

THE CROATIAN PARLIAMENT

1095

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

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE CRIMINAL CODE

I hereby promulgate the Act on Amendments to the Criminal Code, passed by the Croatian Parliament at its session on 8 May 2015.

Class: 011-01/15-01/41

Reg. No.: 71-05-03/1-15-2

Zagreb, 13 May 2015

The President of
the Republic of
Croatia

**Kolinda
Grabar-
Kitarović**, m. p.

THE ACT

ON AMENDMENTS TO THE CRIMINAL CODE

Article 1

In the Criminal Code (Official Gazette 125/11 and 144/12), Article 14, paragraph 3, the word »152, « shall be inserted after the words: »Articles 116,« and the word »159, « shall be inserted after the word »158,«.

Article 2

In Article 18, the following new paragraphs 2, 3 and 4 shall be inserted after paragraph 1:

»(2) In cases referred to in Article 14 of this Act, criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia shall not be instituted:

1. if the *res judicata* sentence has been enforced or its enforcement is under way or can no longer be enforced under the law of the country in which the person was convicted;

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

3. if the statute of limitations for criminal prosecution has expired.

(3) In the cases referred to in Article 14, paragraphs 1 and 2, of this Act criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia shall not be instituted if under the law of the country in which it was committed, the criminal offence is prosecuted on the basis of a motion or private action, and such motion or private action have not been filed.

(4) In the cases referred to in Article 14, paragraph 3, of this Act criminal proceedings for the purpose of applying the criminal legislation of the Republic of Croatia shall be instituted also in those cases where under the law of the country in which it was committed, the criminal offence is prosecuted on the basis of a motion or private action, and such motion or private action have not been filed.«

In paragraph 2, renumbered 5, the word »14, « shall be deleted.

Paragraphs 3 and 4 shall be renumbered 6 and 7 respectively.

Article 3

In Article 52, the following new paragraph 4 shall be inserted after paragraph 3:

»(4) Where the acts referred to in paragraph 1 of this Article fulfil the elements of a number of criminal offences of the same kind, the continuing criminal offence shall be legally denoted taking into account the sum of the values of all the objects, property rights and pecuniary advantages obtained through the separate acts.«

Paragraph 4 shall be renumbered paragraph 5.

Article 4

In Article 55, paragraph 3 shall be amended to read as follows:

»(3) In addition to community service, the court may impose upon the perpetrator protective supervision referred to in Article 64 of this Act, the duration of which may not exceed the period of time in which the perpetrator is required to perform community service.«

In paragraph 5, the words: »and qualifications« shall be deleted.

In paragraph 6, the word »first-instance« shall be deleted.

In paragraph 7, the first sentence shall be amended to read as follows: »If the convicted person fails through his or her own fault to perform community service, the court shall decide without delay that the imposed sentence is to be enforced with respect to the part in which it has not been enforced or in full.«

Article 5

In Article 56, paragraph 3, the second sentence shall be deleted.

Article 6

In Article 58, paragraph 1, the following sentence shall be inserted after the first sentence:
»The court shall revoke the suspended sentence if within the period set in the judgment the convicted person fails for no justifiable reason to repay the pecuniary advantage obtained by the criminal offence.«

In paragraph 7, a comma shall be inserted after the words: »paragraphs 1« and the words: »and 2« replaced by the words: »2 and 6«.

In paragraph 8, the words: »six months« shall be replaced by the words: »one year«.

Article 7

In Article 62, paragraph 1, the words: »In addition to a suspended sentence and a partial suspended sentence« shall be inserted before the words »The court« and the word »The« before »court« shall be replaced by the word »the«.

In paragraph 2, the words: »necessary to deter« shall be replaced by the words: »useful for deterring«.

In item 4, the words: »with the professional assistance of the body in charge of probation« shall be inserted after the word »offence«.

Item 5 shall be amended to read as follows:

»5. treatment for alcohol, drug or other type of addiction in a therapeutic community with the professional assistance of the body in charge of probation;«

Item 6 shall be deleted.

Item 7 shall be renumbered 6.

Items 8 and 9 shall be deleted.

Item 10 shall be renumbered 7.

Item 11 shall be deleted.

Item 12 and 13 shall be renumbered 8 and 9 respectively.

In item 14, renumbered 10, the words: », with the professional assistance of the body in charge of probation,« shall be inserted« after the word »fulfilment«.

Items 15 and 16 shall be renumbered 11 and 12 respectively.

The following paragraphs 3 and 4 shall be inserted after paragraph 2:

»(3) The special obligations referred to in paragraph 2, items 6 to 9, shall be enforced by the body in charge of probation with the help of the police.

(4) The manner of enforcing the special obligations referred to in paragraph 2 of this Article, which special obligations are enforced with the professional assistance of the body in charge of probation, shall be regulated by a special act and the subordinate legislation adopted pursuant thereto.«.

Article 8

In Article 63, paragraph 2, the words: »items 4, 5 and 6« shall be replaced by the words: »items 4 and 5«.

Paragraph 3 shall be amended to read as follows:

»(3) The obligation set out in Article 62, paragraph 2, item 5, may be imposed for a period not exceeding three years.«.

Article 9

In Article 65, the words: », harassing and stalking« shall be inserted after the words: »prohibition from approaching«.

Article 10

After Article 67, the following title and Article 67a shall be inserted:

»Beginning of the Period of Time for Which a Security Measure is Imposed

Article 67a

The period of time for which a security measure has been imposed shall begin to run when the judgment becomes enforceable.«.

Article 11

In Article 68, paragraph 2 shall be deleted.

In paragraph 3, renumbered 2, the second sentence, the words: »and under the supervision of the body in charge of probation« shall be inserted after the word »system«.

Paragraph 4 shall be renumbered 3.

In paragraph 5, renumbered 4, the first sentence, the words: »under the procedure prescribed by a special act« shall be deleted, and in the second sentence, a comma followed by the words: »the office in charge of probation« shall be inserted after the word »implemented«.

Paragraph 6 shall be renumbered 5.

After paragraph 7, renumbered 6, the following new paragraph 7 shall be inserted:

»(7) The court shall inform the body in charge of probation of the judgment imposing the measure referred to in paragraph 1 of this Article accompanied by a fine, community service or a suspended sentence so that further steps can be taken as prescribed by a special act and the subordinate legislation adopted pursuant thereto.«.

Article 12

In Article 69, paragraph 2 shall be deleted.

In paragraph 3, renumbered 2, the following sentence shall be inserted after the second sentence: »When imposed together with a fine, community service or a suspended sentence, the measure referred to in paragraph 1 of this Article shall be enforced under the supervision of the body in charge of probation.«.

Paragraphs 4, 5 and 6 shall be renumbered 3, 4 and 5 respectively.

In paragraph 7, renumbered 6, the number »7« shall be replaced by the number »6«.

After paragraph 7, renumbered 6, the following new paragraph 7 shall be inserted:

»(7) The court shall inform the body in charge of probation of the judgment imposing the measure referred to in paragraph 1 of this Article accompanied by a fine, community service or a suspended sentence so that further steps can be taken as prescribed by a special act and the subordinate legislation adopted pursuant thereto.«.

Article 13

In Article 70, paragraph 2 shall be deleted.

Paragraph 3 shall be renumbered 2.

In paragraph 4, renumbered 3, after the words: »completion of the prison sentence« the words: »or community service, or until the end of the period of probation in the execution of the suspended sentence« shall be inserted.

After paragraph 4, renumbered 3, the following new paragraph 4 shall be inserted:

»(4) The court shall inform the body in charge of probation of the judgment imposing the measure referred to in paragraph 1 of this Article accompanied by a fine, community service or a suspended sentence so that further steps can be taken as prescribed by a special act and the subordinate legislation adopted pursuant thereto.«.

Article 14

In Article 71, paragraph 1, the words: »for a period of one to ten years from the date the court decision becomes enforceable« shall be deleted.

Paragraph 2 shall be amended to read as follows:

»(2) The measure referred to in paragraph 1 of this Article shall be imposed for a period of one to ten years. Upon a perpetrator who has been punished by imprisonment and has not been imposed a suspended sentence or had community service substituted for the penalty of imprisonment the measure referred to in paragraph 1 of this Article shall be imposed for a period exceeding the term of imprisonment by no less than one and no more than ten years.«.

In paragraph 6, the words: »three years from the start of the execution of the measure« shall be replaced by: »half the period for which the security measure has been«.

In paragraph 7, the first sentence shall be amended to read as follows: »Upon expiry of the period specified in paragraph 2 of this Article as the longest, the court may upon petition of the convicted person stop the execution of the security measure imposed pursuant to paragraph 3 of this Article if it establishes that the risk referred to in paragraph 1 of this Article has ceased to exist.«.

In paragraph 8, the words: »imposed measure when it becomes final« shall be replaced by the words: »judgment imposing the measure referred to in paragraph 1 of this Article«.

Article 15

In Article 72, paragraph 3 shall be amended to read as follows:

»(3) The measure referred to in paragraph 1 of this Article shall be imposed for a period of between one and five years. Upon a perpetrator who has been punished by imprisonment and has not been imposed a suspended sentence or had community service substituted for the penalty of imprisonment the measure referred to in paragraph 1 of this Article shall be imposed for a period exceeding the term of imprisonment by no less than one and no more than five years.«.

Paragraph 4 shall be amended to read as follows:

»(4) Upon expiry of half the period during which the security measure, imposed pursuant to paragraph 1 of this Article, is to be implemented, the court may upon petition of the convicted person stop its execution if it establishes that the risk referred to in paragraph 1 of this Article has ceased to exist. The convicted person may resubmit his or her petition no sooner than one year after the previous review.«.

Paragraph 8 shall be amended to read as follows:

»(8) The court shall inform the police of the judgment imposing the measure referred to in paragraph 1 of this Article.«.

After paragraph 8 the following paragraph 9 shall be inserted:

»(9) The manner in which the measure referred to in paragraph 1 of this Article is to be enforced shall be laid down in an ordinance by the minister in charge of the interior.«.

Article 16

The title preceding Article 73 shall be amended to read as follows: »Prohibition from Approaching, Harassing or Stalking«.

Article 73 shall be amended to read as follows:

»(1) The court shall impose upon the perpetrator the security measure of prohibition from approaching, harassing or stalking the victim, another person, or group of persons or from approaching a certain location when there is a risk that he or she might recommit the criminal offence against the said person or at this location.

(2) The measure referred to in paragraph 1 of this Article shall be imposed for a period of between one and five years. Upon a perpetrator who has been punished by imprisonment and has not been imposed a suspended sentence or had community service substituted for the penalty of imprisonment the measure referred to in paragraph 1 of this Article shall be imposed for a period exceeding the term of imprisonment by no less than one and no more than five years.

(3) Upon expiry of half the period during which the security measure, imposed pursuant to paragraph 1 of this Article, is to be implemented, the court may upon petition of the convicted person stop its execution if it establishes that the risk referred to in paragraph 1 of this Article has ceased to exist. The convicted person may resubmit his or her petition no sooner than one year after the previous review.

(4) The provision of Article 71, paragraph 5, of this Act shall apply accordingly to the prohibition from approaching.

(5) The court shall inform the police of the judgment imposing the measure referred to in paragraph 1 of this Article.«.

Article 17

In Article 74, paragraph 2 shall be amended to read as follows:

»(2) The measure referred to in paragraph 1 of this Article shall be imposed for a period of between three months and three years. Upon a perpetrator who has been punished by imprisonment and has not been imposed a suspended sentence or had community service substituted for the penalty of imprisonment the measure referred to in paragraph 1 of this Article shall be imposed for a period exceeding the term of imprisonment by no less than three months and no longer than three years.«.

In paragraph 3, the second sentence which reads as follows: »The period of time spent in prison, a penitentiary or an institution shall not be credited towards the length of this measure.« shall be deleted.

In paragraph 4, the words: »a period of one year since the start of execution of the security measure of removal from the shared household imposed on the basis of paragraph 1 of this Article« shall be replaced by the words: »half the period during which the security measure, imposed pursuant to paragraph 1 of this Article, is to be implemented«.

In paragraph 6, the words: »imposed prohibition referred to in paragraph 1 of this Article which has become final« shall be replaced by the words: »judgment imposing the measure referred to in paragraph 1 of this Article« and the words: »body responsible for probation and the competent police administration« shall be replaced by the words: »police«.

Article 18

In Article 75, paragraph 1, the words: »for a period from six months to two years from the day the court decision became enforceable« shall be deleted.

Paragraph 2 shall be amended to read as follows:

»(2) The measure referred to in paragraph 1 of this Article shall be imposed for a period of between six months and two years. Upon a perpetrator who has been punished by imprisonment and has not been imposed a suspended sentence or had community service substituted for the penalty of imprisonment the measure referred to in paragraph 1 of this Article shall be imposed for a period exceeding the term of imprisonment by no less than six months and no longer than two years.«.

After paragraph 2 the following new paragraph 3 shall be inserted:

»(3) Upon expiry of half the period during which the security measure, imposed pursuant to paragraph 1 of this Article, is to be implemented, the court may upon petition of the convicted person stop its execution if it establishes that the risk referred to in paragraph 1 of this Article has ceased to exist. The convicted person may resubmit his or her petition no sooner than one year after the previous review.«.

Paragraphs 3 and 4 shall be renumbered 4 and 5 respectively.

Article 19

In Article 76, paragraph 1, the words: »because the convicted person was not granted parole,« shall be inserted after the words: »in full«.

In paragraph 2, the first sentence shall be amended to read as follows: »The period of probation shall last for one year unless the criminal offence referred to in paragraph 1 of this Article was committed against a child, in which case the period of probation shall last for three years.«.

Article 20

The title preceding Article 78 shall be amended to read as follows: »Extended Confiscation of Proceeds«.

In Article 78, paragraph 1 shall be amended to read as follows:

»(1) Unless otherwise prescribed by this Article, the provisions of Article 77 of this Act shall apply to the extended confiscation of the proceeds of crime falling within the competence of the Office for the Suppression of Corruption and Organised Crime as well as to the criminal

offences set out in Titles XVII and XXV of this Act, provided such criminal offences have resulted in a pecuniary advantage.«.

In paragraph 2, the words: »under jurisdiction of the Office for the Suppression of Corruption and Organised Crime« shall be replaced by the words: »referred to in paragraph 1 of this Article«.

Article 21

Article 79 shall be amended to read as follows:

»(1) The objects and means which are the product of the commission of a criminal offence shall be confiscated.

(2) The objects and means that were intended for use or were used in the commission of a criminal offence shall be confiscated if there is a danger that they will be reused for the commission of a criminal offence or where this is necessary for the protection of public safety, public order or for moral reasons.

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

(4) Confiscated objects and means shall become the property of the Republic of Croatia. This shall not influence the rights of third persons seeking compensation against the perpetrator for the confiscation of an object or a means. The owner of the confiscated object or means who is not the perpetrator of the offence is entitled to the recovery of the object or means or to be compensated for its market value from the state budget provided he or she did not by at least gross negligence contribute to the object or means being intended to be used or being used in the commission of a criminal offence or to its being the product of the commission of a criminal offence or provided he or she did not procure the object or means with knowledge of the conditions for its confiscation.

(5) Where the act concerning a particular criminal offence provides for the confiscation of objects or means, the owner shall not be entitled to compensation from the state budget, unless otherwise provided by a special act.

(6) The court may order the destruction of the confiscated object or means.«.

Article 22

In Article 81, paragraph 2, a comma followed by the words: »terrorism (Article 97, paragraph 4), aggravated murder (Article 111), murder of an internationally protected person (Article 352)« shall be inserted after the words: »war crimes (Article 91)«.

Article 23

In Article 82, paragraph 3, the words: »Article 115,« shall be inserted after the words: »Article 114, paragraph 2,«, the words: »paragraph 1, item 2« shall be deleted after the words: »Article 154«, and the word: »169,« shall be inserted after the word: »166,«.

Article 24

In Article 83, paragraph 2, a comma followed by the words: »terrorism (Article 97, paragraph 4), aggravated murder (Article 111), murder of an internationally protected person (Article 352)« shall be inserted after the words: » war crimes (Article 91)«.

Article 25

In Article 87, paragraph 6, the words: »from the legal person's sphere of activity« shall be replaced by the words: »from the sphere of activity of the legal person or state bodies or bodies of local and regional self-government«.

In paragraph 8, a comma shall be inserted after the word: »cohabitant« and the words: »or same-sex partner« shall be replaced by the words: »life partner or informal life partner«.

In paragraph 9, a comma shall be inserted after the word: »cohabitant« and the words: »or same-sex partner« shall be replaced by the words: »former life partner or informal life partner, persons having a child together«.

Paragraph 11 shall be amended to read as follows:

»(11) An informal life partner shall mean a person living in a same-sex partnership that is more lasting in character.«

In paragraph 13, after the word: »secret« the comma followed by the words: »provided that is is not classified data under a special act« shall be deleted.

After paragraph 22, the following new paragraph 23 shall be inserted:

»(23) Property shall mean any kind of property, irrespective of whether it is tangible or intangible, movable or immovable, or legal documents or instruments constituting proof of a right to or interest in such property.«

Paragraphs 23 and 24 shall be renumbered paragraphs 24 and 25 respectively.

After paragraph 25, renumbered 26, the following paragraphs 27, 28, 29 and 30 shall be inserted:

»(27) The value of property, pecuniary damage, pecuniary advantage, tax liability and state aid shall be deemed very high if it exceeds 600,000.00 kuna. Destruction resulting from criminal offences shall be deemed large-scale if it exceeds 600,000.00 kuna.

(28) The value or property shall be deemed higher if it exceeds 200,000.00 kuna.

(29) The value of objects, property rights and pecuniary advantage shall be deemed high if it exceeds 60,000.00 kuna. The value of pecuniary advantage and damage shall be deemed considerable if it exceeds 60,000.00 kuna.

(30) The value of objects, property rights and pecuniary advantage shall be deemed low if it does not exceed 1,000.00 kuna.«

Article 26

In Article 91, paragraph 1, item 8 shall be amended to read as follows:

»8. extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;«

Article 27

In Article 103, the words: »Article 97« shall be replaced by the words: » Articles 97 through 102«.

Article 28

In Article 117, paragraph 2, the words: »a responsible person« shall be inserted after the words: »functions or«.

Article 29

In Article 118, paragraph 2, the words: »a responsible person« shall be inserted after the words: »functions or«.

Article 30

In Article 119, paragraph 2, the words: »a responsible person« shall be inserted after the words: »functions or«.

Article 31

In Article 136, paragraph 3, the words: »a severely disabled person or a close person« shall be inserted after the word »child,« and the words: »a responsible person in« shall be inserted after the words: »functions or«.

Article 32

In Article 137, paragraph 2, after the word »child« a comma shall be inserted and the word »or« deleted and after the word »disabled« the words: »or close« shall be inserted.

Article 33

In Article 138, paragraph 2, a comma shall be inserted after the word »child« and the words: »a severely disabled person or a close person« shall be replaced by the words: »a severely disabled person, a close person, an attorney doing his or her job or a responsible person exercising a public authority«.

Article 34

In Article 139, paragraph 3 shall be amended to read as follows:

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

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

Article 35

In Article 140, paragraph 1, the words: »establishes or seeks to establish« shall be replaced by the words: »seeks to establish or is establishing«.

In paragraph 2, the words: »same-sex partner« shall be replaced by the words: »life partner or informal life partner«.

Article 36

In Article 141, paragraph 2, the words: »a responsible person in« shall be inserted after the words: »functions or«.

Article 37

In Article 142, paragraph 3, the words: »a responsible person in« shall be inserted after the words: »functions or«.

Article 38

In Article 143, paragraph 3, the words: »a responsible person in« shall be inserted after the words: »functions or«.

Article 39

In Article 144, paragraph 2, the words: »a responsible person in« shall be inserted after the words: »functions or«.

Article 40

In Article 146, paragraph 4, the words: »in the exercise of his or her authorities« shall be replaced by the words: »performing his or her functions or a responsible person exercising a public authority«.

Article 41

In Article 147, paragraph 5 shall be deleted.

Article 42

The title preceding Article 148 shall be amended to read as follows: »Serious Defamation«.

In Article 148, paragraphs 3 and 4 shall be amended to read as follows:

»(3) There shall be no criminal offence of serious defamation if the perpetrator proves that the factual claims made or propagated by him or her are true or that there existed a serious reason why he or she believed them to be true.

(4) If the factual statements referred to in paragraph 1 concern another person's private or family life, the perpetrator shall not be allowed to prove the circumstances referred to in paragraph 3 of this Article.«

Article 43

After Article 148, the following title and Article 148a shall be inserted:

»Exclusion of Unlawfulness for the Criminal Offences of Insult and Serious Defamation

Article 148a

There shall be no criminal offences referred to in Articles 147 and 148 of this Act if the elements of the said offences were fulfilled in an academic, technical or literary piece, work of art or public information, or while the perpetrator was performing a function laid down by law, or engaging in a political or other public or social activity, or doing journalistic work or defending a right, provided this was done in the public interest or for other justified reasons.«

Article 44

In Article 150, paragraph 2, the words: »same-sex partner« shall be replaced by the words: »life partner or informal life partner«.

Article 45

In Article 154, paragraph 3, the words: »or the person victim of non-consensual sexual intercourse« shall be inserted after the words: »the raped person«.

Article 46

In Article 157, paragraph 3, the words: »of another person« shall be inserted after the words: »prostitution«.

Article 47

In Article 159, paragraph 2, a comma shall be inserted after the words: »step-father« and the words: »or step-mother« shall be replaced by the words: »step-mother, cohabitant, life partner or informal life partner of the child's parent«.

Article 48

In Article 173, paragraph 2, the words: »or a responsible person exercising a public authority« shall be inserted after the words: »state body«.

Article 49

After Article 179, the following title and Article 179a shall be inserted:

»Domestic Violence

Article 179a

Whoever gravely violates the law on the protection against domestic violence and thus causes a family member or a close person to fear for his or her personal safety or the safety of persons he or she is close to or puts a family member or a close person into a degrading position and in doing so does not commit a more serious criminal offence

shall be punished by imprisonment not exceeding three years.«.

Article 50

In Article 190, paragraph 3, the words: »in connection with his or her function or the public authority he or she exercises« shall be replaced by the words: »performing his or her function or a responsible person exercising a public authority«.

In paragraph 6, a comma and the words »transports, exports or imports« shall be inserted after the word: »procures«.

Article 51

In Article 191a, paragraph 2, the words: »in connection with his or her function or the public authority he or she exercises« shall be replaced by the words: »performing his or her function or a responsible person exercising a public authority«.

Article 52

In Article 196, the following new paragraph 3 shall be inserted after paragraph 2:

»(3) Whoever commits the criminal offence referred to in paragraph 1 of this Article by negligence shall be punished by imprisonment not exceeding one year.«.

Paragraph 3 shall be renumbered 4.

Article 53

In Article 228, paragraph 1, the words: »from six months to five years« shall be replaced by the words: »not exceeding three years«.

After paragraph 1, the following new paragraph 2 shall be inserted:

»(2) If the value of stolen property is high, the perpetrator shall be punished by imprisonment from six months to five years.«.

Paragraph 2 shall be renumbered 3.

After paragraph 3, renumbered 4, the following paragraph 5 shall be inserted:

»(5) Whoever attempts to commit the criminal offence referred to in paragraph 1 of this Article shall be punished.«

Article 54

In Article 229, paragraph 1, the introductory sentence, the words: »one to eight« shall be replaced by the words: »six months to five«.

In paragraph 1, item 5 shall be deleted.

Items 6, 7, 8, 9 and 10 shall be renumbered 5, 6, 7, 8 and 9 respectively.

In item 10, renumbered 9, the words: »a responsible person« shall be inserted after the words: »his or her functions or«.

After paragraph 1, the following new paragraph 2 shall be inserted:

»(2) If the elements of aggravated theft referred to in paragraph 1 have been fulfilled and the value of stolen property is high, the perpetrator shall be punished by imprisonment from one to eight years.«

In paragraph 2, renumbered 3, the number: »4« shall be replaced by the number: »6«.

Article 55

In Article 231, paragraph 2, the words: »a considerable pecuniary advantage was obtained or« shall be inserted after the words: »of this Article«.

Article 56

In Article 241, paragraph 1, the words: »or an object belonging to a person whose interests he or she represents,« shall be inserted after the word: »object«.

In paragraph 2, after the word »property« the words: »or the property of a person whose interests he or she represents« shall be inserted.

Article 57

In Article 242, paragraph 2, the words: »or a considerable pecuniary advantage has been obtained« shall be inserted after the words: »of this Article«.

Article 58

In Article 245, paragraph 1, after the words: »232, paragraphs« the number: »1,« shall be inserted.

In paragraph 2, the words: », Article 235, paragraph 1,« shall be deleted.

After paragraph 2, the following new paragraph 3 shall be inserted:

»(3) The criminal offence referred to in Article 235, paragraph 1, of this Article shall be prosecuted upon request, unless the said offence was committed against the state property.«

Paragraph 3 shall be renumbered 4.

In paragraph 3, renumbered 4, the words: »same-sex partner« shall be replaced by the words: »life partner or informal life partner«, the Croatian word translated as »relative« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation, and after the word »sibling« the words: », adopter, adoptee« shall be inserted.

Article 59

In Article 256, paragraph 3, the words: »or customs« shall be inserted after the word »tax«.

Article 60

In Article 263, paragraph 1, the words: »without authorisation« shall be inserted after the words: »or processes« and the words: »or limited« shall be inserted after the word »prohibited«.

After paragraph 1 the following new paragraph 2 shall be inserted:

»(2) The punishment referred to in paragraph 1 shall be imposed on whoever produces, procures, transports, exports or imports, or possesses any equipment, material or substances that can be used for unauthorised production and which he or she knows are intended for unauthorised production.«

Paragraph 2 shall be renumbered 3.

Article 61

In Article 264, paragraph 1, a comma followed by the word »transfers« shall be inserted after the word »sells«.

Article 62

In Article 266, paragraph 1, the word »one« shall be replaced by the word »two«.

In paragraph 2, the words: »the Constitutional Court of the Republic of Croatia and an international organisation of which the Republic of Croatia is a member,« shall be inserted after the word »authority,«.

Article 63

In Article 272, paragraph 1, the word »imports,« shall be inserted after the word »procures,«.

In paragraph 2, the word »imports,« shall be inserted after the word »procures,« and the word »one« shall be replaced by the word »two«.

Article 64

In Article 273, paragraph 1, the words: »the Constitutional Court of the Republic of Croatia and an international organisation of which the Republic of Croatia is a member,« shall be inserted after the word »authority,«.

Article 65

In Article 274, paragraph 1, a comma followed by the words: »imports, exports, receives« shall be inserted after the word »possesses«.

After paragraph 2 the following new paragraph 3 shall be inserted:

»(3) Whoever attempts to commit the criminal offence referred to in paragraph 2 of this Article shall be punished.«.

Paragraph 3 shall be renumbered 4.

Article 66

Article 283 shall be amended to read as follows:

»(1) Whoever produces, receives, obtains, possesses, sells or gives to another for use instruments, articles, computer programmes and data, and any other means for the counterfeiting or altering of currency or of security features, such as holograms, watermarks or other components of currency which serve to protect against counterfeiting shall be punished by imprisonment not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever produces, receives, obtains, possesses, sells or gives to another for use instruments, articles, computer programmes and data, and any other means for the making of fraudulent securities, fraudulent symbols of value issued pursuant to regulations, fraudulent symbols for the marking of goods, fraudulent measures and weights, and counterfeit documents.

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

Article 67

In Article 298, the words: »a responsible person who in exercising a« shall be inserted after the words: »functions or«.

Article 68

In Article 300, paragraph 1, the word »unclassified« shall be replaced by the word »any«.

Article 69

In Article 301, paragraph 3, the words: »same-sex relationship« shall be replaced by the words: »life partnership or informal life partnership« and the Croatian word translated as

»relative« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation.

Article 70

In Article 302, paragraph 4, the words: »same-sex relationship« shall be replaced by the words: »life partnership or informal life partnership« and the Croatian word translated as »relative« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation.

Article 71

In Article 303, paragraph 5, the words: »same-sex relationship« shall be replaced by the words: »life partnership or informal life partnership« and the Croatian word translated as »relative« shall be replaced by another Croatian word of the same meaning, with no relevance to the English translation.

Article 72

After Article 323 the following title and Article 323a shall be inserted:

»Violent Conduct

Article 323a

Whoever by violence, abuse, maltreatment or any other exceptionally insolent conduct in a public place puts another person into a degrading position and in doing so does not commit a more serious criminal offence

shall be punished by imprisonment not exceeding three years.«.

Article 73

The title preceding Article 326 shall be amended to read as follows: »Unlawful Entry into, Movement or Residence in the Republic of Croatia, Another Member State of the European Union or a Signatory to the Schengen Agreement«.

Article 326 shall be amended to read as follows:

»(1) Whoever enables or assists out of gain another person to illegally enter, leave, move or reside in the Republic of Croatia, another Member State of the European Union or a signatory to the Schengen Agreement

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

(2) If during the commission of the criminal offence referred to in paragraph 1 of this Article the life or limb of the person illegally entering, moving or residing in the Republic of Croatia, another Member State of the European Union or a signatory to the Schengen Agreement is endangered, or the said person is treated in an inhumane or degrading manner, or the offence was committed by a public official performing his or her official duties,

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

Article 74

U Article 331, paragraph 1, the words: »in the absence of prior authorisation« shall be deleted.

After paragraph 1, the following new paragraph 2 shall be inserted:

»(2) The punishment referred to in paragraph 1 of this Article shall be imposed on whoever produces without authorisation for the purpose of selling, sells or procures for another to have in his or her possession firearms, ammunition, explosive devices or their component or spare parts which citizens are allowed to acquire, sell or possess only subject to prior authorisation.«.

Previous paragraphs 2, 3, 4, 5 and 6 shall be renumbered 3, 4, 5, 6 and 7.

Article 75

In Article 339, paragraph 1, the words: »six months to five« shall be replaced by the words: »one to eight«.

Article 76

In Article 386, item 3 shall be amended to read as follows:

»3. Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation;«.

Item 8 shall be amended to read as follows:

»8. Directive 2002/90/EC of the European Parliament and of the Council of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence;«.

Item 11 shall be amended to read as follows:

»11. Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property;«.

Item 13 shall be amended to read as follows:

»13. Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime;«.

Item 14 shall be amended to read as follows:

»14. Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence;«.

Item 15 shall be amended to read as follows:

»15. Council Framework Decision 2002/475/JHA of 13 June 2002 on combating terrorism;«.

Item 21 shall be amended to read as follows:

»21. Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro;«.

Item 22 shall be amended to read as follows:

»22. Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking;«.

After item 22 the following items 23, 24 and 25 shall be inserted:

»23. Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA;

24. Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating sexual abuse and sexual exploitation of children, and child pornography, replacing the Council Framework- Decision 2004/68/JHA;

25. Directive 2014/62/EU of the European Parliament and of the Council of 15 May 2014 on the protection of the euro and other currencies against counterfeiting by criminal law, and replacing Council Framework Decision 2000/383/JHA.«.

TRANSITIONAL AND FINAL PROVISIONS

Article 77

The ordinance referred to in Article 15 of this Act shall be adopted by the minister in charge of the interior within three months from the day of the entry into force of this Act.

Article 78

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette.

Class: 022-03/14-01/102

Zagreb, 8 May 2015

THE CROATIAN PARLIAMENT

The President of
the Croatian

Parliament

Josip Leko, m. p.

PROVISIONAL TRANSLATION