Article 222. Illegal use of the trademark

1. Illegal use of someone else's trademark, service mark, trade name, the name of the place of goods origin or designations, similar to them, for homogeneous goods or services if this act caused major damage, -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. Illegal use of precautionary marking concerning the trademark which is not registered in the Republic of Kazakhstan or the name of the place of goods origin if this act caused major damage, -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

Note. Person which for the first time made the act provided by this Article is exempted from criminal liability in case of voluntary compensation of damage.

Article 223. Illegal obtaining, disclosure or use of the data which are trade or bank secret, the tax secret received during horizontal monitoring, the mystery of provision of the microcredit, the mystery of collection activities, and also information connected with legalization of property

1. Collection of the data which are trade or bank secret, the tax secret received during horizontal monitoring, the mystery of provision of the microcredit, the mystery of collection activities, and also information connected with holding procedure of legalization of property by stealing of documents, bribery or threats concerning persons owning trade or bank secrecy, the tax secret received during horizontal monitoring, the mystery of provision of the microcredit, the mystery of collection activities or their relatives, interception in means of communication, illegal penetration into computer system or network, use of special technical means, and by equally other illegal method for the purpose of disclosure or illegal use of these data -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The illegal disclosure or use of the data which are trade or bank secret, the tax secret received during horizontal monitoring, the mystery of provision of the microcredit, the mystery of collection activities without the consent of their owner by person to which they were entrusted on service or work, made from mercenary or other personal interest and caused major damage -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

3. Illegal disclosure or other illegal use by officials of state bodies of data and information on the transactions with money and (or) other property received from subjects of financial monitoring if it entailed fundamental breach of the rights and legitimate interests of citizens or the organizations or the interests of society or state protected by the law, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

4. Illegal disclosure or other illegal use by officials of state bodies, employees of the organizations of data and information on the transactions with money and (or) other property received in case of accomplishment of service duties by them which are established [by the Law](#) of the Republic of Kazakhstan "About amnesty of citizens of the Republic of Kazakhstan, the oralmans and persons having the residence permit in the Republic of Kazakhstan in connection with legalization of property by them" -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 224. Violation by the issuer of procedure for release of issued securities

Entering of obviously false information into the prospectus of release of issued securities, and is equal creation of obviously doubtful report on results of placement of issued securities if these acts caused major damage, -

are punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Article 225. Failure to provide information or submission of obviously false data by the official of the issuer of securities

The failure to provide information or submission of obviously false data to state bodies and security holders officials of the issuer of securities for the purpose of extraction of property benefit which caused major damage to security holders or the issuer -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 226. Entering into the register of security holders of obviously false data

1. The entering into the register of security holders of obviously false data which entailed transition of the rights to these securities to other person -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. The same act which caused major damage -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 227. Submission of obviously false data by professional participants of the security market

Representation by professional participants of the security market to state bodies and security holders of obviously false data on quantity and types of the securities which are on personal accounts of security holders, and about transactions with securities for the purpose of extraction of property benefit, caused major damage, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 228. Abuse of regulations of carrying out transactions with securities

1. The abuse of regulations of carrying out transactions with securities which caused major damage -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act, committed repeatedly or group of persons by previous concert, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by restriction of freedom for a period of up to five years or imprisonment for the same term.

Article 229. Manipulation in the security market

1. The manipulation in the security market, that is the actions of subjects of the security market directed to establishment and (or) maintenance of the prices of securities higher or is lower than those which were established

as a result of objective ratio of the supply and demand, or on creation of visibility of trade in security if these actions caused major damage to the citizen, the organization or the state, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Same act:

- 1) committed repeatedly;
- 2) caused especially major damage;
- 3) made by group of persons by previous concert, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with confiscation of property.

Article 230. Illegal actions concerning the insider information

1. Intentional use of the insider information during transaction (transactions) with securities (derivative financial instruments) or intentional illegal transfer of the insider information to the third parties or intentional illegal provision to the third parties of access to the insider information, and equally intentional provision to the third parties of recommendations of transaction (transactions) with securities (derivative financial instruments) based on the insider information if these acts caused major damage to the citizen, the organization or the state, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Same acts:

- 1) made by group of persons by previous concert;
- 2) caused especially major damage;
- 3) committed by person with use of the official position, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with confiscation of property.

Article 231. Production, storage, movement or sale of counterfeit money or securities

1. Production or storage with sales objective, sale of counterfeit banknotes and coins of National Bank of the Republic of Kazakhstan, government securities or other securities in currency of the Republic of Kazakhstan or foreign currency or securities in foreign currency -

are punished by imprisonment for a period of up to five years with confiscation of property or without that.

2. Same acts, committed:

- 1) group of persons by previous concert;
 - 2) repeatedly;
 - 3) in large size;
 - 4) with movement through Frontier of the Republic of Kazakhstan, -
are punished by imprisonment for a period of five up to ten years with confiscation of property.
3. The acts provided by parts one or the second this Article, made by criminal group -
are punished by imprisonment for a period of eight up to twelve years with confiscation of property.

Article 232. Production or sale of counterfeit payment cards and other payment and settlement documents

1. Production with sales objective or sale of counterfeit payment cards, and also other payment and settlement documents which are not securities -
it is punished by imprisonment for a period of up to three years with confiscation of property.
2. The same acts made repeatedly or criminal group -
are punished by imprisonment for a period of three up to six years with confiscation of property.

Article 233. Violation of procedure and rules of marking of excise goods excise stamps and (or) accounting and control brands, counterfeit and use of excise stamps and (or) accounting and control brands

1. The violation of procedure and rules of marking of excise goods excise stamps and (or) accounting and control brands which entailed causing significant damage -
it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.
2. Production or acquisition with sales objective, and is equal use or sale of obviously counterfeit excise stamps and (or) accounting and control brands -
are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Note. Person which for the first time made the act provided by this Article is exempted from criminal liability in case of voluntary compensation of damage.

Article 234. Economic smuggling

1. Movement in large size through customs border of the Eurasian Economic Union of the goods or other objects including prohibited or limited to movement through customs border of goods, things and values concerning which special rules of movement through customs border, except for specified in article 286 of this Code are established made in addition to or with concealment from customs control or with fraudulent use of documents or means of customs identification or integrated to non declaration or obviously doubtful declaring or with indication of obviously false information in the statement for release of goods before submission of the declaration on goods or in the statement for making of transactions concerning temporarily exported vehicles of international delivery which are the goods placed under customs procedure of temporary import (admission) including with submission of invalid documents counterfeit and (or) containing obviously false (false) information, -
it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days, with confiscation of property or without that.

2. Same act, committed:

- 1) repeatedly;
- 2) person with use of the official position;
- 3) using violence to person exercising border or customs control;
- 4) in especially large size;
- 5) group of persons by previous concert, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property.

3. The acts provided by parts one or the second this Article committed:

- 1) the person authorized on accomplishment of the state functions, or equated to it by person, either the official, or person holding responsible state position if they are integrated to use of the official position by it;
- 2) criminal group, -

are punished by imprisonment for a period of three up to eight years with confiscation of property, and in cases, stipulated in Item 1), with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 235. Failure to meet requirement of repatriation of national and (or) foreign currency

Failure to meet requirement of repatriation of national and (or) foreign currency by not return from abroad person performing managerial functions in commercial or other organization or the individual entrepreneur of the funds in national and (or) foreign currency in large size which are subject to obligatory transfer according to the foreign exchange legislation of the Republic of Kazakhstan on the bank account, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Note. Person which for the first time made the act provided by this Article is exempted from criminal liability in case of return on the bank account of the means which are subject to obligatory transfer according to the foreign exchange legislation of the Republic of Kazakhstan.

Article 236. Evasion from payment of customs duties, customs fees, taxes, the special, anti-dumping, compensatory duties

1. Evasion from payment of customs duties, customs fees, taxes, the special, anti-dumping, compensatory duties in large sizes -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. The same act made by the official with use of the official position -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of two up to five years.

Note. Person who voluntarily paid the formed debt on payment of customs duties, customs fees, taxes, the special, anti-dumping, compensatory duties, and also penalty fee and percent in case of their charge the amount of the penalties established by the legislation of the Republic of Kazakhstan is exempted from criminal liability on part one of this Article if its actions do not contain structure of other crime.

Article 237. Wrongful acts in case of rehabilitation and bankruptcy

1. Concealment of property or property obligations, data on property, its size, location or other information on property, cession of property in other ownership, alienation or destruction of property, and is equal concealment, destruction, falsification of accounting and (or) accounting documentation or other documents reflecting economic activity if these actions are made by the founder (participant), the official, bodies of the legal entity, the individual entrepreneur, and equally in person given authority on property management and cases of the debtor in case of rehabilitation or bankruptcy or in bankruptcy anticipation and caused major damage, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. Illegal satisfaction of property requirements of certain creditors with the founder (participant), official, the bodies of the legal entity, the individual entrepreneur knowing about the actual insolvency (bankruptcy), and equally in person given authority on property management and cases of the poor debtor in case of insolvency proceeding or the rehabilitation procedure, obviously to the detriment of other creditors if this act caused major damage, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 238. Deliberate bankruptcy

1. The deliberate bankruptcy, that is the intentional creation or increase in insolvency made as a result of actions (failure to act) of the founder (participant), official, person performing managerial functions in commercial or other organization, bodies of the legal entity, and equally individual entrepreneur in private interests or interests of other persons, which caused major damage or other heavy effects -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. The same acts made by the leading employee of the financial organization, bank and (or) insurance holding, the large participant (large shareholder) - physical person, the head, the member of governing body, the head, the member of executive body, the chief accountant of the large participant (large shareholder) - the legal entity of the financial organization, caused major damage of the financial organization, to bank and (or) insurance holding, -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of five years before establishment of prohibition to hold leading employee position of the financial organization, bank and (or) insurance holding and to be the large member (large shareholder) of the financial organization for life.

Article 239. Bringing to insolvency

1. Concealment of property or property obligations, data on property, its size, location or other information on property, cession of property in other ownership, alienation or destruction of property, and is equal concealment, destruction, falsification of accounting and (or) accounting documentation or other documents reflecting economic activity if these actions (failure to act) are made by the founder (participant), the official, person performing the managerial functions in commercial or other organization, bodies of the legal entity, and equally individual entrepreneur which resulted in the insolvency which entailed major damage -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. Intentional action (failure to act) of the leading employee of the financial organization, bank and (or) insurance holding, the large participant (large shareholder) - physical person, the head, the member of governing body, the head, the member of executive body, the chief accountant of the large participant (large shareholder) -

the legal entity of the financial organization, and also persons, is temporary or on special power performing functions of governing body or executive body of the financial organization, resulted in the insolvency which entailed involuntary liquidation of the financial organization or to reference of bank to category of insolvent banks, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

3. The acts provided by part two of this Article, made by the leading employee of the financial organization, bank and (or) insurance holding, the large participant (large shareholder) - physical person, the head, the member of governing body, the head, the member of executive body, the chief accountant of the large participant (large shareholder) - the legal entity of the financial organization, and also persons, it is temporary or on special power performing the functions of governing body or executive body of the financial organization which caused major damage of the financial organization -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of five years before establishment of prohibition to hold leading employee position of the financial organization, bank and (or) insurance holding and to be the large member (large shareholder) of the financial organization for life.

Article 240. False bankruptcy

Obviously false announcement as a result of actions and (or) the made decisions by the founder (participant), the official, person performing managerial functions in commercial or other organization, bodies of the legal entity, and equally individual entrepreneur about the insolvency for the purpose of false representation of creditors for receipt of delay or payment by installments of the payments which are due to creditors or discount from debts, and is equal for failure to pay debts if this act caused major damage, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 241. Violation of the law of the Republic of Kazakhstan about financial accounting and the financial reporting

Evasion of the representative for conducting financial accounting of person from documentation of data, stipulated by the legislation the Republic of Kazakhstan, or entering by this person into accounting documentation of obviously false information on economic and financial activities of the organization, and is equal destruction of accounting documentation before the expiration of terms of their storage, caused major damage, -

are punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Note. Person which for the first time made the act provided by this Article is exempted from criminal liability in case of voluntary compensation of damage.

Article 242. Submission of obviously false data on banking activities

Representation by employees of bank of obviously false data on transactions according to bank accounts of legal entities or physical persons, and equally issue of guarantees, guarantees and other obligations, obviously unsecured the actual financial state of this bank if these actions entailed or could entail causing major damage to the citizen, the organization or the state, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 243. Illegal use of money of bank

1. Use by employees of bank of own means of bank and (or) the raised funds of bank for issue of obviously irretrievable credits or making of transactions, obviously unprofitable for bank, and is equal provision of unreasonable guarantees of bank or unreasonable preferential terms to clients of bank or other persons if these acts cause major damage to the citizen, the organization or the state, -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. Obviously wrong or obviously untimely transfer by employees of bank of sums of money, including currency means according to bank accounts of clients if this act causes major damage to the citizen, to the organization or the state, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Note. Person which for the first time made the act provided by this Article is exempted from criminal liability in case of voluntary compensation of damage.

Article 244. Evasion of the citizen from the tax discharge and (or) other obligatory payments in the budget

The evasion of the citizen from the tax discharge and (or) other obligatory payments in the budget made by non-presentation of the declaration on the income in cases when submission of the declaration is obligatory, or by inclusion in the declaration or other documents connected with calculation or tax payment and (or) other obligatory payments in the budget, obviously distorted data on the income or expenses or on property, taxable with use of the invoice without the actual performance of works, rendering services, shipment of goods if this act entailed failure to pay tax and (or) other obligatory payments in the budget in large size,

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Note. Person who made the act provided by this Article is exempted from criminal liability in case of voluntary debt repayment on taxes and (or) other obligatory payments in the budget, and also penalty fee, established by the legislation of the Republic of Kazakhstan.

Article 245. Tax avoidance and (or) other obligatory payments in the budget from the organizations

1. Tax avoidance and (or) other obligatory payments in the budget from the organizations by non-presentation of the declaration when submission of the declaration is obligatory, or entering into the declaration of obviously distorted data on the income and (or) expenses, by concealment of other taxation objects and (or) other obligatory payments if this act entailed failure to pay tax and (or) other obligatory payments in large size, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. Same act, committed:

- 1) with use of the invoice without the actual performance of works, rendering services, shipment of goods;
- 2) group of persons by previous concert, -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. The acts provided by parts one or the second this Article, made by criminal group or in especially large size

are punished by penalty in the amount of double to the triple amount of not come payments the budget or imprisonment for a period of five up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Note. Person who made the act provided by this Article (except for the act made by criminal group), is exempted from criminal liability in case of voluntary debt repayment on taxes and (or) other obligatory payments in the budget, and also penalty fee, established by the legislation of the Republic of Kazakhstan.

Article 246. Illegal actions concerning the property limited on hand on account of tax debt of the taxpayer, debt of the payer on customs payments, taxes, the special, anti-dumping, compensatory duties, penalty fee, percent in case of their charge

Waste, alienation, concealment or illegal cession of property on which bodies of state revenues impose restriction on hand and also refusal in transfer of such property in cases, stipulated by the legislation the Republic of Kazakhstan, committed by person which property is limited, and banking operations by the bank clerk or the organization performing separate types of banking activities for bank accounts according to which bodies of state revenues suspend account transactions are equal, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

Article 247. Receipt of illegal remuneration

1. Illegal receipt by the worker of state body or state organization who is not the person authorized on accomplishment of the state functions, or equated to it by person, and is equal the employee of the non-state organization who is not performing managerial functions, material remuneration, privileges or services of property nature for performance of work or the rendering service entering circle of its obligations -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. The same act, committed repeatedly, -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

3. The acts provided by parts one or the second this Article, connected with receipt of remuneration in large size or integrated to racketing -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Note. Is not criminal offense owing to insignificance and obtaining by person specified in part one of this Article, material remuneration, privileges or services of property nature as gift in the absence of the preliminary arrangement for earlier performed work or the rendered service entering circle of its obligations is pursued in disciplinary procedure if the cost of gift did not exceed five monthly settlement indicators.

Article 248. Coercion to transaction or to refusal of its making

1. Coercion to transaction or to refusal of its making under the threat of use of violence, destruction or damage of alien property, and equally in distribution of data which can do essential harm to the rights and interests of the victim or his relatives, in the absence of racketing signs -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Same act, committed:

- 1) repeatedly;
- 2) using violence, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, made by criminal group -
are punished by imprisonment for a period of two up to six years.

Article 249. Raiding

1. Illegal acquisition of property right to share in the legal entity, and equally in property and securities of the legal entity or establishment of control over the legal entity as a result of intentional misstatement of results of vote or hindrance of free realization of the right in case of decision making by the supreme body by entering into protocols of meeting, meeting, into statements from them obviously false information on quantity voting, quorum or results of vote or creation of obviously doubtful counting of votes or accounting of voting bulletins, blockings or restrictions of the actual access for the shareholder, the participant, the member of governing body or the member of executive body to vote, not messages of data on holding meeting, meeting or the message of false information on time and the venue of meeting, meeting, vote on behalf of the shareholder, the participant or the member of governing body under obviously false power of attorney, by violation, restrictions or infringements of the right of preferential security purchase, and equally intentional creation of obstacles in case of realization of the right of preferential security purchase or different illegal ways which entailed causing essential harm to the rights or the interests of citizens or the organizations or interests of society or state protected by the law protected by the law -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years.

2. Same acts, committed:

- 1) group of persons by previous concert;
- 2) repeatedly;
- 3) person with use of the official position, -

are punished by imprisonment for a period of three up to seven years with confiscation of property.

3. The acts provided by parts one or the second this Article committed:

1) criminal group;

2) the person authorized on accomplishment of the state functions, or equated to it by person, either the official, or person holding responsible state position if they are integrated to use of the official position by it, -

are punished by imprisonment for a period of seven up to ten years with confiscation of property, and in cases, stipulated in Item 2), with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Chapter 9. Criminal offenses against interests of service in commercial and other organizations

Article 250. Abuse of authority

1. Use by person performing managerial functions in commercial or other organization, the powers contrary to legitimate interests of this organization and for the purpose of extraction of benefits and benefits to itself or other persons or the organizations either harming other persons or the organizations if it entailed causing essential harm to the rights and legitimate interests of citizens or the organizations or to the interests of society or state protected by the law, -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period

of up to four years, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

2. The same acts made by the leading employee of the financial organization, bank and (or) insurance holding, the large participant (large shareholder) - physical person, the head, the member of governing body, the head, the member of executive body, the chief accountant of the large participant (large shareholder) - the legal entity of the financial organization, caused major damage to the citizen, the legal entity, the state, the financial organization, -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of five years before establishment of prohibition to hold leading employee position of the financial organization, bank and (or) insurance holding to be the large member (large shareholder) of the financial organization for life.

Article 251. Abuse of authority by the private notaries, appraisers, private legal executives, mediators and auditors working as a part of auditing organization

1. Use by the private notary, appraiser, private legal executive, mediator, the auditor working as a part of auditing organization or the head of auditing organization of the powers contrary to tasks of the activities and for the purpose of extraction of benefits and benefits to itself either other persons, or the organizations either harming other persons or the organizations if this act did essential harm to the rights and legitimate interests of citizens or the organizations or interests of society or state protected by the law, -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

2. The same act made concerning obviously minor or incapacitated person or repeatedly -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property or without that, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 252. Abuse of authority by employees of private security services

1. Excess by the head or employee of private security service of the powers conferred to them according to the license contrary to tasks of the activities if this act is made using violence or threat of its application, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that.

2. The same act made using weapon or special means or which caused heavy effects -

it is punished by imprisonment for a period of three up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 253. Commercial bribery

1. Illegal transfer to person performing managerial functions in commercial or other organization, money, securities or other property, and equally illegal rendering services of property nature to it for use of the official position by it, and also for general protection or connivance on service for the benefit of person performing bribery -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

2. The same acts made repeatedly or group of persons by previous concert or in large size, -

are punished by penalty in the amount of thirtyfold to the forty-multiple amount of the transferred money or cost of the transferred property or imprisonment for a period of seven up to twelve years with confiscation of property.

3. The acts provided by parts one or the second this Article, made by criminal group or in especially large size

are punished by penalty in the amount of forty-multiple to the fiftyfold amount of the transferred money or cost of the transferred property or imprisonment for a period of ten up to fifteen years with confiscation of property.

4. Illegal obtaining by person performing managerial functions in commercial or other organization, money, securities, other property, and is equal use of services of property nature for use of the official position, and also for general protection or connivance on service for the benefit of person performing bribery -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years.

5. The acts provided by part four of this Article if they:

- 1) are made by group of persons by previous concert;
- 2) are made repeatedly;
- 3) are integrated to racketing;
- 4) in large size, -

are punished by penalty in the amount of sixtyfold to the seventyfold amount of the transferred money or cost of the transferred property or imprisonment for a period of seven up to twelve years with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

6. The acts provided by parts four or the fifth this Article if they are made by criminal group or in especially large size, -

are punished by penalty in the amount of seventyfold to the eightyfold amount of the transferred money or cost of the transferred property or imprisonment for a period of ten up to fifteen years with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Notes.

1. Person who made the acts provided by parts one or the second this Article is exempted from criminal liability if concerning it the racketing took place or if it voluntarily reported about bribery to law enforcement or special state body.

2. Are not crime owing to insignificance and transfer or receipt of property, rendering services of property nature or use of such services as gift or remuneration in the absence of the preliminary arrangement are pursued for earlier made lawful acts in disciplinary or administrative procedure if the property value or services does not exceed two monthly settlement indicators.

Article 254. Unfair relation to obligations

Failure to carry out or inadequate accomplishment by person performing managerial functions in commercial or other organization, the obligations owing to the unfair or negligent relation to service if it entailed the death of the person or other heavy effects, -

it is punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Chapter 10. Criminal offenses against public safety and public order

Article 255. Act of terrorism

1. The act of terrorism, that is making of explosion, the arson or other actions creating danger of death of people, causings significant property damage or approach of other socially dangerous effects if these actions are made for the purpose of violation of public safety, intimidation of the population, rendering impact on decision making by state bodies of the Republic of Kazakhstan, foreign state or the international organization, provocations of war or complication of the international relations, and also threat of making of the specified actions in the same purposes -

are punished by imprisonment for a period of six up to ten years with confiscation of property.

2. Same acts, committed:

1) repeatedly;

2) using the weapon or objects used as weapon, explosives or destructive devices which can create real threat for life and health of citizens -

are punished by imprisonment for a period of eight up to twelve years with confiscation of property.

3. The acts provided by parts one or the second this Article if they:

1) are connected using or threat of use of weapons of mass defeat, radioactive materials and making or threat of making of mass poisonings, distribution of epidemics or epizooty, and equally in other actions capable to entail mass death of people;

2) was entailed on imprudence by the death of the person or other heavy effects, -

are punished by imprisonment for a period of twelve up to seventeen years with confiscation of property, deprivation of nationality of the Republic of Kazakhstan or without that.

4. The infringement of human life made for the purpose of violation of public safety, intimidation of the population, rendering impact on decision making by state bodies of the Republic of Kazakhstan, foreign state or the international organization, provocations of war or complication of the international relations, and is equal the infringement of life of the state or public figure made in the same purposes and also for the purpose of the termination of its state or other political activities or from revenge for such activities, or the infringement of human life integrated to attack on persons or the organizations using international protection, buildings, constructions, taking of the hostage, buildings, constructions, intermedia and bonds, stealing, and is equal with capture of air or water vessel, railway rolling stock or other public transport -

are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment, with confiscation of property.

Note. Person participating in preparation of the act of terrorism is exempted from criminal liability if it the timely prevention of state bodies or otherwise promoted prevention of the act of terrorism and if its actions do not contain structure of other crime.

Article 256. Promotion of terrorism or public calls for making of the act of terrorism

1. Promotion of terrorism or public calls for making of the act of terrorism, and production, storage for the purpose of distribution or distribution of materials of the specified content is equal -

are punished by imprisonment for a period of five up to nine years with confiscation of property.

2. The same acts which are committed by person with use of the official position or the leader of public association or with use of mass media or networks of telecommunications, either group of persons or group of persons by previous concert, including with use of the means received from foreign sources -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

Article 257. Creation, management of terrorist group and participation in its activities

1. Creation of terrorist group, and is equal management of it -

are punished by imprisonment for a period of ten up to seventeen years with confiscation of property, deprivation of nationality of the Republic of Kazakhstan or without that.

2. Participation in activities of terrorist group or in assassinated by it -

it is punished by imprisonment for a period of eight up to twelve years with confiscation of property.

3. The acts provided by parts one or the second this Article, which are committed by person with use of the official position or the leader of public association -

are punished by imprisonment for a period of twelve up to fifteen years with confiscation of property, deprivation of nationality of the Republic of Kazakhstan or without that.

Article 258. Financing of terrorist or extremist activities and other complicity to terrorism or extremism

1. Provision or whip-round and (or) other property, the right to property or benefits of property nature, and also donation, exchange, donations, the charitable help, rendering information and other services either the rendering financial services to physical person or group of persons, or the legal entity which is committed by person who was obviously realizing terrorist or extremist nature of their activities or the fact that the provided property, the rendered information, financial and other services will be used for implementation of terrorist or extremist activities or providing terrorist or extremist group, the terrorist or extremist organization, illegal paramilitary force -

are punished by imprisonment for a period of five up to nine years with confiscation of property.

2. The same acts made repeatedly or person with use of the official position or person performing managerial functions in commercial or other organization, either the leader of public association, or group of persons by previous concert or in large size -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

Note. The person which is performing financing of terrorist or extremist activities and other complicity to terrorism or extremism under the threat of violence and who voluntarily declared it, and also actively promoting disclosure or suppression of crime is exempted from criminal liability if its actions do not contain structure of other crime.

Article 259. Recruitment or preparation or arms of persons for the purpose of the organization of terrorist or extremist activities

1. Recruitment or preparation or arms of persons for the purpose of the organization of terrorist or extremist activities -

it is punished by imprisonment for a period of eight up to twelve years with confiscation of property.

2. The same act which is committed by person with use of the official position or in respect of the minor -

it is punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

Article 260. Passing of terrorist or extremist preparation

Passing by person, including outside the Republic of Kazakhstan, preparation, obviously for the student directed to acquisition of skills of making of terrorist or extremist crime, -

it is punished by imprisonment for a period of three up to seven years.

Note. Person who committed the crime provided by this Article is exempted from criminal liability if it voluntarily reported about preparation passing, promoted identification of other persons who had such training, performing, organized or financing such preparation provided information on the place of its carrying out and if its actions do not contain other actus reus.

Article 261. Taking of the hostage

1. The capture or deduction of person as the hostage made for the purpose of compulsion of the state, the organization or other person to make any action or to refrain from making of any action as conditions of release of the hostage, -

are punished by imprisonment for a period of three up to eight years.

2. Same acts, committed:

1) group of persons by previous concert;

2) repeatedly;

- 3) using violence, life-threatening or health;
- 4) using the weapon or objects used as weapon;
- 5) concerning obviously minor;
- 6) concerning the woman, obviously for guilty the pregnancy which is in condition;
- 7) concerning person which is obviously down and out;
- 8) concerning two or more persons;
- 9) from mercenary motives or on hiring, -

are punished by imprisonment for a period of seven up to twelve years.

3. The acts provided by parts one or the second this Article if they are made by criminal group or entailed the death of the person or other heavy effects on imprudence, -

are punished by imprisonment for a period of ten up to fifteen years with deprivation of nationality of the Republic of Kazakhstan or without that.

Note. Person, voluntarily or upon the demand of the authorities exempted the hostage, is exempted from criminal liability if its actions do not contain structure of other crime.

Article 262. Creation and management of organized group, the criminal organization, and is equal participation in them

1. Creation of organized group or the criminal organization, and is equal management of it or structural division of the criminal organization -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

2. Participation in organized group or the criminal organization -

it is punished by imprisonment for a period of five up to ten years with confiscation of property.

3. The acts provided by parts one or the second this Article, which are committed by person with use of the official position -

are punished by imprisonment for a period of eight up to thirteen years with confiscation of property.

Note. In [the Articles 262, 263, 264, the 265 and 268](#) of this Code the person which voluntarily stopped participation in criminal group and actively promoting disclosure or control of offenses made or made by criminal group it is exempted from criminal liability if its actions do not contain structure of other crime.

Article 263. Creation and management of criminal society, and is equal participation in it

1. Creation or management of criminal society, and is equal creation of consolidation of heads or other participants of organized groups (the criminal organizations) or coordination of criminal acts of independently acting organized groups (the criminal organizations) for the purpose of making of one or several crimes -

are punished by imprisonment for a period of twelve up to fifteen years with confiscation of property.

2. Participation of heads of organized groups, the criminal organizations, structural divisions of the criminal organizations in criminal society -

it is punished by imprisonment for a period of eight up to twelve years with confiscation of property.

3. Participation in meeting of heads, other participants of organized groups, the criminal organizations for the purpose of coordination of criminal acts, including with use of means of communication, -

it is punished by imprisonment for a period of twelve up to twenty years with confiscation of property.

4. The acts provided by parts one or the second this Article, which are committed by person with use of the official position -

are punished by imprisonment for a period of twelve up to twenty years with confiscation of property.

5. The acts provided by parts one, the second or third this Article, which are committed by person, holding leading position among heads of organized groups (the criminal organizations), -

are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment, with confiscation of property.

Article 264. Creation and management of transnational organized group, the transnational criminal organization, and is equal participation in them

1. Creation of transnational organized group or the transnational criminal organization, and is equal management of it or structural division of the transnational criminal organization -

are punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

2. Participation in transnational organized group or the transnational criminal organization -

it is punished by imprisonment for a period of eight up to twelve years with confiscation of property.

3. The acts provided by parts one or the second this Article, which are committed by person with use of the official position -

are punished by imprisonment for a period of twelve up to twenty years with confiscation of property.

Article 265. Creation and management of transnational criminal society, and is equal participation in it

1. Creation of transnational criminal society, and is equal management to them -

are punished by imprisonment for a period of fifteen up to twenty years with confiscation of property.

2. Participation in transnational criminal society -

it is punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

3. The acts provided by parts one or the second this Article, which are committed by person with use of the official position -

are punished by imprisonment for a period of seventeen up to twenty years with confiscation of property.

Article 266. Financing of activities of criminal group, and is equal storage, distribution of property, development of channels of financing

1. Provision or whip-round and (or) other property, the right to property or benefits of property nature, and also donation, exchange, donations, the charitable help, rendering information and other services either the rendering financial services to physical person or group of persons, or the legal entity which is committed by person who was obviously knowing about their use for providing organized group, the criminal organization, criminal society, transnational organized group, the transnational criminal organization, transnational criminal society or gang -

are punished by imprisonment for a period of three up to seven years with confiscation of property.

2. Storage, distribution of property, and also the development of channels of financing made by the participant of criminal group -

are punished by imprisonment for a period of five up to ten years with confiscation of property.

3. The acts provided by parts one or the second this Article, which are committed by person with use of the official position or person performing managerial functions in commercial or other organization or the leader of public association -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of seven up to ten years.

Note. The person which was performing financing of activities of criminal group under the threat of violence and who voluntarily declared it is exempted from criminal liability if its actions do not contain structure of other crime.

Article 267. Organization of illegal paramilitary force

1. Creation of illegal paramilitary force, and is equal management of such forming -

are punished by imprisonment for a period of two up to seven years.

2. Participation in illegal paramilitary force -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Note. The person which voluntarily stopped participation in illegal paramilitary force and handed over weapon and military equipment is exempted from criminal liability if its actions do not contain structure of other crime.

Article 268. Gangsterism

1. Creation of steady armed group (gang), and is equal management of such group (gang) -

are punished by imprisonment for a period of twelve up to twenty years with confiscation of property.

2. Participation in steady armed group (gang) or in the assaults committed by it -

it is punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

3. The acts provided by parts one or the second this Article, which are committed by person with use of the official position -

are punished by imprisonment for a period of fifteen up to twenty years with confiscation of property.

Article 269. Attack on buildings, constructions, intermedia and bonds or their capture

1. Attack on buildings, constructions (including the stationary platforms located on the continental shelf of the Republic of Kazakhstan), intermedia and bonds, other communications, and equally their capture -

are punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term.

2. Same acts, committed:

1) group of persons by previous concert;

2) repeatedly;

3) using violence, life-threatening or health;

4) using the weapon or objects used as weapon;

5) from mercenary motives or on hiring;

6) concerning buildings of state bodies or public institutions, -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

3. The acts provided by parts one or the second this Article if they are made by criminal group or entailed the death of the person or other heavy effects on imprudence, -

are punished by imprisonment for a period of eight up to fifteen years with confiscation of property, deprivation of nationality of the Republic of Kazakhstan or without that.

Article 270. Stealing, and equally in capture of air or water vessel or railway rolling stock

1. Stealing of air or water vessel or railway rolling stock, and equally in hijacking of such vessel or structure for the purpose of stealing -

are punished by imprisonment for a period of two up to eight years.

2. Same acts, committed:

1) group of persons by previous concert;

2) repeatedly;

3) using violence, life-threatening or health, or with threat of application of such violence;

4) using the weapon or objects used as weapon -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

3. The acts provided by parts one or the second this Article if they are made by criminal group or entailed the death of the person or other heavy effects on imprudence, -

are punished by imprisonment for a period of eight up to fifteen years with confiscation of property, deprivation of nationality of the Republic of Kazakhstan or without that.

Article 271. Piracy

1. Attack on the ocean or river craft for the purpose of occupancy by someone else's property made using violence or with threat of its application -

it is punished by imprisonment for a period of five up to ten years with confiscation of property.

2. The same act, committed repeatedly or using the weapon or objects used as weapon -

it is punished by imprisonment for a period of eight up to twelve years with confiscation of property.

3. The acts provided by parts one or the second this Article if they are made by criminal group or entailed the death of the person or other heavy effects on imprudence, -

are punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

Article 272. Mass riots

1. The organization of the mass riots which were followed by violence, riots, arsons, destructions, destruction of property, use of firearms, explosives or destructive devices, and also rendering armed resistance to the public agent including with use of the means received from foreign sources -

it is punished by imprisonment for a period of four up to ten years.

2. Participation in the mass riots provided by part one of this Article -

it is punished by imprisonment for a period of three up to eight years.

3. Appeals to active non-obedience to legal requirements of public agents and to mass riots or provocation of mass riots, and equally appeals to violence over citizens -

are punished by restriction of freedom for a period of up to three years or imprisonment for the same term.

Article 273. Obviously untrue report on the act of terrorism

Obviously untrue report on the preparing act of terrorism -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Article 274. Distribution of obviously false information

1. Distribution of obviously false information creating danger of disorderly conduct or causing essential harm to the rights and legitimate interests of citizens or the organizations or to the interests of society or state protected by the law -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

2. Same act, committed:

1) group of persons by previous concert;

2) person with use of the official position;

3) with use of mass media or networks of telecommunications, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, which entailed causing major damage to the citizen, the organization or the state or other heavy effects -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

4. The acts provided by parts one, the second or third this Article committed:

1) criminal group;

2) in the conditions of emergency state or in fighting situation, either in wartime, or when holding public actions,

-
are punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term.

Article 275. Illegal export of technologies, scientific and technical information and the services used during creation of weapons of mass destruction, arms and military equipment

Illegal export of technologies, scientific and technical information and services which can be used during creation of weapons of mass destruction, means of its delivery, arms and military equipment and concerning which special export control is established, -

it is punished by imprisonment for a period of three up to seven years with confiscation of property or without that.

Article 276. Abuse of regulations of safety on subjects to use of atomic energy

1. Abuse of regulations of safety in case of placement, design, construction, commissioning, operation, repair, removal from operation of subjects to use of atomic energy, and is equal in case of the treatment of nuclear materials, radioactive materials, radioactive waste or sources of ionizing radiation if this act entailed causing average weight of harm to health of the person on imprudence, -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years.

2. The same act which entailed on imprudence causing severe harm to health of the person -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The same act which entailed the death of the person or radioactive environment pollution or other heavy effects on imprudence -

it is punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 277. Abuse of regulations of safety when conducting mining or construction works

1. Abuse of regulations of safety of conducting mining or construction works if it entailed on imprudence causing heavy or average weight of harm to health of the person, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed the death of the person or other heavy effects on imprudence -

it is punished by imprisonment for a period of up to six years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence

-
it is punished by imprisonment for a period of three up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 278. Substandard construction

1. Delivery and (or) acceptance in operation to substandardly constructed, incomplete or not corresponding terms of the contract and the project documentation of buildings and constructions, highways, tunnels, power plants, apartment houses or other construction objects, and equally in their low-quality repair by heads of the construction organizations, the operators and officials exercising control of quality of construction if it entailed on imprudence causing heavy or average weight of harm to health of the person, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same acts which entailed the death of the person or other heavy effects on imprudence -

are punished by imprisonment for a period of up to six years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by part one of this Article, which entailed the death of two or more persons on imprudence

-
are punished by imprisonment for a period of three up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 279. Abuse of regulations or requirements of standard rates in the field of architectural, town-planning and construction activities

1. The abuse of regulations or requirements of standard rates in the field of architectural, town-planning and construction activities which entailed the death of the person or other heavy effects on imprudence -

it is punished by imprisonment for a period of up to six years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence

-
it is punished by imprisonment for a period of three up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 280. Inadequate accomplishment of expert works or engineering services

1. The inadequate accomplishment of expert works or engineering services which entailed the death of the person or other heavy effects on imprudence -

it is punished by imprisonment for a period of up to six years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence

-
it is punished by imprisonment for a period of three up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 281. Abuse of regulations of safety on explosive objects

1. Abuse of regulations of safety on explosive objects or in explosive workshops if it entailed on imprudence causing heavy or average weight of harm to health of the person, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period

of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed the death of the person or other heavy effects on imprudence -

it is punished by imprisonment for a period of up to six years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of three up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 282. Abuse of regulations of safety when implementing space activities

1. Abuse of regulations of safety when implementing space activities if it entailed on imprudence causing heavy or average weight of harm to health of the person, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed the death of the person or other heavy effects on imprudence -

it is punished by imprisonment for a period of up to six years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of three up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 283. Illegal treatment of radioactive materials, radioactive waste, nuclear materials

1. Illegal acquisition, storage, transportation, use, transfer, conversion, destruction, spraying or burial of radioactive materials, radioactive waste or nuclear materials -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property or without that.

2. Illegal sale of radioactive materials, radioactive waste or nuclear materials, and equally illegal acquisition, storage, transportation of radioactive materials, radioactive waste or nuclear materials with sales objective -

are punished by imprisonment for a period of two up to six years with confiscation of property or without that.

3. The acts provided by parts one or the second this Article, made by criminal group or which entailed the death of the person or other heavy effects on imprudence -

are punished by imprisonment for a period of three up to eight years with confiscation of property or without that.

Article 284. Plunder or racketing of radioactive materials, radioactive waste or nuclear materials

1. Plunder or racketing of radioactive materials, radioactive waste or nuclear materials -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

2. Same act, committed:

1) group of persons by previous concert;

2) repeatedly;

3) person with use of the official position;
4) using violence, not life-threatening or health, or with threat of application of such violence, -
it is punished by imprisonment for a period of four up to seven years with confiscation of property or without that.

3. The acts provided by parts one or the second this Article committed:

1) using violence, life-threatening either health, or threat of application of such violence;

2) criminal group, -

are punished by imprisonment for a period of five up to ten years with confiscation of property.

Article 285. Abuse of regulations of the treatment of radioactive materials, radioactive waste, nuclear materials

1. Abuse of regulations of storage, use, accounting, burial, transportation of radioactive materials, radioactive waste or nuclear materials and other rules of the treatment of them if it could entail the death of the person or other heavy effects, -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to one year, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. The same act which entailed the death of the person or other heavy effects on imprudence -

it is punished by imprisonment for a period of up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 286. Smuggling of the objects or objects withdrawn from circulation which address is limited

1. Movement through customs border of the Eurasian Economic Union in addition to or with concealment from customs control or with fraudulent use of documents or means of customs identification, or integrated to non declaration or doubtful declaring, or with indication of obviously false information in the statement for release of goods before submission of the declaration on goods, including submission of invalid documents, the counterfeit and (or) containing obviously false (false) information, and equally illicit movement through Frontier of the Republic of Kazakhstan of drugs, psychotropic substances, their analogs, precursors, strong, poisonous, poisoning, radioactive materials, radioactive waste or nuclear materials, explosives, arms, military equipment, destructive devices, firearms, ammunition, nuclear, chemical, biological or other types of weapon of mass defeat, materials, the equipment or components which can be used for creation of weapons of mass destruction, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property or without that.

2. Same acts, committed:

1) repeatedly;

2) the official with use of the official position;

3) using violence to person exercising border or customs control;

4) group of persons by previous concert;

5) concerning drugs, psychotropic substances, their analogs, precursors in large size,

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

4. The acts provided by parts one, the second or third this Article, connected with drugs, psychotropic substances, their analogs, made in especially large size -

are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment, with confiscation of property.

Article 287. Illegal acquisition, transfer, sale, storage, transportation or carrying weapon, ammunition, explosives and destructive devices

1. Illegal carrying or sale of cold weapon, except for, when carrying cold weapon is connected with hunting, and equally in sale by employees of the organizations of trade of weapon and ammunition to it to the physical persons, the organizations which do not have the corresponding permission -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred eighty hours, or arrest for a period of up to fifty days.

2. Illegal acquisition, transfer, sale, storage, transportation or carrying fire acormose weapon, gas weapon with possibility of firing by cartridges of traumatic action, short-barreled smooth-bore weapon, and equally in cartridges to them -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

3. Illegal acquisition, transfer, sale, storage, transportation or carrying firearms (except smooth-bore hunting), ammunition, explosives or destructive devices -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

4. The acts provided by part three of this Article, made by group of persons by previous concert or repeatedly -

are punished by imprisonment for a period of three up to eight years.

5. The acts provided by parts three or the fourth this Article, made by criminal group -

are punished by imprisonment for a period of five up to ten years.

Note. Person which voluntarily handed over the objects specified in this Article is exempted from criminal liability if its actions do not contain structure of other crime. Delivery of the objects specified in this Article in case of their withdrawal during detention of person is not recognized voluntary, and also in case of production of investigative actions for their detection and withdrawal.

Article 288. Illegal manufacture of weapon

1. Illegal production or repair of firearms, accessories to it, and equally illegal manufacture of ammunition, explosives or destructive devices -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

2. The same acts made by group of persons by previous concert or repeatedly -

are punished by imprisonment for a period of three up to eight years.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of five up to ten years.

4. Illegal manufacture of gas weapon, cold weapon, including throwing weapon, -

it is punished by penalty in the amount up to three hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred forty hours, or arrest for a period of up to seventy five days.

Note. Person which voluntarily handed over the objects specified in this Article is exempted from criminal liability if its actions do not contain structure of other crime.

Article 289. Negligent custody of firearms

The negligent custody of firearms which created conditions for its use by other person if it entailed the death of the person or other heavy effects, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

Article 290. Improper execution of obligations on protection of weapon, ammunition, explosives or destructive devices

1. Improper execution of the obligations by person to which protection of firearms, ammunition, explosives or destructive devices was charged if it entailed their plunder or destruction or approach of other heavy effects, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Improper execution of obligations on protection of weapons of mass destruction or materials or the equipment which can be used during creation of weapons of mass destruction if it entailed heavy effects or created threat of their approach, -

it is punished by imprisonment for a period of two up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 291. Plunder or racketing of weapon, ammunition, explosives and destructive devices

1. Plunder or racketing of firearms, accessories to it, ammunition, explosives or destructive devices -

it is punished by imprisonment for a period of three up to seven years.

2. Plunder or racketing of weapons of mass destruction, and equally in materials or the equipment which can be used during creation of weapons of mass destruction, -

it is punished by imprisonment for a period of five up to ten years.

3. The acts provided by parts one or the second this Article if they are made:

1) person with use of the official position;

2) repeatedly;

3) using violence, not life-threatening or health, or with threat of application of such violence;

4) group of persons by previous concert, -

are punished by imprisonment for a period of five up to twelve years with confiscation of property or without that.

4. The acts provided by parts one, the second or third this Article if they are made:

1) criminal group;

2) using violence, life-threatening or health, or with threat of application of such violence, -

are punished by imprisonment for a period of eight up to fifteen years with confiscation of property or without that.

Article 292. Violation of requirements of fire safety

1. Violation of requirements of fire safety by person responsible for their observance if it entailed on imprudence causing heavy or average weight of harm to health of the person or major damage to the citizen, the organization or the state, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. The same act which entailed the death of the person or other heavy effects on imprudence -

it is punished by restriction of freedom for a period of two up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 293. Hooliganism

1. Hooliganism, that is especially impudent disorderly conduct expressing the explicit disrespect for society which is followed by use of violence to citizens or threat of its application, and is equal destruction or damage of alien property, or making of the obscene actions differing in exclusive cynicism -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Same act, if it:

1) it is made by group of persons, group of persons by previous concert;

2) it is connected with resistance to authority or to the other person, the acting as on protection of public order or stopping disorderly conduct;

3) it is made repeatedly;

4) it is made onboard the air, river, ocean ship, rail transport, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article committed:

1) criminal group;

2) using or attempt of use of fire, gas weapon, the knives, brass knuckles and other cold weapon or other objects which are specially adapted for damnification to health -

are punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term.

Article 294. Vandalism

Vandalism, that is defilement of buildings, other constructions, historical and cultural monuments, the natural objects protected by the state, texts or drawings, or other actions offending public morality, and equally voluntary waste of property on transport or in other public places -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

Article 295. Illegal carrying out archaeological works

1. Illegal carrying out archaeological works on object of historical and cultural heritage -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Same act, committed:

1) group of persons by previous concert;

2) repeatedly;

3) person with use of the official position;

4) with use of special technical means of search (the metal detectors, radars, magnetic devices, other technical means allowing to determine availability of archaeological objects in the place of bedding) or digging machines, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three or without that.

3. The acts provided by parts one or the second this Article, made by criminal group -
are punished by imprisonment for a period of five up to ten years.

Chapter 11. Criminal offenses against health of the population and morality

Article 296. The illegal treatment of drugs, psychotropic substances, their analogs, precursors without sales objective

1. Not medical consumption of drugs, psychotropic substances, their analogs, precursors in public places -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. Illegal production, conversion, acquisition, storage, transportation without sales objective of drugs, psychotropic substances, their analogs, precursors -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

3. Illegal production, conversion, acquisition, storage, transportation without sales objective of drugs, psychotropic substances, their analogs in large size -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

4. Illegal production, conversion, acquisition, storage, transportation without sales objective of drugs, psychotropic substances, their analogs in especially large size -

are punished by imprisonment for a period of three up to seven years.

Notes.

1. The size of drugs and psychotropic substances is determined by the Summary table about reference of the drugs, psychotropic substances, their analogs and precursors found in illicit trafficking to small, large and especially large sizes, the Republic of Kazakhstan approved by the Government. Small, large and especially large sizes of analogs of drugs and psychotropic substances correspond to small, large and especially large sizes of drugs and psychotropic substances which analogs they are.

2. The person which voluntarily handed over the drugs, psychotropic substances, their analogs, precursors acquired by it for private consumption, or voluntarily addressed to medical institution behind delivery of health care in connection with consumption of drugs, psychotropic substances, their analogs in not medical purposes, or actively promoting disclosure or control of offenses connected with drug trafficking, psychotropic substances, their analogs, precursors, to exposure of persons made them to detection of the property got in the criminal way is exempted from criminal liability under this Article.

Article 297. Illegal production, conversion, acquisition, storage, transportation for the purpose of sale, transfer or sale of drugs, psychotropic substances, their analogs

1. Illegal production, conversion, acquisition, storage, transportation for the purpose of sale, transfer or sale of drugs, psychotropic substances, their analogs -

are punished by imprisonment for a period of five up to ten years with confiscation of property.

2. The same acts made concerning drugs, psychotropic substances, their analogs in large size - are punished by imprisonment for a period of six up to twelve years with confiscation of property.

3. The acts provided by part one of this Article committed:

1) group of persons by previous concert;

2) repeatedly;

3) concerning drugs, psychotropic substances, their analogs in especially large size;

4) the official with use of official position, -

are punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

4. The acts provided by parts one, the second or third this Article, made by criminal group, and equally in sale of drugs, psychotropic substances, their analogs in the organizations of education or obviously to the minor -

are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment, with confiscation of property.

Article 298. Plunder or racketing of drugs, psychotropic substances, their analogs

1. Plunder or racketing of drugs, psychotropic substances, their analogs -

it is punished by imprisonment for a period of three up to seven years.

2. Same act, committed:

1) group of persons by previous concert;

2) repeatedly;

3) person with use of the official position;

4) using violence, not life-threatening or health, or with threat of application of such violence, -

it is punished by imprisonment for a period of six up to ten years with confiscation of property.

3. The acts provided by parts one or the second this Article committed:

1) criminal group;

2) concerning drugs, psychotropic substances, their analogs in large size;

3) using violence, life-threatening or health, or with threat of application of such violence, -

are punished by imprisonment for a period of ten up to fifteen years with confiscation of property.

4. The acts provided by parts one, the second or third this Article, made concerning drugs, psychotropic substances, their analogs in especially large size -

are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment, with confiscation of property.

Article 299. Inducement to consumption of drugs, psychotropic substances, their analogs

1. Inducement to consumption of drugs, psychotropic substances, their analogs -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term.

2. Same act, committed:

1) group of persons by previous concert;

2) repeatedly, -

it is punished by imprisonment for a period of three up to eight years.

3. The acts provided by parts one or the second this Article committed:

1) concerning obviously minor or two or more persons;

- 2) using violence or threat of its application;
- 3) criminal group, -
are punished by imprisonment for a period of seven up to ten years.
4. The acts provided by parts one, the second or third this Article if they entailed the death of the victim or other heavy effects on imprudence, -
are punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment.

Article 300. Illegal cultivation of the plants prohibited to cultivation containing narcotic substances

1. Crops or cultivation of the plants prohibited to cultivation or cultivation of grades of hemp, poppy or other plants containing narcotic substances -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Same act, committed:

- 1) group of persons by previous concert;
- 2) repeatedly;
- 3) in large size, -

it is punished by imprisonment for a period of three up to eight years.

Article 301. Illicit trafficking in toxic agents the, and also substances, tools or the equipment used for production or conversion of drugs, psychotropic or toxic agents

1. Illegal production, conversion, acquisition, storage, transportation, transfer with sales objective, and equally illegal sale of the toxic agents which are not drugs, psychotropic substances or tools or the equipment for their production or conversion, -

are punished by imprisonment for a period of up to five years.

2. Illegal production, acquisition, storage, transportation, transfer with sales objective, and equally illegal sale of the substances, tools or the equipment used for production or conversion of drugs, psychotropic substances -

are punished by imprisonment for a period of up to six years.

3. The acts provided by parts one or the second this Article committed:

- 1) person with use of the official position;
- 2) group of persons by previous concert;
- 3) repeatedly, -

are punished by imprisonment for a period of five up to eight years.

4. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of seven up to ten years.

Article 302. The organization or content of brothels for consumption of drugs, psychotropic substances, their analogs and provision of rooms for the same purposes

1. The organization or content of brothels for consumption of drugs, psychotropic substances, their analogs, and provision of rooms for the same purposes is equal -

are punished by imprisonment for a period of three up to seven years with confiscation of property.

2. Same acts, committed:

- 1) person with use of the official position;
- 2) repeatedly;

3) criminal group, -

are punished by imprisonment for a period of seven up to twelve years with confiscation of property.

Article 303. Abuse of regulations of the treatment of drugs, psychotropic or toxic agents

1. Abuse of regulations of production, production, conversion, acquisition, storage, accounting, leave, transportation, import, export, transfer or destruction of drugs, psychotropic or toxic agents if this act is committed by person to which duties observance of the specified rules belongs, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed plunder of drugs, psychotropic or toxic agents or other heavy effects -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 304. Violation of health regulations or hygienic standard rates

1. The violation of health regulations or hygienic standard rates which entailed mass disease, infection, radiation or poisoning of people on imprudence -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed the death of the person on imprudence -

it is punished by restriction of freedom for a period of up to five years or imprisonment for the same term.

3. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 305. Concealment of information on the circumstances creating danger to life or human health

1. The concealment or misstatement of information on the events, the facts or the phenomena creating danger to life or human health or to the environment, which is committed by person, obliged to provide the population with such information, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed on imprudence damnification to health of the person or other heavy effects -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 306. Release or sales of goods, performance of works or rendering the services which are not meeting safety requirements

1. Release or sales of goods, performance of works or rendering the services which are not meeting safety requirements of life or health of consumers, and equally illegal issue or use of the official document certifying compliance of the specified goods, works or services to safety requirements if these acts entailed on imprudence damnification to health of the person, -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Same acts, if they:

1) are made concerning the goods, works or services intended for juveniles;

2) entailed on imprudence damnification to health of two or more persons, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article, which entailed the death of the person on imprudence -

are punished by imprisonment for a period of four up to eight years.

Article 307. Organization of illegal gaming

1. Illegal opening either content of gambling institution or the illegal organization of activities in the field of gaming, and is equal provision of rooms for illegal gaming or the organization and carrying out gamblings out of the places established by the legislation of the Republic of Kazakhstan on gaming or implementation of activities in the field of gaming without license -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property.

2. Same acts, committed:

1) with use of the minor or with its participation in gamblings;

2) group of persons by previous concert;

3) with commercialization in large size;

4) person with use of the official position, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property.

3. The acts provided by parts one or the second this Article committed:

1) criminal group;

2) with commercialization in especially large size;

3) the person authorized on accomplishment of the state functions, or equated to it by person, either the official, or person holding responsible state position, personally or through the authorized representative contrary to the prohibition established by the law if these acts are connected with provision of such activities of privileges and benefits or with protection in other form, -

are punished by imprisonment for a period of four up to seven years with confiscation of property, and in cases, stipulated in Item 2), imprisonment for the same term or penalty in the amount of tenfold to the twentyfold amount of the gained income, with confiscation of property, Item 3), with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 308. Involvement in occupation prostitution

1. Involvement in occupation prostitution by use of violence or threat of its application, use of dependency, blackmail, destruction or damage of property or by deception -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property.

2. The same act made by group of persons by previous concert or repeatedly -

it is punished by imprisonment for a period of three up to six years with confiscation of property.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of five up to seven years with confiscation of property.

Article 309. The organization or content of brothels for occupation prostitution and procurement

1. The organization or content of brothels for occupations prostitution, and procurement with a mercenary motive is equal -

are punished by imprisonment for a period of up to five years with confiscation of property.

2. Same acts, committed:

1) group of persons by previous concert;

2) repeatedly;

3) integrated to involvement of the minor in occupation prostitution, -

are punished by imprisonment for a period of three up to seven years with confiscation of property.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of five up to ten years with confiscation of property.

Article 310. The organization or content of brothels for befuddling with use of medicinal or other means

1. The organization or content of brothels for befuddling with use of the medicinal or other means and substances which are not relating to drugs, psychotropic substances, their analogs, and provision of the room for these purposes is equal -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property.

2. The same acts made by criminal group -

are punished by imprisonment for a period of three up to seven years with confiscation of property.

Article 311. Illegal distribution of pornographic materials or objects

Illegal production for the purpose of distribution or advertizing, distribution, advertizing of pornographic materials or objects, and equally illegal movement or trade in printing editions, film or video records, images or other objects of pornographic nature -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property or without that.

Article 312. Production and turnover of materials or objects with pornographic images of minors or their attraction for participation in spectacular actions of pornographic nature

1. Production, storage or movement through Frontier of the Republic of Kazakhstan for the purpose of distribution, public demonstration or advertizing or distribution, public demonstration or advertizing of materials or objects with pornographic images of minors -

are punished by imprisonment for a period of three up to six years with confiscation of property.

2. Involvement of minors as contractors for participation in spectacular actions of pornographic nature by person who reached eighteen-year age -

it is punished by imprisonment for a period of five up to seven years with confiscation of property.

3. The acts provided by parts one or the second this Article committed:

1) the parent, the teacher or the other person to who the law of the Republic of Kazakhstan assigns obligations on education of the minor;

2) concerning obviously juvenile;

3) group of persons by previous concert or criminal group, -

are punished by imprisonment for a period of five up to eight years with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of ten years, and in the cases provided by Items 1) or 2) with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 313. Illegal distribution of the works propagandizing cult of cruelty and violence

Illegal production for the purpose of distribution or advertizing, distribution, advertizing, demonstration of the film and video records and other works propagandizing cult of cruelty and violence, and equally illegal trade in printing editions, the film or video records propagandizing cult of cruelty and violence -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property or without that.

Article 314. Violation of bodies of the dead and places of their burial

1. Violation of bodies of the dead or destruction, damage or defilement of places of burial, the nadmogilny constructions or cemeterial buildings intended for ceremonies in connection with burial or commemoration -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. Same acts, committed:

1) repeatedly;

2) group of persons, group of persons by previous concert or criminal group;

3) for motive of national, racial or religious hatred or hostility;

4) using violence or threat of its application, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Article 315. Unlawful taking of bodies and fabrics of corpse of the person

1. Unlawful taking of bodies or fabrics of corpse of the person for transplantation or other use, and is equal transactions concerning bodies or fabrics of corpse of the person -

are punished by imprisonment for a period of up to three years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Same acts, committed:

1) group of persons, group of persons by previous concert or criminal group;

2) repeatedly;

3) person with use of the official position, -

are punished by imprisonment for a period of three up to six years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 316. Animals abuse

1. The animals abuse which entailed their death or mutilation if this act is made from hooligan motives either using sadistic methods or in the presence of juveniles, -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

2. The same act made by group of persons or group of persons by previous concert, or repeatedly -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

Chapter 12. Medical criminal offenses

Article 317. Inadequate accomplishment of professional obligations by the health or pharmaceutical worker

1. Failure to carry out, inadequate accomplishment of professional obligations by the health or pharmaceutical worker owing to the negligent or unfair attitude towards them if these acts entailed causing average weight of harm to health of the person on imprudence, -

- are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred eighty hours, or arrest for a period of up to fifty days.

2. The acts provided by part one of this Article, which entailed on imprudence causing severe harm to health - are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to one year or without that.

3. The acts provided by part one of this Article, which entailed the death of the person on imprudence - are punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

4. The acts provided by part one of this Article, which entailed the death of two or more persons on imprudence - are punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

5. Inadequate accomplishment of professional obligations by the health worker, and is equal the employee of the organization of consumer or other services of the population owing to the negligent or unfair attitude towards them if this act entailed infection of other person HIV, -

it is punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 318. Violation of procedure for performing clinical trials and application of new methods and prophylactics, diagnostics, treatment and medical rehabilitation

1. Violation by the health worker of procedure for performing clinical trials and application of new methods and prophylactics, diagnostics, treatment and medical rehabilitation -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. The same act made by the official or which entailed heavy effects -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 319. Illegal production of abortion

1. Production of abortion by person who does not have the higher medical education of the corresponding profile -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The act provided by part one of this Article committed repeatedly, -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term.

3. Illegal production of abortion by person having the higher medical education of the corresponding profile -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

4. The act provided by part three of this Article committed repeatedly, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

5. The illegal production of abortion which entailed on imprudence the death of the victim or causing severe harm to her health -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 320. Non-rendering of the help to the patient

1. Non-rendering of the help to the patient without valid excuse person obliged to render it according to the law of the Republic of Kazakhstan or by the special rule if it entailed causing average weight of harm to health of the patient on imprudence, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. The same act if it entailed on imprudence the death of the patient or causing severe harm to his health, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 321. Disclosure of medical secret

1. The disclosure by the health worker without professional or office need of data on disease or results of medical examination of the patient expressed in the message of data on availability at the person HIV -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to

forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. Disclosure by the health worker without professional or office need of data on disease or results of medical examination of the patient if this act entailed heavy effects, -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 322. Illegal medical and pharmaceutical activities and illegal issue or counterfeit of the recipes or other documents granting the right to drugs or psychotropic substances

1. Occupation medical or pharmaceutical activities by person who does not have the certificate and (or) the license for this type of activity if it entailed causing average weight of harm to health of the person on imprudence, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions and to be engaged in certain activities for a period of up to two years or without that.

2. The same act which entailed on imprudence causing severe harm to health of the person -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of the person on imprudence -

it is punished by restriction of freedom for a period of up to five years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

5. Illegal issue or counterfeit of the recipes or other documents granting the right to drugs or psychotropic substances -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 323. Treatment of counterfeited medicines or medical products

1. Production, production or storage for the purpose of sale, and is equal application or sale of counterfeited medicines or medical products if it entailed heavy effects, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. Same acts, committed:

1) group of persons by previous concert;

2) repeatedly;

3) in large size, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of five up to ten years with confiscation of property, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that.

Chapter 13. Environmental criminal offenses

Article 324. Violation of ecological requirements to economic or other activity

1. Violation of ecological requirements when using natural resources, designing, placement, construction or reconstruction, commissioning or operation of the companies, constructions or other objects, operation of objects of the industry, power, transport or communication, objects of agricultural purpose and melioration, city building or other settlements, to military or defense facilities, military or space activities if this act entailed or could entail causing major damage to the environment, or did harm to health of the person, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. The act provided by part one of this Article, which entailed causing especially major damage to the environment either the death of the person, or mass disease of people -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 325. Violation of ecological requirements in case of the treatment of ecologically potentially dangerous chemical or biological substances

1. Violation of ecological requirements in case of production, transportation, storage, burial, use or other treatment of ecologically potentially dangerous chemical or biological substances if this act entailed or could entail causing significant damage to the environment or did harm to health of the person, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act which caused or created threat of causing major damage to the environment, and equally committed in the territory with emergency ecological situation, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

3. The acts provided by parts one or the second this Article, which entailed causing especially major damage to the environment either the death of the person, or mass disease of people -

are punished by imprisonment for a period of two up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 326. Violation of ecological requirements in case of the treatment of microbiological or other biological agents or toxins

1. Violation of ecological requirements during the warehousing, destruction or burial of microbiological or other biological agents or toxins or their illegal import to the Republic of Kazakhstan for conversion, storage or burial if

this act entailed or could entail causing significant damage to the environment or did harm to health of the person,

-
it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act which caused or created threat of causing major damage to the environment, and equally committed in the territory with emergency ecological situation, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

3. The acts provided by parts one or the second this Article, which entailed causing especially major damage to the environment either the death of the person, or mass disease of people -

are punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 327. Violation of the veterinary rules or rules established for fight against diseases and wreckers of plants

1. The violation of veterinary rules which entailed spread of epizooty or other heavy effects -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. The abuse of regulations, the plants established for fight against diseases and wreckers which entailed heavy effects -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 328. Pollution, contamination or depletion of waters

1. Pollution, contamination, depletion of surface or underground water, glaciers, sources of drinking water supply or other change of their natural properties if it entailed or could entail causing significant damage to the environment or did harm to health of the person, -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same acts which caused or created threat of causing major damage to the environment, and equally committed in especially protected natural territories or in the territories with emergency ecological situation, -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

3. The acts provided by parts one or the second this Article, which entailed causing especially major damage to the environment either the death of the person, or mass disease of people -

are punished by imprisonment for a period of two up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 329. Pollution of the atmosphere

1. Pollution of atmospheric air or other change of its natural properties owing to violation of ecological requirements if this act entailed causing major damage to the environment or did harm to health of the person, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. The same act which entailed causing especially major damage to the environment either the death of the person, or mass disease of people -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 330. Marine pollution

1. Marine pollution owing to violation of ecological requirements if this act entailed causing major damage to the environment or did harm to health of the person, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. The same act which entailed causing especially major damage to the environment either the death of the person, or mass disease of people -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 331. Violation of the law about the continental shelf of the Republic of Kazakhstan and exclusive economic zone of the Republic of Kazakhstan

1. Illegal construction of constructions on the continental shelf of the Republic of Kazakhstan, creation around them or in exclusive economic zone of the Republic of Kazakhstan of safety areas, and is equal abuse of regulations of construction, operation, protection and liquidation of the built constructions and safety controls of sea navigation -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to one year or without that.

2. The research, investigation, development of natural resources of the continental shelf of the Republic of Kazakhstan or exclusive economic zone of the Republic of Kazakhstan which are carried out without the corresponding permission -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 332. Spoil of the earth

1. The earth contamination industrial, household or other emissions or waste, and is equal poisoning, pollution or other spoil of the earth with harmful products of economic or other activity owing to abuse of regulations of the treatment of agricultural chemicals, fertilizers, growth factors of plants or other dangerous chemical, radioactive or biological materials in case of their storage, use, transportation or burial if these acts entailed or could entail causing major damage to the environment or did harm to health of the person, -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. The same acts which entailed causing especially major damage to the environment either the death of the person, or mass disease of people, and equally committed in the territory with emergency ecological situation, -

are punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 333. Abuse of regulations of protection and use of subsoil

1. Abuse of regulations of protection and use of subsoil when designing and carrying out transactions on subsurface use, and equally general ecological requirements at all stages of subsurface use if this act entailed or could entail causing major damage to the environment, or did harm to health of the person, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

2. The same act which entailed causing especially major damage to the environment either the death of the person, or mass disease of people -

it is punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 334. Unauthorized use of natural resources

1. Unauthorized use of natural resources, and equally unauthorized mining if these acts caused major damage, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same acts which entailed causing especially major damage -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of up to five years.

Article 335. Illegal production of fish resources, other water animals or plants

1. Illegal production of fish resources, other water animals or plants if this act is made:

1) with causing significant damage;

2) using explosive or chemicals, current or different ways of mass destruction of fish resources and other water animals and plants, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. The same act, committed repeatedly, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. The acts provided by parts one or the second this Article committed:

1) concerning sturgeon species of fish;

2) in places of spawning or on the migratory ways to them;

- 3) person with use of the official position;
- 4) group of persons by previous concert;
- 5) using self-propelled transport floating means;
- 6) in especially protected natural territories and in the territories with emergency ecological situation, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

4. The acts provided by parts one, the second or third this Article, made with causing major damage or criminal group -

are punished by imprisonment for a period of two up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 336. Abuse of regulations of protection of fish inventories

Abuse of regulations of protection of fish inventories in case of construction of bridges, dams, implementation of explosive or other works, operation of water intaking constructions or the repumping mechanisms if this act entailed or could entail mass death of fish or other water animals, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

Article 337. Illegal hunting

1. Illegal hunting using explosive devices or other means of mass extermination of animals, and it is equal using avia - car - motor-vehicles, including the over-snow equipment, or small size vessels -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to one year.

2. The same act, committed repeatedly, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to one year.

3. The acts provided by parts one or the second this Article, made with causing significant damage -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years.

4. The acts provided by parts one, the second or third this Article committed:

- 1) in especially protected natural territories or the territories with emergency ecological situation;
- 2) concerning the rare and being under the threat of disappearance animal species, and also animals on whom ban on use is imposed;
- 3) person with use of the official position;
- 4) with causing major damage, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

5. The acts provided by parts one, the second, third or fourth this Article committed:

- 1) criminal group;
- 2) with causing especially major damage, -

are punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 338. Abuse of regulations of protection of fauna

The abuse of regulations of protection of fauna when implementing production processes or operation of vehicles, application of remedies of plants, mineral fertilizers or other medicines which entailed mass destruction or death of fauna, and is equal the violation of procedure for use or protection of hunting grounds, fishery reservoirs which caused major damage -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 339. The illegal address with the rare and being under the threat of disappearance, and also prohibited to use types of plants or animals, their parts or derivatives

Illegal getting, acquisition, storage, sale, import, export, transfer, transportation or destruction of the rare and being under the threat of disappearance types of plants or animal, their parts or derivatives, and also plants or animals on whom ban on use is imposed of their parts or derivatives, and destruction of places of their dwelling is equal -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Article 340. Illegal felling, destruction or damage of trees and bushes

1. Illegal felling, destruction or damage of the trees and bushes which are not entering into forest fund and prohibited to felling except trees and bushes on personal, seasonal and garden plots, and destruction or damage of forest cultures, seedlings or saplings is equal in forest nurseries and on plantations, and also young growths of natural origin, undergrowth, or subsequent reproduction on the squares intended for reproduction of the woods and afforestation -

are punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

2. Illegal felling, destruction or damage of the trees and bushes entering into forest fund -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

3. The acts provided by parts one or the second this Article committed:

- 1) repeatedly;
- 2) person with use of the official position;
- 3) with causing major damage;
- 4) in especially protected natural territories, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The acts provided by parts one, the second or third this Article, made by criminal group -

are punished by imprisonment for a period of two up to five years.

Article 341. Destruction or damage of the woods

1. Destruction or damage of the trees and bushes which both are entering, and not entering into forest fund except trees and bushes on personal, seasonal and garden plots, as a result of careless handling of fire or other source of enhanced danger if this act caused major damage, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Intentional destruction or damage of the trees and bushes which both are entering, and not entering into forest fund, except trees and bushes on personal, seasonal and garden plots, made by arson or other all-dangerous method or as a result of pollution by hazardous substances, waste, emissions or garbage, -

it is punished by imprisonment for a period of three up to eight years.

Article 342. Violation of the mode of especially protected natural territories

1. The violation of the mode of especially protected natural territories which entailed causing significant damage -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The intentional damage or destruction of objects of the state natural and reserved fund in especially protected natural territories which entailed causing significant damage -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 343. Rejection of measures for mitigation of consequences of ecological pollution

1. Evasion from carrying out or inadequate holding the deactivating or other recovery actions in the areas which underwent to ecological pollution, persons to whom the obligation of holding such actions is assigned -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. Too the act which created threat of causing death to the person or entailed causing heavy or average weight of harm to health of the person, or caused major damage -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

3. The acts provided by parts one or the second this Article, which entailed the death of the person either mass disease of people, or causing especially major damage -

are punished by imprisonment for a period of two up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Chapter 14. Transport criminal offenses

Article 344. Violation of safety rules or operation of rail, air, sea or river transport

1. Violation of safety rules or operation of rail, air, sea or river transport by person, owing to the performed work or the post obliged to follow these rules if this act entailed on imprudence causing heavy or average weight of harm to health of the person or causing major damage, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed the death of the person on imprudence -

it is punished by imprisonment for a period of up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of four up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 345. Road traffic offense or operation of vehicles by persons managing vehicles

1. Violation by person driving the car, trolleybus, tram or other motorized vehicle, traffic regulations or operation of vehicles, the causing average weight of harm to health of the person which entailed on imprudence -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years.

2. The same act which entailed on imprudence causing severe harm to health of the person -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. The act provided by part one of this Article, which entailed the death of the person on imprudence -

it is punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

4. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to seven years.

Article 346. Vehicle control by the person deprived of the right of control of vehicles, who is in condition of alcoholic, drug and (or) inhalant intoxication, and equally in transfer of vehicle control to such person or the admission to vehicle control of such person

1. Vehicle control by the person deprived of the right of control of vehicles, who is in condition of alcoholic, drug and (or) inhalant intoxication or transfer to such person of vehicle control, and equally in the admission of such person to vehicle control made by the official or the owner or the vehicle owner -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of three years.

2. The same acts which entailed causing average weight of harm to health of the person on imprudence -

are punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of five years.

3. The acts provided by part one of this Article, which entailed on imprudence causing severe harm to health of the person -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of six years.

4. The acts provided by part one of this Article, which entailed the death of the person on imprudence -

are punished by imprisonment for a period of five up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of seven years.

5. The acts provided by part one of this Article, which entailed the death of two or more persons on imprudence -

are punished by imprisonment for a period of seven up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of ten years.

Article 347. Leaving of the place of the road accident

Leaving of the place of the road accident by the person who is managing the vehicle and broke the traffic regulation or operation of vehicles in case of approach of the heavy effects provided [by Articles 345, of the 346th](#) of this Code -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Note. Person which left the place of the road accident in connection with assistance to victims is exempted from criminal liability under this Article.

Article 348. Substandard repair of vehicles or their release in operation with technical defects

1. Substandard repair of vehicles, means of communication, means of the alarm system or communication or other transport equipment, and equally in release in operation obviously technically defective vehicles person responsible for technical condition of vehicles, or failure to carry out by the official responsible for technical condition and operation of vehicles, requirements of statutory rules of safety of traffic if these acts entailed causing average weight of harm to health of the person on imprudence, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

2. The same acts which entailed on imprudence causing severe harm to health of the person -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by part one of this Article, which entailed the death of the person on imprudence -

are punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

4. The acts provided by part one of this Article, which entailed the death of two or more persons on imprudence -

are punished by imprisonment for a period of four up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 349. The admission to vehicle control of the driver who does not have the right of management

1. The admission the official or the owner or the vehicle owner to vehicle control of the driver who does not have the rights of control of vehicles or the rights of control of vehicles of the corresponding category if this act entailed causing average weight of harm to health of the person on imprudence, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

2. The same act which entailed on imprudence causing severe harm to health of the person -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of the person on imprudence -

it is punished by imprisonment for a period of up to three years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 350. Intentional reduction in worthlessness of vehicles or means of communication

1. Intentional destruction, damage or reduction by different way in condition of the vehicle, unusable for operation, means of communication, means of the alarm system or communication or other transport equipment, and blocking of transport communications is equal if these acts entailed on imprudence causing heavy or average weight of harm to health of the person either causing major damage, or violation of normal work of transport and communication, -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term.

2. The same acts which entailed the death of the person on imprudence -

are punished by imprisonment for a period of three up to eight years.

3. The acts provided by part one of this Article, which entailed the death of two or more persons on imprudence -

are punished by imprisonment for a period of six up to ten years.

Article 351. Abuse of regulations, ensuring safe functioning of transport

1. Violation by the passenger, pedestrian or other participant of traffic (except person managing the vehicle) safety rules or operation of vehicles if this act entailed on imprudence causing severe harm to health of the person, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act which entailed the death of the person on imprudence -

it is punished by restriction of freedom for a period of up to four years or imprisonment for the same term.

3. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of three up to eight years.

Article 352. Train stop, unauthorized without need

Train stop, unauthorized without need, emergency brake or in the way of separation of the aerial brake highway or otherwise if it entailed the death of the person or other heavy effects, -

it is punished by imprisonment for a period of two up to eight years.

Article 353. Violation of the rules existing on transport

1. Violation of the rules of protection of procedure and traffic safety by persons performing managerial functions in road, construction and other organizations and responsible for road maintenance and road constructions, their equipment existing on transport and also for the organization of traffic if this act entailed causing average weight of harm to health of the person on imprudence, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

2. The same act which entailed on imprudence causing severe harm to health of the person -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of the person on imprudence -

it is punished by imprisonment for a period of up to three years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 354. Abuse of regulations of safety in case of construction, operation or repair of bulk distribution lines

1. Abuse of regulations of safety in case of construction, operation or repair of bulk distribution lines if this act entailed causing average weight of harm to health of the person on imprudence, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act which entailed on imprudence causing severe harm to health of the person or causing major damage -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of the person on imprudence -

it is punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 355. Intentional damage or destruction of pipelines

1. Intentional damage or destruction of pipelines, including oil and gas pipelines, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Same act:

- 1) the entailed causing on imprudence heavy or average weight of harm to health of the person;
- 2) committed repeatedly;
- 3) made by group of persons by previous concert, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

3. The act provided by part one of this Article:

- 1) the entailed environmental pollution;
- 2) the entailed causing major damage;
- 3) made by criminal group;
- 4) entailed the death of the person on imprudence, -

it is punished by imprisonment for a period of seven up to ten years.

Article 356. Careless damage or destruction of pipelines

1. The damage or destruction of pipelines, including oil and gas pipelines made on imprudence, which entailed variation from the set mode of operation or created real threat of damnification to human health or the environment -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act which entailed:

- 1) causing on imprudence heavy or average weight of harm to health of the person;
- 2) environmental pollution;
- 3) causing major damage;
- 4) on imprudence the death of the person, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 357. Non-rendering by the ship master of the help in distress

1. Non-rendering by the ship master of the help to people, in distress at the sea or on other waterway if this help could be given without serious danger to the vessel, its crew and passengers, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. Rejection of due measures by the captain of one of faced at the sea or the waterway of courts for rescuing of other vessel, entailed death of the vessel or other heavy effects on imprudence if these measures could be taken without serious danger to the vessel, its crew and passengers, -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 358. Control of the air, ocean, river or small size vessel person which is in condition of alcoholic, drug and (or) inhalant intoxication, transfer of management to such person or the admission to control of the air, ocean, river or small size vessel of such person

1. Control of the air, ocean, river or small size vessel person which is in condition of alcoholic, drug or inhalant intoxication or transfer of control of such vessel to person which is in condition of alcoholic, drug or inhalant intoxication, and equally in the admission to control of such vessel of person who is in condition of alcoholic, drug or inhalant intoxication made by the official or the owner or the owner of this vessel -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years.

2. The same acts which entailed causing average weight of harm to health of the person on imprudence -

are punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

3. The acts provided by part one of this Article, which entailed on imprudence causing severe harm to health of the person -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to six years.

4. The acts provided by part one of this Article, which entailed the death of the person on imprudence -

are punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to seven years.

5. The acts provided by part one of this Article, which entailed the death of two or more persons on imprudence -

are punished by imprisonment for a period of seven up to twelve years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to ten years.

Article 359. The admission to control of the air, ocean or river craft of person who does not have the right of management

1. The admission the official or the owner or the owner of the air, ocean or river craft to control of this vessel of person who does not have the rights of control of such vessel if this act entailed causing average weight of harm to health of the person on imprudence, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

2. The same act which entailed on imprudence causing severe harm to health of the person -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, which entailed the death of the person on imprudence -

it is punished by imprisonment for a period of up to three years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

4. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 360. Abuse of regulations of the international flights

1. Non-compliance with the routes specified in permission, places of landing, air gate, flight altitude or other abuse of regulations of the international flights -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

2. The same act which entailed the death of the person or other heavy effects -

it is punished by imprisonment for a period of three up to ten years.

Chapter 15. Corruption and other criminal offenses against interests of public service and public administration

Article 361. Abuse of ex-officio full powers

1. Use by the person authorized on accomplishment of the state functions, or equated to it by person, or the official of the office powers contrary to interests of service for the purpose of extraction of benefits and benefits to itself or other persons or the organizations either harming other persons or the organizations if it entailed causing essential harm to the rights and legitimate interests of citizens or the organizations or to the interests of society or state protected by the law, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. *It is excluded according to the Law of the Republic of Kazakhstan of 12.07.2018 No. 180-VI ZRK.*

3. The act provided by part one of this Article, which is committed by person, holding responsible state position,

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one or third this Article:

1) made for the benefit of criminal group;

2) made in case of accomplishment of service duties which are established [by the Law](#) of the Republic of Kazakhstan "About amnesty of citizens of the Republic of Kazakhstan, the oralmans and persons having the residence permit in the Republic of Kazakhstan in connection with legalization of property by them", with use of information obtained in the course of carrying out legalization of property;

3) the entailed heavy effects, -

are punished by restriction of freedom for a period of up to seven years or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 362. Exceeding of the power or ex-officio full powers

1. Exceeding of the power or ex-officio full powers, that is committing by person, person authorized on accomplishment of the state functions, or equated to it, or the official of the actions which are obviously going beyond it the rights and powers and entailed causing essential harm to the rights and legitimate interests of citizens or the organizations or to the interests of society or state protected by the law, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. *It is excluded according to the Law of the Republic of Kazakhstan of 12.07.2018 No. 180-VI ZRK.*

3. The act provided by part one of this Article, which is committed by person, holding responsible state position,

it is punished by restriction of freedom for a period of up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that.

4. The acts provided by parts one or third this Article, which entailed heavy effects or committed:

1) using violence or threat of its application;

2) using weapon or special means;

3) for the purpose of extraction of benefits and benefits to or other persons or the organizations either harming other persons or the organizations;

4) in case of accomplishment of service duties which are established by the legal act of the Republic of Kazakhstan for amnesty in connection with legalization of property, -

are punished by imprisonment for a period of five up to ten years, and in cases, stipulated in Item 3), with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 363. Assignment of powers of the official

Assignment by the government employee who is not the official, powers of the official and making by it with respect thereto actions which entailed causing essential harm to the rights and legitimate interests of citizens or the organizations or to the interests of society or state protected by the law -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

Article 364. Illegal participation in business activity

1. Organization the person authorized on accomplishment of the state functions, or equated to it by person, or the official of the organization performing business activity, or participation in management of such organization personally or through the authorized representative contrary to the prohibition established by the law if this act is connected with provision of such organization of privileges and benefits or with protection in other form, -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. *It is excluded according to the Law of the Republic of Kazakhstan of 12.07.2018 No. 180-VI ZRK.*

3. The act provided by part one of this Article, which is committed by person, holding responsible state position,

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 365. Hindrance of legal business activity

1. Restriction of the rights and legitimate interests of the individual entrepreneur or the commercial organization regardless of legal form or pattern of ownership, and is equal restriction of independence or other illegal intervention in activities of the individual entrepreneur or the commercial organization if these acts are committed by person, person authorized on accomplishment of the state functions, or equated to it, or the official with use of the office powers contrary to interests of service for the purpose of extraction of benefits and benefits to or other persons or the organizations either harming other persons or the organizations if it entailed causing essential harm to the rights and legitimate interests of citizens or the organizations or to the interests of society or state protected by the law, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period

of up to two years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. Same acts, committed:

1) *No. 180-VI ZRK is excluded according to the Law of the Republic of Kazakhstan of 12.07.2018;*

2) group of persons by previous concert;

3) in large size, -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article committed:

1) person holding responsible state position;

2) in especially large size;

3) criminal group or for the benefit of criminal group;

4) in case of accomplishment of service duties which are established [by the Law](#) of the Republic of Kazakhstan "About amnesty of citizens of the Republic of Kazakhstan, the oralmans and persons having the residence permit in the Republic of Kazakhstan in connection with legalization of property by them", with use of information obtained in the course of carrying out legalization of property -

are punished by restriction of freedom for a period of up to seven years or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 366. Taking of a bribe

1. Obtaining by the person authorized on accomplishment of the state functions, or equated to it by person, or person holding responsible state position or the official, and is equal the foreign official or the international organization personally or through the intermediary of bribe in the form of money, securities, other property, the right to property or benefits of property nature for itself or other persons for actions (failure to act) for benefit of the briber or persons represented to them if such actions (failure to act) are included into office power of this person, or it owing to official capacity can promote such actions (failure to act), and is equal for general protection or connivance -

it is punished by penalty in the amount of bribe, twentyfold to the fiftyfold amount, or imprisonment for a period of up to five years, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. The same act made in considerable size, and is equal taking of a bribe for illegal actions (failure to act) -

are punished by penalty in the amount of bribe, fiftyfold to the sixtyfold amount, or imprisonment for a period of three up to seven years, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article if they are made:

1) by racketing;

2) group of persons by previous concert;

3) in large size;

4) repeatedly, -

are punished by penalty in the amount of bribe, sixtyfold to the seventyfold amount, or imprisonment for a period of seven up to twelve years, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one, the second or third this Article if they are made by criminal group, and it is equal in especially large size, -

are punished by penalty in the amount of bribe, seventyfold to the eightyfold amount, or imprisonment for a period of ten up to fifteen years, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Note. Is not crime owing to insignificance and obtaining for the first time is pursued by person specified in part one of this Article, property, the right to property or other property benefit as gift in the absence of the preliminary arrangement for earlier made lawful acts (failure to act) in disciplinary or administrative procedure if the cost of gift did not exceed two monthly settlement indicators.

Article 367. Bribery

1. Bribery to person authorized on accomplishment of the state functions, or to person, or person holding responsible state position or the official equated to it, and it is equal to the foreign official or the international organization personally or through the intermediary -

it is punished by penalty in the amount of bribe, tenfold to the twentyfold amount, or imprisonment for a period of up to three years, with confiscation of property or without that, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. The same act made in considerable size -

it is punished by penalty in the amount of bribe, twentyfold to the thirtyfold amount, or imprisonment for a period of up to five years, with confiscation of property or without that, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article if they are made:

- 1) group of persons by previous concert;
- 2) in large size;
- 3) repeatedly, -

are punished by penalty in the amount of bribe, thirtyfold to the forty-multiple amount, or imprisonment for a period of seven up to twelve years, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one, the second or third this Article if they are made in especially large size or criminal group, -

are punished by penalty in the amount of bribe, forty-multiple to the fiftyfold amount, or imprisonment for a period of ten up to fifteen years, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Notes.

1. Transfer for the first time to person specified in part one of article 366 of this Code for the lawful acts (failure to act) of gift which are earlier made by it in the amount or the cost which is not exceeding two monthly settlement indicators does not attract criminal liability if made by this person of action (failure to act) were not caused by the preliminary arrangement.

2. Person who bribed is exempted from criminal liability if concerning it the bribe racketing from person specified in [part one of article 366](#) of this Code took place or if this person voluntarily reported to law enforcement or special state body about bribery.

Article 368. Mediation in bribery

1. Mediation in bribery, that is contribution to the bribetaker and the briber in achievement or implementation of the agreement between them on obtaining and bribery, -

it is punished by penalty in the amount of bribe, fivefold to the tenfold amount, or imprisonment for a period of up to two years, with confiscation of property or without that, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. The same act, committed repeatedly or criminal group or person with use of the official position, -

it is punished by penalty in the amount of bribe, tenfold to the twentyfold amount, or imprisonment for a period of up to six years, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 369. Office forgery

1. Office forgery, that is introduction by the person authorized on accomplishment of the state functions, or equated to it by person, or the official in official documents of obviously false data or entering into the specified documents of the corrections distorting their valid contents, or issue of obviously false or forgery documents if these acts are made for the purpose of extraction of benefits and benefits to themselves or other persons or the organizations either harming other persons or the organizations, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. *It is excluded according to the Law of the Republic of Kazakhstan of 12.07.2018 No. 180-VI ZRK.*

3. The act provided by part one of this Article if it is committed by person, holding responsible state position, -

it is punished by restriction of freedom up to five years or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 370. Failure to act on service

1. Failure to act on service, that is non-execution by the person authorized on accomplishment of the state functions, or equated to it by person, or the official of the service duties for the purpose of extraction of benefits and benefits to itself or other persons or the organizations either harming other persons or the organizations if it entailed fundamental breach of the rights and legitimate interests of citizens or the organizations or the interests of society or state protected by the law, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. *It is excluded according to the Law of the Republic of Kazakhstan of 12.07.2018 No. 180-VI ZRK.*

3. The same act which is committed by person, holding responsible state position, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one or third this Article, which entailed heavy effects -

are punished by restriction of freedom up to seven years or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 371. Negligence

1. Negligence, that is non-execution or improper execution by the person authorized on accomplishment of the state functions, or equated to it by person, either the official, or person holding responsible state position, the obligations owing to the unfair or negligent relation to service if it entailed causing essential harm to the rights and legitimate interests of citizens or the organizations or to the interests of society or state protected by the law, -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

2. The same act which entailed heavy effects on imprudence -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period

of up to four years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Chapter 16. Criminal offenses against procedure for management

Article 372. Violation of the state symbols

Violation of the state symbols of the Republic of Kazakhstan -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 373. Public insult and other infringement of honor and advantage of the First President of the Republic of Kazakhstan - Elbasa, defilement of images of the First President of the Republic of Kazakhstan - Elbasa, hindrance of legal activities of the First President of the Republic of Kazakhstan - Elbasa

1. Public insult or other infringement of honor and advantage of the First President of the Republic of Kazakhstan - Elbasa, defilement of images of the First President of the Republic of Kazakhstan - Elbasa

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same acts made with use of mass media or networks of telecommunications

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

3. Impact in any form on the First President of the Republic of Kazakhstan - Elbasa or jointly the members of his family with the purpose of hindrance of its legal activities living with it

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Article 374. Violation of guarantees of immunity of the First President of the Republic of Kazakhstan - Elbasa

Violation in any form of guarantees of immunity of the First President of the Republic of Kazakhstan - Elbasa and jointly the family members living with it, including the guarantees of security of property, residential and service premises, personal and office vehicles, correspondence used by them means of communication, guarantees of bank secrecy and immunity of bank accounts, and also immunity of the documents belonging to them

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Article 375. Infringement of honor and advantage of the President of the Republic of Kazakhstan and hindrance of its activities

1. Public insult or other infringement of honor and advantage of the President of the Republic of Kazakhstan -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act made with use of mass media or networks of telecommunications -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

3. Impact in any form on the President of the Republic of Kazakhstan or his close relatives for the purpose of hindrance to execution of the obligations by it -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Note. The public statements containing critical statements about the policy pursued by the President of the Republic of Kazakhstan do not attract criminal liability under this Article.

Article 376. Infringement of honor and advantage of the deputy of Parliament of the Republic of Kazakhstan and hindrance of its activities

1. Public insult of the deputy of Parliament of the Republic of Kazakhstan in case of execution of deputy obligations by it or in connection with their execution -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

2. The same act made with use of mass media or networks of telecommunications -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

3. Impact in any form on the deputy of Parliament of the Republic of Kazakhstan or his close relatives for the purpose of hindrance to execution of the obligations by it -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Note. The public statements containing critical statements about deputy activities of the deputy of Parliament of the Republic of Kazakhstan do not attract criminal liability under this Article.

Article 377. Hindrance of activities of the Constitutional Council of the Republic of Kazakhstan

1. Intervention in any form in activities of the Constitutional Council of the Republic of Kazakhstan for the purpose of hindrance to implementation of the powers by it -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act which is committed by person with use of the official position -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 378. Insult of the public agent

1. Insult of the public agent in case of execution of the service duties by it or in connection with their execution -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. The same act, committed publicly or with use of mass media or networks of telecommunications, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

Note. The public statements containing critical statements about office activities of the public agent do not attract criminal liability under this Article.

Article 379. Disobedience to the public agent

The disobedience to the legal requirement or the order of the public agent made in the area where state of emergency, or in the anti-terrorist operation zone is declared

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 380. Use of violence to the public agent

1. Use of violence, not life-threatening either health, or threat of use of violence to the public agent or his relatives in connection with execution of the service duties by it or from revenge for accomplishment of service duties

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. Use of violence, life-threatening or health, concerning persons specified in part one of this Article

it is punished by imprisonment for a period of five up to ten years.

3. The act provided by part two of this Article committed:

1) concerning two or more persons;

2) concerning person, obviously for the guilty person who is down and out, and equally integrated to kidnapping or taking of the hostage;

3) with special cruelty;

4) group of persons, group of persons by previous concert;

5) with the purpose to hide other crime or to facilitate its making;

6) repeatedly;

7) concerning obviously minor;

8) in the conditions of emergency situation or during mass riots;

9) in the area where state of emergency, or the anti-terrorist operation zone is declared,

it is punished by imprisonment for a period of seven up to twelve years.

Article 380-1. Infringement of life of the employee of law enforcement, special state body, serviceman

1. Infringement of life, that is the intentional actions directed to causing death, the employee of law enforcement, special state body, the serviceman or their relatives in connection with accomplishment of service duties by them or from revenge for accomplishment of service duties

it is punished by imprisonment for a period of ten up to fifteen years with confiscation of property or without that.

2. Same act, committed:

1) concerning two or more persons;

2) concerning person, obviously for the guilty person who is down and out, and equally integrated to kidnapping or taking of the hostage;

3) concerning the woman, obviously for guilty the pregnancy which is in condition;

4) with special cruelty;

5) by method, life-threatening other people;

6) group of persons, group of persons by previous concert, criminal group;

7) with the purpose to hide other crime or to facilitate its making, and equally integrated to rape or violent acts of sexual nature;

8) repeatedly;

9) concerning obviously minor;

10) in the area where state of emergency, or in the anti-terrorist operation zone is declared,

it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment with confiscation of property.

Article 381. Hindrance of activities of the prosecutor and non-execution of its legal requirements

Non-execution of acts of public prosecutor's supervision, and is equal hindrance of its activities if it entailed causing essential harm to the rights and legitimate interests of citizens or the organizations or to the interests of society or state protected by the law, -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

Article 382. Disclosure of data on the security measures applied concerning the official holding responsible state position

1. Disclosure of data on the security measures applied concerning the official holding responsible state position and also his relatives by person to whom these data were entrusted or became known in connection with its office activities, -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act which entailed heavy effects -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Article 383. Acquisition or sale of official documents and state awards

Illegal acquisition of right or sale of the official documents granting the rights or exempting from obligations, and also the state awards of the Republic of Kazakhstan or the USSR -

are punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

Article 384. Unlawful taking of documents, stealing, destruction, damage or concealment of documents, stamps, seals

1. Unlawful taking at the citizen of the passport, the identity certificate or other personal paper -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. Stealing at the citizen of the passport, the identity certificate or other personal paper -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

3. The stealing, destruction, damage or concealment of official documents, stamps or seals made from mercenary or from other personal interest -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

Article 385. Counterfeit, production or sale of forgery documents, stamps, seals, forms, state signs of post payment, state awards

1. Counterfeit of the certificate or other official document granting the rights or exempting from obligations or sale of such document, and production or sale of counterfeit stamps, seals, forms, the state signs of post payment, the state awards of the Republic of Kazakhstan or the USSR is equal -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same acts made repeatedly or group of persons by previous concert -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term.

3. Use of obviously false document -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

Article 386. Counterfeit, destruction of vehicle identification number, sale of the vehicle with obviously counterfeit identification number

1. Counterfeit or destruction of identification number, number of body, the chassis, engine, and also counterfeit of the state registration sign of the vehicle, use of obviously counterfeit or false state registration sign, and equally in sale of the vehicle with obviously counterfeit identification number, number of body, the chassis, engine or with obviously counterfeit state registration sign or sale of body, the chassis, engine with obviously counterfeit number -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same acts made by group of persons by previous concert or criminal group -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Article 387. Evasion from military service

1. Draft evasion on military service in the absence of legal causes for release from this service -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

2. Same act, committed:

1) by means of causing to harm to health;

2) by malingering;

3) by means of forgery of documents or other deception, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Note. The recruit is exempted from criminal liability if before transfer of legal investigation by body to court it voluntarily was on recruiting station.

Article 388. Draft evasion on mobilization

1. Draft evasion on military service on mobilization in Armed Forces, other troops and military forming of the Republic of Kazakhstan -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

2. The same act, and also the evasion from further appeals for completion of Armed Forces of the Republic of Kazakhstan made in wartime -

are punished by imprisonment for a period of five up to ten years.

Article 389. Arbitrariness

1. Arbitrariness, that is unauthorized, contrary to the procedure established by the legislation of the Republic of Kazakhstan, implementation of the valid or expected right disputed by other person or the organization -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. The same act which did essential harm to the rights or legitimate interests of citizens or the organizations or to the interests of society or state protected by the law -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

3. The act provided by part two of this Article, made using violence or with threat of its application or group of persons by previous concert -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

4. The acts provided by parts two or third this Article, which entailed heavy effects -

are punished by imprisonment for a period of three up to seven years.

Article 390. Unauthorized assignment of rank of the public agent or official holding responsible state position

1. Unauthorized assignment of rank of the public agent or official holding the state position for the purpose of receipt of powers of authority -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

2. The unauthorized assignment of rank of the public agent or official holding responsible state position, integrated to making on this basis of crime -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

3. Unauthorized assignment of rank of the official holding the position established [by the Constitution](#) of the Republic of Kazakhstan for the purpose of receipt of powers of authority -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Article 391. Illegal raising of National Flag of the Republic of Kazakhstan

Illegal raising of National Flag of the Republic of Kazakhstan on the merchant vessel -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

Article 392. Intentional illegal crossing of Frontier of the Republic of Kazakhstan

1. Intentional illegal crossing of Frontier of the Republic of Kazakhstan out of check points through Frontier, and equally intentional illegal crossing of Frontier of the Republic of Kazakhstan in the specified Items made according to false documents or with fraudulent use of the valid documents of the third parties, and is equal with violation of established procedure, -

are punished by penalty at the rate to one thousand monthly settlement indicators or imprisonment for a period of up to one year, with expulsion for limits of the Republic of Kazakhstan of the foreigner or the stateless person for a period of five years.

2. The same acts made by criminal group or using violence or threat of its application -

are punished by imprisonment for a period of up to five years with expulsion for limits of the Republic of Kazakhstan of the foreigner or the stateless person for a period of five years.

Article 393.

It is excluded according to the Law of the Republic of Kazakhstan of 21.01.2019 No. 217-VI ZRK

Article 394. Organization of illegal migration

1. The organization of illegal migration by provision of vehicles either forgery documents, or residential or other room, and also rendering to citizens, foreigners and stateless persons of other services for illegal entrance, departure, movement in the territory of the Republic of Kazakhstan -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act which is committed by person with use of the office powers or group of persons by previous concert -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

3. The act provided by part one of this Article, made by criminal group -

it is punished by imprisonment for a period of three up to seven years.

Article 395. Numerous abuse of regulations of attraction and use in the Republic of Kazakhstan of foreign labor power

Numerous employment by the employer of the foreigners and stateless persons staying in the territory of the Republic of Kazakhstan without the corresponding permission of authorized body, and equally numerous violation by the employer of rules of use in the Republic of Kazakhstan of foreign labor power -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

Article 396. Illegal change of Frontier of the Republic of Kazakhstan

1. Withdrawal, movement or destruction of border markers for the purpose of illegal change of Frontier of the Republic of Kazakhstan -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same acts made repeatedly or which entailed heavy effects -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term.

Article 397. Illegal use by emblems and signs of Red Crescent, Red Cross, Red Crystal

Illegal use by emblems and distinctive marks of Red Crescent, the Red Cross, the Red Crystal, and is equal the name of Red Crescent, Red Cross, Red Crystal -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

Article 398. Abuse of regulations of protection of lines and constructions of communication, and also the objects which are subject to the state protection

1. Abuse of regulations of protection of communication lines or constructions of communication if this act entailed the termination of communication or created communication termination threat, -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours.

2. The abuse of regulations of protection of communication lines which entailed damage of the cable line of long distance communication or the termination of long distance communication -

it is punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred twenty hours, or arrest for a period of up to thirty days.

3. Violation of safety requirements of the objects which are subject to the state protection, buildings of state bodies and public institutions, entailed their capture or causing other heavy effects -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

Article 399. Illegal production, production, acquisition, sale or use of special technical means of secret receipt of information

1. Illegal production, production, acquisition, sale or use of special technical means of secret receipt of information -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same acts made by group of persons by previous concert or in large size -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, made by criminal group -

are punished by imprisonment for a period of three up to seven years.

Article 400. Violation of procedure for the organization and holding meetings, meetings, pickets, street processions and demonstrations

The organization, carrying out or participation in illegal meeting, meeting, procession, picket, demonstration or other illegal public action, and rendering assistance of the organization or to holding such actions by provision of the room, means of communication, the equipment, transport is equal if these acts did essential harm to the rights and legitimate interests of citizens or the organizations or interests of society or state protected by the law, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

Article 401. Management of the prohibited strike, hindrance to work of the organization in wartime or conditions of emergency state

The management of the prohibited strike in wartime or conditions of emergency state, and is equal hindrance in these conditions to work of the organization -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 402. The actions provoking to continuation of participation in the strike recognized by court of illegal

1. The appeals to continuation of participation in the strike recognized by court illegal made publicly or with use of mass media or networks of telecommunications, and equally in bribery of workers for this purpose -

are punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to one year or without that.

2. The same acts which did essential harm to the rights and legitimate interests of citizens or the organizations or to the interests of society or state protected by the law or the entailed mass riots -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 403. Illegal intervention of members of public associations in activities of state bodies

1. Hindrance of legal activities of state bodies or assignment of functions of state bodies or their officials by members of public associations, and is equal creation in state bodies of the organizations of political parties if these acts did essential harm to the rights and legitimate interests of citizens or the organizations or interests of society or state protected by the law, -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to one year or without that.

2. The same acts made by the leader of public association -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 404. Creation, management and participation in activities of illegal public and other associations

1. Creation or management of religious or public association which activities are integrated to violence over citizens or other damnification to their health or with motivation of citizens to refusal of execution of civil obligations or making of other illegal acts, and is equal creation or management of batch on religious basis, either political party or labor union, financed from the sources prohibited by the laws of the Republic of Kazakhstan, -

are punished by penalty at the rate to six thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to six years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to six years.

2. Creation of public association, the proclaimer or in practice of the constitutional system realizing racial, national, patrimonial, social, class or religious intolerance or exclusiveness, calling for violent overthrow, to

undermining safety of the state or infringement of territorial integrity of the Republic of Kazakhstan, and is equal management of such consolidation -

are punished by imprisonment for a period of three up to seven years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. Active participation in activities of the associations specified in parts one or the second this Article -

it is punished by penalty at the rate to six thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to six years, or imprisonment for the same term.

Article 405. The organization and participation in activities of public or religious association or other organization after the judgment about prohibition of their activities or liquidation in connection with implementation by them of extremism or terrorism

1. The organization of activities of public or religious association or other organization concerning which there is judgment which took legal effect about prohibition of their activities or liquidation in connection with implementation by them of extremism or terrorism, -

it is punished by penalty at the rate to six thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to six years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years or without that, with expulsion out of limits of the Republic of Kazakhstan of the foreigner or the stateless person for a period of five years.

2. Participation in activities of public or religious association or other organization concerning which there is judgment which took legal effect about prohibition of their activities or liquidation in connection with implementation by them of extremism or terrorism, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that, with expulsion out of limits of the Republic of Kazakhstan of the foreigner or the stateless person for a period of five years.

Note. Person which voluntarily stopped participation in activities of public or religious association or other organization concerning which there is judgment which took legal effect about prohibition of their activities or liquidation in connection with implementation by them of extremism or terrorism is exempted from criminal liability if its actions do not contain other actus reus.

Article 406. Rendering assistance to political parties and labor unions of foreign states

Financing, provision of the room or property, and is equal rendering other assistance to political parties or labor unions of other states if these acts entailed fundamental breach of the rights and legitimate interests of citizens or the organizations or the interests of society or state protected by the law, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

Chapter 17. Criminal offenses against justice and procedure for execution of punishments

Article 407. Hindrance to implementation of justice and production of pre-judicial investigation

1. Intervention in any form in activities of court for the purpose of hindrance to justice implementation -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Intervention in any form in activities of the prosecutor or person performing pre-judicial investigation for the purpose of hindrance to comprehensive, complete and objective pre-judicial investigation -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

3. The acts provided by parts one or the second this Article, which are committed by person with use of the official position -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 408. Infringement of life of person performing justice or pre-judicial investigation

Infringement of life of the judge, the jury member, the prosecutor, person performing the pre-judicial investigation, the defender, the expert, the bailiff, the legal executive, and equally in their relatives in connection with hearing of cases or materials in court, production of pre-judicial investigation or execution of sentence, the judgment or other court resolution made for the purpose of hindrance of legal activities of specified persons or from revenge for such activities -

it is punished by imprisonment for a period of fifteen up to twenty years or lifelong imprisonment.

Article 409. Threat or violent acts in connection with implementation of justice or pre-judicial investigation

1. Threat of murder, damnification to health, damage or destruction of property concerning the judge, the jury member, and equally in their relatives in connection with hearing of cases or materials in court -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. The same act made concerning the prosecutor, person performing pre-judicial investigation, the defender, the expert, the bailiff, the legal executive, and equally in their relatives in connection with implementation of pre-judicial investigation, consideration of the case or materials in court or execution of sentence, the judgment or other court resolution -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, made using violence, not life-threatening or health -

are punished by attraction to social jobs for a period of up to one thousand two hundred hours or restriction of freedom for a period of up to five years, or imprisonment for the same term.

4. The acts provided by parts one or the second this Article, made using violence, life-threatening or health - are punished by imprisonment for a period of five up to ten years.

Article 410. Disrespect for court

1. The disrespect for court expressed in insult of participants of legal proceedings -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days.

2. The same act expressed in insult of the judge and (or) jury member -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to two hundred hours, or arrest for a period of up to fifty days.

Article 411. Slander concerning the judge, the jury member, the prosecutor, person performing pre-judicial investigation, the expert, the bailiff, the legal executive

1. Slander concerning the judge or the jury member in connection with hearing of cases or materials in court -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act made concerning the prosecutor, person performing pre-judicial investigation, the expert, the bailiff, the legal executive in connection with implementation of pre-judicial investigation, conducting judicial examination or execution of sentence, the judgment or other court resolution -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, connected to accusation of person in making of heavy or especially serious crime -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term.

Article 412. Attraction obviously innocent to criminal liability

1. Attraction obviously innocent to criminal liability -

it is punished by restriction of freedom for a period of up to six years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. The same act connected to accusation of person in making of heavy or especially serious crime -

it is punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 413. Obviously illegal release from criminal liability

Obviously illegal release from criminal liability of person, the suspect or the person accused in crime execution, the prosecutor or person performing pre-judicial investigation -

it is punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 414. Obviously illegal detention, detention or detention

1. Obviously illegal arrest -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. Obviously illegal detention into custody or detention -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. The acts provided by parts one or the second this Article, which entailed heavy effects -

are punished by imprisonment for a period of three up to eight years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

4. The intentional non-notification of relatives of his detention suspected about the fact and the location, illegal refusal in provision of information on the place of detention of person to the citizen having the right to such information, and equally in falsification of time of creation of the protocol of detention or time of the actual detention -

are punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years or without that.

Article 415. Coercion to evidence

Compulsion of the suspect, person accused, victim, witness to evidence, and is equal hindrance to person in voluntary evidence, filing of application about the committed crime or coercion to standing mute, or compulsion of the expert to making the conclusion by application of threats, blackmail or other illegal actions from the prosecutor or person performing pre-judicial investigation -

are punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 416. Falsification of proofs and operational search, counterprospecting materials

1. Falsification of proofs on civil case person participating in case or his representative -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The falsification of proofs on cases on administrative offenses made by the official, the representative to constitute the protocol on administrative offenses, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. Falsification of operational search, counterprospecting materials or protocols of secret investigative actions or appendices to them by the employee of the body performing operational search, counterintelligence activities -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

4. Falsification of proofs during criminal trial by person performing pre-judicial investigation, the prosecutor, the specialist who is taking part in legal proceedings or the defender -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

5. The acts provided by parts one, the second, third or fourth this Article, which entailed removal of miscarriage of justice, the decision or other court resolution -

are punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

6. Falsification of proofs on criminal case about heavy or especially serious crime, and equally entailed heavy effects, -

it is punished by restriction of freedom for a period of five up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 417. Provocation of commercial bribery or bribery

1. Provocation of commercial bribery, that is attempt of transfer to person performing managerial functions in commercial or other organizations without its consent of money, the property benefits and benefits for the purpose of artificial creation of proofs of crime execution or blackmail, -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

2. Bribery provocation, that is the same act made concerning person authorized on accomplishment of the state functions, or person equated to it, either the official, or person holding responsible state position -

it is punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

Article 418. Removal obviously miscarriage of justice, decision or other court resolution

1. Removal by the judge (judges) obviously miscarriage of justice, the decision or other court resolution -

it is punished by imprisonment for a period of two up to six years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

2. The same act connected with pronouncement of the illegal court verdict to imprisonment or which entailed other heavy effects -

it is punished by imprisonment for a period of six up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to ten years.

Article 419. Obviously false denunciation

1. Obviously false denunciation about making of criminal offense -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to hundred sixty hours.

2. Obviously false denunciation about crime execution -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

3. The act provided by part two of this Article, connected to accusation of person in making of corruption, heavy or especially serious crime or made from mercenary motives -

it is punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term.

4. The acts provided by parts two or third this Article, made for the benefit of criminal group -

are punished by imprisonment for a period of five up to ten years.

Article 420. Obviously false evidences, expert opinions, specialist or incorrect translation

1. Obviously false evidences of the witness, victim or expert opinion, the specialist in court or during pre-judicial investigation, and equally obviously incorrect translation made by the translator in the same cases and also in case of execution of executive documents, -

are punished by restriction of freedom for a period of up to six years or imprisonment for the same term.

2. The same acts made on criminal case about corruption, heavy or especially serious crime or from mercenary motives -

are punished by imprisonment for a period of five up to ten years.

Article 421. Refusal of the witness or victim of evidence

Refusal of the witness or victim of evidence in court or during pre-judicial investigation -

it is punished by penalty at the rate from two thousand to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Note. Person is not subject to criminal liability for standing mute against itself, the spouse (spouses) or the close relatives, and also priests - for standing mute against trusted in them on confessions, mediators - against persons and about the circumstances which became to them known in connection with mediation, participants of the national preventive mechanism - against persons and about the circumstances which became to them known of conversations with persons containing in the special facilities providing temporary isolation from society.

Article 422. Bribery or coercion to perjury or evasion from evidence, to the false conclusion or to incorrect translation

1. Bribery of the witness who was injured for the purpose of making false evidences by them or the expert for the purpose of making by it the false conclusion or false evidences, and equally in the translator for the purpose of implementation of incorrect translation by it -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand hours, or restriction of freedom for a period of up to four years, or imprisonment for the same term.

2. Compulsion of the witness who was injured to perjury, the expert to making the false conclusion or the translator to implementation of incorrect translation, and is equal the compulsion of specified persons to evasion from evidence connected to blackmail, threat of murder, damnification to health, destruction of property of these persons or their relatives -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

3. The acts provided by part two of this Article, made using violence, not life-threatening or health of specified persons -

are punished by restriction of freedom for a period of up to six years or imprisonment for the same term.

4. The acts provided by parts one or the second this Article, made by criminal group or using violence, life-threatening or health of specified persons, and equally connected with accusation in making of corruption, heavy or especially serious crime -

are punished by imprisonment for a period of two up to eight years.

Article 423. Disclosure of data of pre-judicial production

Disclosure of data of pre-judicial production by person warned in the procedure established by the law of the Republic of Kazakhstan on inadmissibility of their disclosure if it is made without the consent of the prosecutor or person performing pre-judicial production -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 424. Disclosure of data on the security measures applied concerning persons which are subject to the state protection

1. Disclosure of data on the security measures applied concerning persons which are subject to the state protection if this act is committed by person to which the specified data were entrusted or became known in connection with its office activities, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. The same act which entailed heavy effects or made for the benefit of criminal group -

it is punished by penalty at the rate to six thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to six years, or imprisonment for the same term.

Article 425. Illegal actions concerning the property subjected to the inventory or arrest or which is subject to confiscation

1. Waste, alienation, concealment or illegal cession of property, subjected to the inventory, arrest or on which restriction on hand, committed by person to which this property is entrusted is imposed and implementation by the employee of credit institution of banking activities with money (deposits) which it is seized or on which account transactions are suspended is equal, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. Concealment or assignment of the property which is subject to confiscation on sentence or the court order, and is equal other evasion from execution of the sentence which took legal effect or court orders about purpose of confiscation of property -

are punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

Article 426. Escape from places of detention, from under arrest or from custody

1. Escape from places of detention, from under arrest or from custody, committed by person, serving sentence or being in pre-trial detention, -

it is punished by imprisonment for a period of up to three years.

2. Same act, committed:

1) group of persons, group of persons by previous concert;

2) using violence, life-threatening or health, or with threat of application of such violence;

3) using the weapon or objects used as weapon -

it is punished by imprisonment for a period of three up to six years.

Note. Person which voluntarily returned to seven-day time from the moment of making of escape in detention center or into custody is exempted from criminal liability for escape if it did not make other new criminal offense and if escape was not integrated to the actions provided by Items 2) and 3) of part two of this Article.

Article 427. Evasion from serving sentence in the form of imprisonment

Not return to correctional facility of the convict to which short-term departure out of limits of the place of detention after departure term is resolved, and equally in the convict having the movement right without convoy or being under supervision, made for the purpose of evasion from further serving sentence in the form of imprisonment, -

it is punished by imprisonment for a period of up to two years.

Evasion of person condemned for criminal offenses against sexual integrity of minors, and also the condemned persons recognized by persons in need in treatment for alcoholism, drug addiction and toxicomania, for application to them enforcement powers of medical nature -

it is punished by imprisonment for a period of up to one year.

Article 428. Disobedience to legal requirements of administration of criminal and executive organization

1. Malicious disobedience to legal requirements of administration of criminal and executive organization person serving sentence in places of detention -

it is punished by imprisonment for a period of up to three years.

2. *It is excluded according to the Law of the Republic of Kazakhstan of 12.07.2018 No. 180-VI ZRK.*

3. The organization of group disobedience to legal requirements of administration of the organization providing isolation from society, and the participation in group disobedience integrated using violence or intentional causing to itself any damage or which entailed other heavy effects is equal -

are punished by imprisonment for a period of five up to ten years.

Article 429. Threat of use of violence to the employee of the organization providing isolation from society or his relatives, and also the convict or infringement of their health or life

1. Threat of use of violence to the employee of the organization providing isolation from society or his spouse (spouses) or close relatives in connection with implementation of office activities by it, and also concerning the convict with the purpose to prevent its correction or from revenge for assistance of organization to administration rendered to them -

it is punished by imprisonment for a period of two up to five years.

2. Use of violence, not life-threatening or health, to persons specified in part one of this Article -

it is punished by imprisonment for a period of three up to seven years.

3. The acts provided by parts one and the second this Article, made by group of persons by previous concert or using violence, life-threatening or health -

are punished by imprisonment for a period of seven up to ten years.

4. Infringement of life of the employee of the organization providing isolation from society or his spouse (spouses) or close relatives in connection with implementation of office activities by it, and also concerning the convict with the purpose to prevent its correction or from revenge for assistance of organization to administration rendered to them -

it is punished by imprisonment for a period of ten up to twenty years or lifelong imprisonment.

Article 430. Non-execution of the court verdict, judgment or other court resolution or executive document

1. Non-execution more than six months which took legal effect of sentence, the judgment or other court resolution or the executive document, and is equal hindrance to their execution -

are punished by attraction to social jobs for a period of up to eight hundred hours or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. The same acts which are committed by person with use of the official position -

are punished by attraction to social jobs for a period of up to one thousand two hundred hours or restriction of freedom for a period of three up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

3. The acts provided by parts one or the second this Article on which the amount of collection exceeds ten thousand monthly settlement indicators established by the legislation of the Republic of Kazakhstan at the time of crime execution and hindrance is equal to their execution -

are punished by restriction of freedom for a period of five up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Note. To the person who committed the crime provided by part three of this Article, and extinguished all outstanding amount before adjudgement of court, imprisonment is not appointed.

Article 431. Evasion from the administrative supervision established by court behind persons exempted from places of detention

The evasion from the administrative supervision established by court behind persons exempted from places of detention expressed in unauthorized leaving by the person under surveillance of the residence or the person under surveillance non-arrival within five days without days off and holidays to the chosen residence after release from places of detention -

it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to four hundred hours, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

Article 432. Concealment of crime

In advance not promised concealment of corruption, heavy or especially serious crime -

it is punished by penalty at the rate to six thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to six years, or imprisonment for the same term.

Note. Person is not subject to criminal liability for in advance not promised concealment of the crime committed by his spouse (spouse) or the close relative.

Article 433. Shelter of criminal offense

1. The intentional shelter of criminal offense or crime of small or average weight from registration made by the authorized officer by deception, arrangement, threat or other wrongful acts concerning person who filed petition or the message on authentically preparing or committed criminal offense or by destruction or concealment by any different way of the address of the specified person -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

2. The same act which entailed the shelter of serious crime -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to one thousand two hundred hours, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

3. The acts provided by parts one or the second this Article:

- 1) the entailed shelters of especially serious crime or heavy effects;
- 2) made by group of persons by previous concert, -

are punished by restriction of freedom for a period of three up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

4. The acts provided by parts one, the second or third this Article, made by the official holding responsible state position or the head of authorized state body or on specifying of these persons -

are punished by imprisonment for a period of four up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

Article 434. Failure to report about crime

Failure to report about authentically known preparing or committed especially serious crime or authentically known preparing act of terrorism -

it is punished by penalty at the rate to six thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to six years, or imprisonment for the same term.

Note. Are not subject to criminal liability under this Article of spouses (spouse) or the close relative of person who committed crime and also priests for failure to report about the crimes committed by persons which trusted in them on confession.

Article 435. Hindrance of legal activities of lawyers and other persons for protection of the rights, freedoms and legitimate interests of man and citizen, and also rendering legal aid to physical persons and legal entities

1. Hindrance of legal activities of lawyers and other persons for protection of the rights, freedoms and legitimate interests of man and citizen in criminal procedure, and is equal to rendering legal aid to physical persons and legal entities or other violation of independence and independence of such activities if these acts did essential harm to the rights, freedoms or legitimate interests of man and citizen, the rights or legitimate interests of legal entities protected by the law to interests of society or state -

are punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to six hundred hours, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The acts provided by part one of this Article, which are committed by person with use of the official position -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eight hundred hours, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years or without that.

Article 436. Hindrance to the citizen to fulfill duties of the jury member

Hindrance by the official to the citizen to fulfill duties of the jury member -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or attraction to social jobs for a period of up to eighty hours, or arrest for a period of up to twenty days.

Chapter 18. Military criminal offenses

Article 437. Disobedience or other non-execution of the order

1. Disobedience, that is refusal of execution of the order of the chief, and is equal other intentional non-execution by the subordinate of the order of the chief given in accordance with the established procedure, the services which did essential harm to interests -

are punished by penalty in the amount up to hundred twenty monthly settlement indicators or corrective works in the same size, or arrest for a period of up to thirty days.

2. The same acts made by group of persons or group of persons by previous concert, and which equally entailed heavy effects -

are punished by imprisonment for a period of up to five years.

3. The acts provided by parts one or the second this Article, made by criminal group in fighting situation or conditions of emergency state, -

are punished by imprisonment for a period of five up to fifteen years, and in case of aggravating circumstances - from ten to twenty years or lifelong imprisonment.

4. The acts provided by parts one or the second this Article, made in wartime -

are punished by imprisonment for a period of fifteen up to twenty years either lifelong imprisonment, or capital punishment.

5. The non-execution of the order owing to the negligent or unfair relation to service which entailed heavy effects -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days.

6. The act provided by part five of this Article, made in wartime in fighting situation or conditions of emergency state, -

it is punished by imprisonment for a period of three up to ten years.

Article 438. Resistance to the chief or coercion it to violation of service duties

1. Resistance to the chief, and is equal to the other person fulfilling the duties of military service assigned to it, or coercion it to violation of these obligations integrated to violence or threat of its application -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days.

2. Same act, committed:

1) group of persons or group of persons by previous concert;

2) using weapon or special means;

3) with causing heavy or average weight of harm to health, -

it is punished by imprisonment for a period of three up to ten years.

3. The acts provided by parts one or the second this Article, made by criminal group, in fighting situation or conditions of emergency state, and equally entailed the death of the person, -

are punished by imprisonment for a period of ten up to twenty years or lifelong imprisonment.

4. The acts provided by parts one or the second this Article, made in wartime -

are punished by imprisonment for a period of fifteen up to twenty years either lifelong imprisonment, or capital punishment.

Article 439. Violent acts concerning the chief

1. The drawing beating, causing little harm to health or application of other violence against the chief made during execution of obligations of military service by it or in connection with execution of these obligations -

are punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to one year, or imprisonment for the same term.

2. Same acts, committed:

1) group of persons or group of persons by previous concert;

2) using weapon;

3) with causing heavy or average weight of harm to health, -

are punished by imprisonment for a period of three up to ten years.

3. The acts provided by parts one or the second this Article, made by criminal group, in fighting situation or conditions of emergency state, and equally entailed the death of the person, -

are punished by imprisonment for a period of ten up to twenty years or lifelong imprisonment.

4. The acts provided by parts one or the second this Article, made in wartime -

are punished by imprisonment for a period of fifteen up to twenty years either lifelong imprisonment, or capital punishment.

Article 440. Violation of authorized rules of relations between the military personnel in the absence of the subordination relations between them

1. The violation of authorized rules of relations between the military personnel in the absence of the subordination relations between them expressed in drawing beating, causing little harm to health or other violence or connected with humiliation of honor and advantage or with mockery at the victim -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or arrest for a period of up to forty days.

2. The same act, committed repeatedly, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days.

3. The acts provided by parts one or the second this Article committed:

- 1) concerning two or more persons;
- 2) group of persons or group of persons by previous concert;
- 3) using weapon or special means;
- 4) with causing heavy or average weight of harm to health, -

it is punished by imprisonment for a period of four up to eight years.

4. The acts provided by parts one, the second or third this Article, made by criminal group or which entailed the death of the person or other heavy effects -

are punished by imprisonment for a period of eight up to twelve years.

Article 441. Unauthorized leaving of part or duty station

1. Unauthorized leaving of part or the duty station, and equally in absence in time without valid excuse on service, made in peace time if unauthorized absence proceeded over one month, -

are punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term.

2. The unauthorized leaving of part or the duty station made with the weapon entrusted on service, either group of persons or group of persons by previous concert if unauthorized absence proceeded over one days, -

it is punished by imprisonment for a period of up to five years.

3. The unauthorized leaving of part or the duty station made in fighting situation or conditions of emergency state if unauthorized absence proceeded over one days, -

it is punished by imprisonment for a period of five up to ten years.

4. Unauthorized leaving of part or the duty station in wartime irrespective of duration -

it is punished by imprisonment for a period of ten up to fifteen years.

Note. The serviceman who made the act provided by parts one, the second or third this Article can be exempted from criminal liability if this act was consequence of confluence of difficult and other circumstances.

Article 442. Desertion

1. Desertion, that is unauthorized leaving of part or the duty station for the purpose of evasion from military service, and equally in absence with the same purpose on service, -

it is punished by imprisonment for a period of up to five years.

2. Desertion with the weapon entrusted on service, and is equal the desertion made by group of persons by previous concert -

are punished by imprisonment for a period of three up to seven years.

3. The acts provided by parts one or the second this Article, made in fighting situation or conditions of emergency state -

are punished by imprisonment for a period of ten up to twenty years or lifelong imprisonment.

4. The acts provided by parts one or the second this Article, made in wartime -

are punished by imprisonment for a period of ten up to twenty years either lifelong imprisonment, or capital punishment.

Note. The serviceman who made the desertion provided by parts one or the second this Article can be exempted by court from criminal liability if desertion was consequence of confluence of difficult circumstances.

Article 443. Evasion or refusal of execution of military service

1. Evasion of the serviceman from fulfillment of duties of military service by malingering or causing to any damage (mutilation) of either other harm to the health or forgery of documents, or other deception, and equally in refusal of execution of military service -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days.

2. The same acts made in fighting situation or conditions of emergency state -

are punished by imprisonment for a period of ten up to twenty years or lifelong imprisonment.

3. The acts provided by part one of this Article, made in wartime -

are punished by imprisonment for a period of ten up to twenty years either lifelong imprisonment, or capital punishment.

Article 444. Alert execution abuse of regulations

1. Abuse of regulations of execution of alert (active service) on timely detection and reflection of sudden attack on the Republic of Kazakhstan or on ensuring its safety if this act entailed or could entail causing essential harm to interests of the state, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act which entailed heavy effects -

it is punished by imprisonment for a period of three up to ten years.

3. The acts provided by parts one or the second this Article, made in fighting situation or in wartime -

are punished by imprisonment for a period of ten up to twenty years either lifelong imprisonment, or capital punishment.

Note. The serviceman who for the first time made the act provided by part one of this Article in case of attenuating circumstances can be exempted by court from criminal liability.

Article 445. Abuse of regulations of protection of Frontier of the Republic of Kazakhstan

1. Abuse of regulations of protection of Frontier of the Republic of Kazakhstan, including at check points, the person which is part of border duty or fulfilling other duties on protection of Frontier if this act entailed or could entail causing essential harm to interests of safety of the state, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act which entailed heavy effects or made by group of persons by previous concert -

it is punished by imprisonment for a period of up to five years.

Note. The serviceman who for the first time made the act provided by part one of this Article in case of attenuating circumstances can be exempted from criminal liability.

Article 446. Violation of authorized rules of execution of guard (log) duty

1. Violation of authorized rules of guard (log) duty by person who is part of guard (watch) if this act entailed damnification by the protected guard (watch) to objects or approach of other harmful effects, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act which entailed heavy effects or made by group of persons or group of persons by previous concert -

it is punished by imprisonment for a period of two up to seven years.

Note. The serviceman who for the first time made the act provided by part one of this Article in case of attenuating circumstances can be exempted from criminal liability.

Article 447. Violation of authorized rules of execution of internal service or patrol in garrison

1. Violation of authorized rules of execution of internal service by person entering daily details of part (except guard and watch), and is equal violation of authorized rules of patrol in garrison and these rules of orders and orders published in development by person which is part of patrol force if they entailed harmful effects which prevention was included into obligation of this person, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days.

2. The same acts which entailed heavy effects or made by group of persons or group of persons by previous concert -

are punished by imprisonment for a period of up to five years.

Note. The serviceman who for the first time made the acts provided by part one of this Article in case of attenuating circumstances can be exempted from criminal liability.

Article 448. Abuse of regulations of execution of kontrolersky service

1. Abuse of regulations of execution of kontrolersky service by the serviceman performing control functions if this act did essential harm to the rights or legitimate interests of citizens or the organizations or interests of society or state protected by the law, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days.

2. The same act which entailed heavy effects or made by group of persons or group of persons by previous concert -

it is punished by imprisonment for a period of up to five years.

Note. The serviceman who for the first time made the act provided by part one of this Article in case of attenuating circumstances can be exempted from criminal liability.

Article 449. Abuse of regulations of service on protection of public order and ensuring public safety

1. Violation by person who is part of the army job specification on protection of public order and ensuring public safety, rules of service if this act did essential harm to the rights and legitimate interests of citizens or the organizations, -

it is punished by penalty in the amount up to eighty monthly settlement indicators or corrective works in the same size, or arrest for a period of up to twenty days.

2. The same act which entailed heavy effects or made by group of persons or group of persons by previous concert -

it is punished by imprisonment for a period of up to five years.

3. The acts provided by parts one or the second this Article, made in the conditions of emergency state -

are punished by imprisonment for a period of three up to seven years.

Article 450. Authority misuse

1. Abuse of the chief or official of the power or official position contrary to interests of service for the purpose of extraction of benefits and benefits to itself or other persons or the organizations either harming other persons or the organizations if it entailed fundamental breach of the rights and legitimate interests of citizens or the organizations or the interests of society or state protected by the law, -

it is punished by penalty at the rate to four thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to four years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. The same act which entailed heavy effects -

it is punished by imprisonment for a period of four up to seven years with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article, made in fighting situation -
are punished by imprisonment for a period of seven up to fifteen years with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one or the second this Article, made in wartime -
are punished by imprisonment for a period of ten up to twenty years or lifelong imprisonment, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 451. Exceeding of the power

1. Exceeding of the power or the office powers, that is the making by the chief or official of the actions which are obviously going beyond it the rights and powers, entailed fundamental breach of the rights and legitimate interests of citizens or the organizations or protected by the law of interests of society or state -

it is punished by penalty at the rate to five thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term.

2. The same act which entailed heavy effects or committed:

1) using weapon or special means;

2) for the purpose of extraction of benefits and benefits to either other persons, or the organizations either harming other persons or the organizations, -

it is punished by imprisonment for a period of five up to seven years, and in cases, stipulated in Item 2), with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article, made in fighting situation -
are punished by imprisonment for a period of seven up to fifteen years with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one or the second this Article, made in wartime -

are punished by imprisonment for a period of ten up to twenty years or lifelong imprisonment, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities or without that.

Article 452. Administrative dereliction

1. Administrative dereliction, that is non-execution by the chief or official of the service duties for the purpose of extraction of benefits and benefits to itself or other persons or the organizations either harming other persons or the organizations if it entailed fundamental breach of the rights and legitimate interests of citizens or the organizations or the interests of society or state protected by the law, -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

2. The same act which entailed heavy effects -

it is punished by imprisonment for a period of four up to eight years with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

3. The acts provided by parts one or the second this Article, made in fighting situation -

are punished by imprisonment for a period of five up to ten years with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

4. The acts provided by parts one or the second this Article, made in wartime -

are punished by imprisonment for a period of ten up to twenty years with confiscation of property, with lifelong deprivation of the right to hold certain positions or to be engaged in certain activities.

Article 453. Negligent attitude to service

1. The negligent attitude of the chief or official to service which did essential harm -
it is punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to one year, or imprisonment for the same term.
2. The same act which entailed heavy effects -
it is punished by imprisonment for a period of up to five years.
3. The acts provided by parts one or the second this Article, made in wartime or in fighting situation -
are punished by imprisonment for a period of three up to ten years.

Note. The serviceman who for the first time made the act provided by part one of this Article in case of attenuating circumstances can be exempted from criminal liability.

Article 454. Leaving of the lost warship

1. Leaving of the lost warship by the commander who did not execute up to the end the service duties, and equally in person from line-up of the team of the ship without the order of the commander ought on that -
it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.
2. The same act made in wartime or in fighting situation -
it is punished by imprisonment for a period of five up to ten years.

Article 455. Delivery or leaving to the opponent of means of warfare

Delivery to the opponent by the chief of the military forces entrusted to him, and the leaving which was equally not caused by fighting situation to the opponent of strengthenings, military equipment and other means of warfare if the specified actions are made not for the purpose of contribution to the opponent, -

are punished by imprisonment for a period of ten up to twenty years or lifelong imprisonment with deprivation of nationality of the Republic of Kazakhstan or without that, or capital punishment.

Article 456. Voluntary surrender

Voluntary surrender on cowardice or cowardice -

it is punished by imprisonment for a period of five up to ten years.

Article 457. Marauding

Stealing in the field of battle of the things which are in case of the killed and wounded (marauding) -

it is punished by imprisonment for a period of five up to ten years.

Article 458. Disclosure of the classified information of military nature or loss of carriers of the classified information of military nature

1. Loss on imprudence of carriers of the classified information of military nature which is not containing the state secret, person to whom they were entrusted on service if loss was result of violation of statutory rules of the handling of the specified carriers, -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days.

2. Disclosure of the classified information of military nature which is not containing the state secret by person to whom these data were entrusted or became known on service, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

3. The acts provided by parts one or the second this Article, which entailed causing major damage or approach of other heavy effects -

are punished by imprisonment for a period of five up to ten years.

4. The acts provided by parts one, the second or third this Article, made in fighting situation or conditions of emergency state -

are punished by imprisonment for a period of seven up to twelve years.

5. The acts provided by parts one, the second or third this Article, made in wartime -

are punished by imprisonment for a period of ten up to twenty years.

Article 459. Intentional destruction or damage of military property

1. Intentional destruction or damage of weapon, ammunition, vehicles, military equipment or other military property -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act which entailed heavy effects or made using violence or threat of its application either group of persons or group of persons by previous concert -

it is punished by imprisonment for a period of up to five years.

3. The acts provided by parts one or the second this Article, made in fighting situation or conditions of emergency state -

are punished by imprisonment for a period of five up to twelve years.

4. The acts provided by parts one or the second this Article, made in wartime -

are punished by imprisonment for a period of ten up to twenty years.

Article 460. Careless destruction or damage of military property

The careless destruction or damage of weapon, ammunition, vehicles or military equipment which entailed heavy effects -

it is punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days.

Article 461. Loss of military property

Abuse of regulations of saving entrusted for office use of weapon, ammunition or objects of military equipment if it entailed their loss, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

Article 462. Abuse of regulations of weapon handling, and also with the substances and objects constituting danger to people around

1. Abuse of regulations of weapon handling, the ammunition, radioactive materials, explosive or other substances and objects constituting the increased danger to people around if it entailed on imprudence causing heavy or average weight of harm to health of the person, destruction of military property or other heavy effects, -

it is punished by penalty at the rate to two thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term.

2. The same act which entailed the death of the person on imprudence -

it is punished by imprisonment for a period of up to five years.

3. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of five up to ten years.

Article 463. Abuse of regulations of driving or operation of machines

1. The abuse of regulations of driving or operation of the fighting, special or transport vehicle which entailed causing average weight of harm to health of the person on imprudence -

it is punished by penalty in the amount up to hundred sixty monthly settlement indicators or corrective works in the same size, or arrest for a period of up to forty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years.

2. The same act which entailed on imprudence causing severe harm to health of the person -

it is punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to three years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to three years.

3. The act provided by part one of this Article, which entailed the death of the person on imprudence -

it is punished by imprisonment for a period of up to five years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

4. The act provided by part one of this Article, which entailed the death of two or more persons on imprudence -

it is punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to ten years.

Article 464. Abuse of regulations of flights or preparation for them

1. Abuse of regulations of flights or preparation for them, and is equal abuse of regulations of operation of military aircraft, either the accident or inactivation of military equipment, or long decrease in level of combat readiness and fighting capacity of military units and divisions which entailed on imprudence causing heavy or average weight of harm to health of the person, -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days.

2. The same acts which entailed the death of the person on imprudence -

are punished by restriction of freedom for a period of up to four years or imprisonment for the same term, with deprivation of the right to be engaged in certain activities for a period of up to three years or without that.

3. The acts provided by part one of this Article, which entailed the death of two or more persons on imprudence -

are punished by imprisonment for a period of four up to ten years with deprivation of the right to be engaged in certain activities for a period of up to ten years or without that.

Article 465. Abuse of regulations of ship navigation

The abuse of regulations of driving or operation of warships which entailed the death of the person or other heavy effects on imprudence -

it is punished by restriction of freedom for a period of up to seven years or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to ten years or without that.

Article 466. Driving of machines, ship navigation, control of the military aircraft by person is able alcoholic, drug or inhalant intoxication, transfer of driving or management or the admission to driving or control of military equipment of such person

1. Driving of the fighting, special or transport vehicle either driving of warships, or control of the military aircraft by person who is in condition of alcoholic, drug or inhalant intoxication, or transfer of driving or management of the specified military equipment to such person, and equally in the admission to driving or management of the specified military equipment of such person made by the official -

are punished by penalty in the amount up to two hundred monthly settlement indicators or corrective works in the same size, or arrest for a period of up to fifty days, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to two years.

2. The same acts which entailed causing average weight of harm to health of the person on imprudence -

are punished by penalty at the rate to one thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to two years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to five years.

3. The acts provided by part one of this Article, which entailed on imprudence causing severe harm to health of the person -

are punished by penalty at the rate to three thousand monthly settlement indicators or corrective works in the same size, or restriction of freedom for a period of up to five years, or imprisonment for the same term, with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to six years.

4. The acts provided by part one of this Article, which entailed the death of the person on imprudence -

are punished by imprisonment for a period of five up to ten years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to seven years.

5. The acts provided by part one of this Article, which entailed the death of two or more persons on imprudence -

are punished by imprisonment for a period of seven up to twelve years with deprivation of the right to hold certain positions or to be engaged in certain activities for a period of up to ten years.

Final provisions

Article 467. About introduction of this Code in action and recognition voided some legal acts of the Republic of Kazakhstan

1. This Code becomes effective since January 1, 2015, except for [Article 45](#), which becomes effective since January 1, 2017, and [Article 48](#), which becomes effective since January 1, 2016.

1-1. Suspend [article 45](#) of this Code till January 1, 2020, having determined that its provisions are applied to the military personnel and in cases, stipulated in Item 1) Article parts six 41, by Item 1) of part five of Article 42 and Item 1) of part of 2-1 Article 43 of this Code, since January 1, 2017, and to persons to whom as auxiliary view of punishment expulsion out of limits of the Republic of Kazakhstan of the foreigner or the stateless person is appointed, - since January 1, 2019.

2. The provisions enshrined in [article 287](#) of this Code extend to persons having permissions of law-enforcement bodies to storage and carrying fire acormose, gas weapon with possibility of firing by cartridges of traumatic action since January 1, 2015.

3. Recognize invalid from the date of enforcement of this Code:

President of the Republic of Kazakhstan

N. Nazarbayev