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Criminal Code

Amendment(s) without an effective date. See the [amendment overview](#).

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Effective from 01-07-2025 to the present.

Original inscription and salutation

Book One. General Provisions

Title I. Scope of the application of the criminal law

Article 1

- 1 No act is punishable except by virtue of a preceding statutory penal provision.
- 2 If the law changes after the time the act was committed, the provisions most favourable to the suspect will apply.

Article 2

Dutch criminal law applies to anyone who commits any criminal offense in the Netherlands.

Article 3

Dutch criminal law applies to any person who commits any criminal offence outside the Netherlands on board a Dutch vessel or aircraft.

Article 4

Dutch criminal law applies to anyone who commits the following offenses outside the Netherlands:

- a. to one of the offences described in [Articles 92 to 96](#), [97a](#), [98 to 98d](#), [105](#) and [108 to 110](#) ;
- b. to one of the offences described in [Articles 131 to 134](#) and [189](#), if the criminal offence or offence referred to in those Articles is an offence as referred to under (a);
- c. to one of the offences described in [Articles 208 to 214](#) and [216 to 223](#) ;
- d. to one of the offences described in [Articles 225 to 227b](#) and [232](#) if the offence was committed against a Dutch government institution;
- e. to one of the offences described in [Articles 381 to 385b](#), [409](#) and [410](#) or to the offence described in [Article 446a](#) ;
- f. to the offence described in [Article 207a](#) .

Article 5

- 1 Dutch criminal law applies to any person who, outside the Netherlands, commits an offence against a Dutch citizen, a Dutch official, a Dutch vehicle, vessel or aircraft, insofar as the offence is punishable by a prison sentence of at least eight years according to the statutory definition and is punishable by the law of the country where it was committed.
- 2 For the purposes of the first paragraph, a foreigner who has a permanent residence or domicile in the Netherlands shall be treated as a Dutch national.

Article 6

- 1 Dutch criminal law applies to any person who commits an act outside the Netherlands insofar as a treaty or decision of an international organization designated by general administrative order obliges to establish jurisdiction over that act.
- 2 The general administrative measure referred to in the first paragraph shall describe the facts in respect of which the treaties and decisions of international organisations designated by the measure oblige the establishment of jurisdiction.

Article 7

- 1** Dutch criminal law applies to a Dutch citizen who commits an act outside the Netherlands that is considered a crime under Dutch criminal law and is punishable by the law of the country where it was committed.
- 2** Dutch criminal law also applies to Dutch nationals who commit the following acts outside the Netherlands:
 - a.** to one of the offences described in Titles I and II of Book Two and in Articles 192a to 192c , 197a to 197c , 206 , 237 , 272 and 273 ;
 - b.** of any of the offences set forth in Articles 177 , 178 , 179 , 180 , 189 , 200 , 207a , 285a and 361 , insofar as the offence is directed against the administration of justice of the International Criminal Court;
 - c.** to one of the offences described in Articles 240 to 243 and 245 to 253 ;
 - d.** to one of the offences described in Articles 300 to 303 inclusive , insofar as the act constitutes genital mutilation of a person of the female sex who has not yet reached the age of eighteen years;
 - e.** to the offence described in Article 284 .
- 3** For the purposes of the first and second paragraphs, under b to e, a Dutch national shall be deemed to be an alien who becomes a Dutch national after committing the act, as well as, for the purposes of the first and second paragraphs, an alien who has a permanent place of residence or abode in the Netherlands.

Article 8

Dutch criminal law applies to a Dutch civil servant who, outside the Netherlands, commits one of the crimes described in Title XXVIII of Book Two .

Article 8a

Dutch criminal law applies to the skipper and persons on board a Dutch vessel who, outside the Netherlands, including outside the Netherlands, commit one of the criminal offences described in Title XXIX of Book Two and Title IX of Book Three .

Article 8b

- 1** Dutch criminal law applies to any person against whom prosecution has been transferred to the Netherlands from a foreign state on the basis of a treaty from which the Netherlands has jurisdiction to prosecute.
- 2** Dutch criminal law applies to any person against whom prosecution has been taken over by the Dutch Public Prosecution Service at the request of the Public Prosecution Service of Bonaire, Sint Eustatius, and Saba.
- 3** Dutch criminal law also applies to any person whose extradition in connection with a terrorist offence or an offence in preparation or facilitation of a terrorist offence has been declared inadmissible, rejected or refused.
- 4** Dutch criminal law also applies to any person against whom prosecution has been taken over by the Netherlands at the request of an international court established by a treaty or decision of an international organization.

Article 8c

Dutch criminal law applies to an alien who commits a crime outside the Netherlands which, according to the legal definition, carries a prison sentence of at least eight years, if that alien is in the Netherlands and:

- a.** extradition in respect of this offence has been refused on a ground which does not also mean that prosecution cannot take place under Dutch law, or
- b.** extradition in respect of this offence is not possible due to the absence of a treaty relationship, to the extent that the act is punishable by the law of the country where it was committed.

Article 8d

The applicability of Articles 2 to 8c is limited by the exceptions recognised in international law.

Title II. Punishments**Article 9**

- 1** The punishments are:

- a.** main penalties:

- 1st.** prison sentence;
- 2°.** detention;
- 3°.** community service;
- 4°.** fine;

b. additional penalties:**1st.** deprivation of certain rights;**2°.** confiscation;**3°.** publication of the judicial decision.

2 In the case of crimes punishable by a prison sentence or a fine, or in the case of misdemeanours punishable by a prison sentence, a community service order may be imposed instead, except in cases provided for by law.

3 In the event that a prison sentence, detention, not including substitute detention, or community service is imposed, a fine may also be imposed.

4 In the event of a sentence of imprisonment or detention, not including substitute detention, the unconditional portion of which shall not exceed six months, the court may also impose a community service order.

5 An additional penalty may, in cases where the law permits its imposition, be imposed either separately or together with the principal penalties and with other additional penalties.

Article 9a

If the judge considers it advisable in connection with the minor seriousness of the offence, the personality of the perpetrator or the circumstances in which the offence was committed or which arose afterwards, he may determine in the judgment that no penalty or measure will be imposed.

Article 10

1 The prison sentence is life or temporary.

2 The duration of the temporary prison sentence is at least one day and at most twenty-five years.

3 It may be imposed for a maximum of thirty consecutive years in cases where the offence is punishable by life imprisonment or temporary imprisonment at the discretion of the judge, and in cases where the period of twenty-five years is exceeded by reason of an increase in the sentence for concurrent offences, terrorist offences, repetition of an offence or the provisions of [Article 44](#).

4 In no case can it exceed thirty years.

Article 11

[Expired as of January 1, 2020]

Article 13

[Expired as of January 1, 2020]

Article 14a

1 In the event of a conviction to a prison sentence of up to two years, to detention (not including substitute detention), to community service or to a fine, the court may determine that the sentence or part thereof will not be executed.

2 In the event of a sentence of imprisonment of more than two years and a maximum of four years, the court may determine that part of the sentence, up to a maximum of two years, will not be executed.

3 The judge may also determine that any additional penalties imposed will not be enforced in whole or in part.

Article 14b

1 The judge who determines that a sentence imposed by him will not be executed in whole or in part, shall set a probation period.

2 The probationary period shall not exceed three years. The probationary period may not exceed ten years if there is serious concern that the convicted person will again commit a crime directed against or endangering the physical integrity of one or more persons. For the purposes of this Article, "directing against or endangering the physical integrity of one or more persons" shall also include the crime referred to in [Article 252](#).

Article 14c

1 [Article 14a](#) is applied under the general condition that the convicted person does not commit a criminal offence before the end of the probation period.

2 In applying [Article 14a](#), the following special conditions may also be imposed, which the convicted person must comply with during the probationary period, or a portion thereof to be determined in the sentencing, or within a period to be determined by the court, but no more than equal to the probationary period:

1st. full or partial compensation for the damage caused by the criminal offense;

2°. full or partial compensation for the damage caused by the criminal offense;

3°. deposit of a security deposit to be determined by the court, not exceeding the difference between the maximum fine that can be imposed for the offence and the fine imposed;

- 4°. Depositing a sum of money, to be determined by the court, into the violent crimes compensation fund or to an institution that aims to represent the interests of victims of crimes. The amount cannot exceed the maximum fine that can be imposed for the offense;
 - 5°. a ban on making or allowing contact to be made with certain persons or institutions;
 - 6°. a prohibition on being at or in the immediate vicinity of a particular location;
 - 7°. an obligation to be present at a particular location at certain times or for a certain period;
 - 8°. an obligation to report to a specific authority at specific times;
 - 9°. a ban on the use of narcotics or alcohol and the obligation to cooperate in blood tests or urine tests to ensure compliance with this ban;
 - 10°. admission of the convicted person to a care institution;
 - 11th. an obligation to seek treatment from an expert or healthcare institution;
 - 12°. staying in an institution for assisted living or social care;
 - 13°. participating in a behavioral intervention;
 - 14°. other conditions concerning the conduct of the convicted person.
- 3 If a special condition has been imposed in the application of Article 14a , the conditions attached to this are automatically that the convicted person:
- a. cooperates in the taking of one or more fingerprints for the purpose of establishing his identity or presents an identity document as referred to in Article 1 of the Identification Obligation Act for inspection; and
 - b. cooperates with the probation supervision referred to in the sixth paragraph, including cooperation with home visits and reporting to the probation institution as often and for as long as the probation institution deems this necessary.
- 4 Electronic monitoring may be attached to a special condition.
- 5 When imposing one of the special conditions referred to in paragraph 2, under 3° and 4° , Articles 23, paragraphs 1 and 2 , and 24 shall apply accordingly.
- 6 The judge may order the probation service to monitor compliance with the conditions and to guide the convicted person to that end.
- 7 During the probationary period or during the time that it is suspended, the court may amend the special conditions imposed or the period to which the effect of these conditions within the probationary period is limited, revoke these conditions, impose additional special conditions and issue, amend or revoke an order as referred to in the sixth paragraph.

Article 14d

[Expired as of January 1, 2020]

Article 14e

The judge may, in his judgment, either ex officio or at the request of the Public Prosecution Service, order that the conditions set pursuant to Article 14c and the supervision to be exercised in relation to them be immediately enforceable, if there is serious reason to believe that the convicted person will again commit a crime that is directed against or endangers the physical integrity of one or more persons.

Article 14f

[Expired as of January 1, 2020]

Article 14fa

[Expired as of January 1, 2020]

Article 14g

[Expired as of January 1, 2020]

Article 14h

[Expired as of January 1, 2020]

Article 14i

[Expired as of January 1, 2020]

Article 14j

[Expired as of January 1, 2020]

Article 14k

[Expired as of January 1, 2020]

Article 14l

[Expired as of January 1, 2020]

Article 15

[Expired as of January 1, 2020]

Article 15a

[Expired as of January 1, 2020]

Article 15b

[Expired as of January 1, 2020]

Article 15c

[Expired as of January 1, 2020]

Article 15d

[Expired as of January 1, 2020]

Article 15e

[Expired as of January 1, 2020]

Article 15f

[Expired as of January 1, 2020]

Article 15g

[Expired as of January 1, 2020]

Article 15h

[Expired as of January 1, 2020]

Article 15i

[Expired as of January 1, 2020]

Article 15j

[Expired as of January 1, 2020]

Article 15k

[Expired as of January 1, 2020]

Article 15l

[Expired as of January 1, 2020]

Article 16

[Expired as of January 1, 2020]

Article 18

- 1 The duration of detention is at least one day and at most one year.
- 2 It may be imposed for a maximum of one year and four months in cases where the period of one year is exceeded due to an increase in the penalty for concurrence, repetition of an offence or the provisions of Article 44.
- 3 In no case can it exceed the period of one year and four months.

Article 19

[Expired as of January 1, 2020]

Article 21

The duration of the temporary prison sentence and detention shall be specified in the judicial decision in days, weeks, months and years, not in parts thereof.

Article 22a

[Expired as of January 1, 2020]

Article 22b

- 1 A community service order will not be imposed in the event of a conviction for:
 - a. a crime which, according to the legal definition, carries a prison sentence of six years or more and which has resulted in a serious infringement of the physical integrity of the victim;
 - b. any of the offences described in Articles 181, 252 and 253.
- 2 Furthermore, a community service order will not be imposed in the event of a conviction for a criminal offence if:
 - 1st the convicted person has been sentenced to community service for a similar offence in the five years preceding the offence he committed, and
 - 2° the convicted person has completed this community service order or the execution of the substitute detention has been ordered on the basis of Article 6:3:3 of the Code of Criminal Procedure.
- 3 The first and second paragraphs may be deviated from if, in addition to the community service order, an unconditional prison sentence or custodial measure is imposed.

Article 22c

- 1 A community service order consists of performing unpaid labor. The judgment or penalty order specifies the number of hours the sentence will last. The judgment or penalty order may specify the nature of the work to be performed.
- 2 The community service order lasts a maximum of two hundred and forty hours.

Article 22d

- 1 In the judgment imposing community service, the judge orders that a substitute detention will be applied if the convicted person does not perform the community service properly.
- 2 The duration of the substitute detention is determined in full days, weeks or months.
- 3 The substitute detention period is at least one day and no more than four months. For every two hours of community service, no more than one day is imposed.

Article 22e

[Expired as of January 1, 2020]

Article 22f

[Expired as of January 1, 2020]

Article 22g

[Expired as of January 1, 2020]

Article 22h

[Expired as of January 1, 2020]

Article 22i

[Expired as of January 1, 2020]

Article 22j

[Expired as of January 1, 2020]

Article 22k

[Expired as of January 1, 2020]

Article 23

- 1 Any person sentenced to a fine shall pay the amount to be determined to the State within the period to be set by Our Minister of Justice and Security.
- 2 The amount of the fine is at least € 3.
- 3 The maximum fine that may be imposed for a criminal offence is equal to the amount of the category determined for that offence.
- 4 There are six categories:

the first category, €335 [Editor's note: As of January 1, 2024: €515.]

the second category, €3,350 [Editor's note: As of January 1, 2024: €5,150.]

the third category, €6,700 [Editor's note: As of January 1, 2024: €10,300.]

the fourth category, €16,750 [Editor's note: As of January 1, 2024: €25,750.]

the fifth category, €67,000 [Editor's note: As of 1 January 2024: €103,000.]

the sixth category, €670,000 [Editor's note: As of 1 January 2024: €1,030,000.]

- 5 For an offence or a criminal offence for which no fine is provided, a fine may be imposed up to the amount of the first or third category, respectively.
- 6 For an offence or a criminal offence punishable by a fine but for which no fine category has been determined, a fine may be imposed up to the amount of the first or third category, respectively, if this amount is higher than the amount of the fine imposed for the criminal offence in question.
- 7 If a legal entity is convicted, a fine may be imposed, if the fine category specified for the offense does not allow for appropriate punishment, up to the amount of the next higher category. If a fine in the sixth category can be imposed for the offense and that fine category does not allow for appropriate punishment, a fine may be imposed up to ten percent of the legal entity's annual turnover in the financial year preceding the judgment or penalty order.
- 8 The preceding paragraph applies mutatis mutandis in the event of the conviction of a company without legal personality, partnership, shipping company or special purpose fund.
- 9 The amounts referred to in the fourth paragraph will be adjusted biennially, effective January 1st of any given year, by general administrative order, in line with the development of the consumer price index since the previous adjustment of these amounts. In this adjustment, the monetary amount of the first category will be rounded down to a multiple of €5, and the amounts of the second through sixth fine categories will be determined based on the monetary amount of this first category, while maintaining the ratio between the amounts of the fine categories.

Article 24

When determining the fine, the defendant's ability to pay will be taken into account to the extent necessary to ensure appropriate punishment without disproportionately affecting his or her income and assets.

Article 24a

- 1 If one or more fines are imposed amounting to at least €225, the ruling or penalty order may stipulate that the person to whom the fine is imposed may pay the amount in installments. Each installment shall be set at at least €45.
- 2 In the event of application of the first paragraph, the ruling or penalty order shall also set terms for the payment of the second and – if the fine may be paid in more than one instalment – the following instalments.
- 3 These periods are set at a minimum of one and a maximum of three months. In the case of a judgment, they may not exceed a total period of two years; in the case of a penalty order, they may not exceed a period of one year.

Article 24b

[Expired as of January 1, 2020]

Article 24c

- 1 In the judgment imposing a fine, the judge shall order that, if neither full payment nor full recovery of the amount due is achieved, a substitute prison sentence be imposed. If the convicted person is a legal entity, this order will not be issued. The final paragraph of Article 51 applies accordingly.
- 2 The duration of the substitute detention is determined in full days, weeks or months.
- 3 The substitute detention period is at least one day and at most one year. For each full €25 of the fine, no more than one day is imposed.

Article 24d

[Expired as of September 1, 2003]

Article 24e

[Expired as of July 1, 2008]

Article 26

[Expired as of January 1, 2020]

Article 27

- 1 When imposing a temporary prison sentence, detention, or community service order, the court shall order that any time spent by the convicted person, prior to the execution of the sentence, in custody, in pre-trial detention, in a detention order pursuant to Article 6:6:25 of the Code of Criminal Procedure, in a psychiatric hospital or an institution for clinical observation designated pursuant to an observation order, or in detention abroad pursuant to a Dutch request for extradition or surrender, shall be fully deducted from the execution of that sentence. If the court issues this order in respect of a community service order, it shall determine in its ruling the standard by which the deduction shall be made. The foregoing shall not apply insofar as that time has already been deducted from another custodial sentence served by the convicted person, pursuant to the last sentence of the first paragraph of Article 68 of the Code of Criminal Procedure.
- 2 When calculating the time to be deducted, the first day of the insurance is considered a full day and the day on which it ended is not taken into account.
- 3 The court may issue a corresponding order when imposing a fine. If it issues such an order, it will determine in its ruling the basis for the deduction.
- 4 The preceding paragraphs of this Article shall also apply in cases where, in the event of simultaneous prosecution for two or more offences, the conviction is pronounced for an offence other than that for which the insurance, pre-trial detention or imprisonment was ordered pursuant to Article 6:6:25 of the Code of Criminal Procedure.

Article 27a

[Expired as of January 1, 2020]

Article 28

- 1 The rights from which the guilty party may be deprived by judicial decision, in the cases determined by law, are:
 - 1st. the holding of offices or of certain offices;
 - 2°. serving in the armed forces;
 - 3°. the right to elect members of general representative bodies and to be elected as members of such bodies;
 - 4°. being an advisor or judicial administrator;
 - 5°. the exercise of certain professions.
- 2 Dismissal of members of the judiciary appointed for life or for a specified period, or of other officials appointed for life, shall take place, in relation to the office to which they have been so appointed, only in the cases and in the manner determined by law.
- 3 Deprivation of the right referred to in the first paragraph, under 3°, may only be pronounced upon conviction of a prison sentence of at least one year.

- 4 The court may instruct a probation service designated by general administrative order to monitor the convicted person's compliance with the disqualification from holding office or certain offices and from practising certain professions.

Article 29

Disqualification from holding office or certain offices and from serving in the armed forces may, except in the cases described in Book Two, be pronounced upon conviction for any misconduct in office or for any offence by which the offender violated a special official duty or in which he made use of the power, opportunity or means afforded him by his office.

Article 31

- 1 When deprivation of rights is declared, the judge determines the duration as follows:

- 1st. if sentenced to life imprisonment, for life;
 - 2°. if sentenced to a temporary prison sentence or to detention for a period exceeding the duration of the principal sentence by at least two and at most five years;
 - 3°. if sentenced to a fine, for a period of at least two and at most five years;
 - 4°. upon separate imposition, for a period of at least two and at most five years.
- 2 The deprivation of the right referred to in Article 28, paragraph 1, point 3°, takes effect on the date on which the conviction thereto becomes final. The deprivation of one of the other rights referred to in Article 28, paragraph 1, takes effect on the date on which the judicial decision can be enforced.

Article 32

[Expired as of January 1, 2020]

Article 33

- 1 Confiscation may be ordered upon conviction of any criminal offence.
- 2 Article 24 applies accordingly.

Article 33a

- 1 The following are liable to confiscation:
- a. objects belonging to the convicted person or which he can use wholly or partly for his own benefit and which were obtained wholly or largely through or from the proceeds of the criminal offence;
 - b. objects in relation to which the act was committed;
 - c. objects with the help of which the act was committed or prepared;
 - d. objects with the help of which the investigation of the crime has been hampered;
 - e. objects manufactured or intended for the commission of the crime;
 - f. property rights or personal rights in respect of the objects referred to under a to e.
- 2 Objects referred to in the first paragraph under a to e that do not belong to the convicted person may only be declared forfeit if:
- a. the person to whom they belong was aware of their acquisition by means of the criminal offence or of their use or destination in connection therewith, or could reasonably have suspected such acquisition, use or destination, or
 - b. it has not been possible to determine to whom they belong.
- 3 Rights as referred to in the first paragraph, under f, which do not belong to the convicted person may only be declared forfeit if the person to whom they belong was aware of the acquisition of the objects on or in respect of which these rights exist, by means of the criminal offence or of the use or destination in connection therewith, or could reasonably have suspected such acquisition, use or destination.
- 4 Objects are understood to mean all things and all property rights.

Article 33b

The confiscation of an object includes the confiscation of the packaging in which it is found, unless the court determines otherwise.

Article 33c

- 1 In the case of the forfeiture of objects, the court may, in the event that the forfeited objects would fetch more than an amount fixed in the judgment, order that the difference be reimbursed.
- 2 The court shall award compensation as referred to in the first paragraph or financial compensation if this is necessary to prevent the suspect or another person to whom the forfeited objects belong from being disproportionately affected.
- 3 The judge shall determine to whom the amount of compensation or allowance shall be paid; this shall not affect everyone's right to this amount.

Article 34

- 1 Objects not seized will, in the event of confiscation, be valued at a specific monetary amount in the judgment.
- 2 In this case the items must be delivered or the estimated value must be paid.
- 3 Articles 24c and 25 and Articles 6:4:2 and 6:4:7 of the Code of Criminal Procedure shall apply accordingly.

Article 35

[Expired as of January 1, 2020]

Article 36

- 1 In cases where the judge, by law, orders the publication of his judgment, he shall also determine the manner in which that order shall be complied with.
- 2 The costs of disclosure are estimated at a certain amount in the ruling.

Title IIA. Measures**First section. Confiscation, deprivation of unlawfully obtained assets, and compensation****Article 36a**

[Expired as of January 1, 2020]

Article 36b

- 1 Confiscated objects may be confiscated and removed from circulation:
 - 1st. in the judicial decision in which a person is convicted of a criminal offense;
 - 2°. in the judicial decision determining, in accordance with Article 9a , that no penalty will be imposed;
 - 3°. in the judicial decision in which, notwithstanding acquittal or dismissal from all prosecution, it is established that a criminal offence has been committed;
 - 4°. by a separate judicial order at the request of the Public Prosecution Service;
 - 5°. in the event of a penalty order.
- 2 Articles 33b and 33c, second and third paragraphs , as well as Article 446 of the Code of Criminal Procedure , shall apply mutatis mutandis.
- 3 The measure may be imposed together with penalties and other measures.

Article 36c

All objects are susceptible to removal from circulation:

- 1st. which were obtained wholly or largely through or from the proceeds of the act;
- 2°. in relation to which the act was committed;
- 3°. with the help of which the act was committed or prepared;
- 4°. by means of which the investigation of the offence has been hampered;
- 5°. which are manufactured or intended for the commission of the act;

all this to the extent that they are of such a nature that their uncontrolled possession is contrary to the law or to the public interest.

Article 36d

In addition, objects belonging to the perpetrator or suspect of such a nature that their uncontrolled possession is contrary to the law or to the public interest, which were found during the investigation into the act committed by him or of which he or she is suspected, are liable to confiscation, but only if the objects could serve to commit or prepare similar acts, or to hinder the investigation thereof.

Article 36e

- 1 At the request of the Public Prosecution Service, a person convicted of a criminal offence may be ordered by a separate judicial decision to pay a sum of money to the State for the purpose of confiscating illegally obtained profits.
- 2 The obligation may be imposed on the person referred to in the first paragraph who has obtained a benefit through or from the proceeds of the act referred to therein or other criminal offences for which there are sufficient indications that they were committed by the convicted person.
- 3 At the request of the Public Prosecution Service, a person convicted of a crime punishable by a category 5 fine, according to its legal definition, may be ordered by a separate judicial decision to pay a sum of money to the State for the purpose of confiscating illegally obtained profits, if it is plausible that the crime or other criminal offenses in any way resulted in the convicted person obtaining illegal profits. In that case, it may also be presumed that:
 - a. expenses incurred by the convicted person in a period of six years prior to the commission of that offence constitute unlawfully obtained profits, unless it is plausible that these expenses were incurred from a legal

- source of income, or;
- b. objects that have become the property of the convicted person in a period of six years prior to the commission of that offence constitute an advantage as referred to in the first paragraph, unless it is plausible that the acquisition of those objects was based on a legal source of origin.
 - 4 The judge may, ex officio, at the request of the Public Prosecution Service or at the request of the convicted person, deviate from the period of six years referred to in the third paragraph and take into account a shorter period.
 - 5 The court determines the amount by which the unlawfully obtained proceeds are assessed. Profit includes the savings on costs. The value of items considered by the court to be part of the unlawfully obtained proceeds can be estimated at the market value at the time of the decision or by reference to the proceeds to be obtained from a public auction, if recovery is required. The court may set the amount to be paid lower than the estimated proceeds. At the substantiated request of the suspect or convicted person, the court may take this into account when determining the amount to be paid if the current and reasonably expected future financial resources of the suspect or convicted person are insufficient to pay the amount to be paid. In the absence of such a request, the court may exercise this authority ex officio or at the request of the public prosecutor.
 - 6 Objects are understood to mean all things and all property rights.
 - 7 When determining the amount of the unlawfully obtained proceeds pursuant to the first and second paragraphs in respect of criminal offences committed by two or more persons, the court may determine that they are jointly and severally liable, or to a share to be determined by the court, for the joint payment obligation.
 - 8 When determining the amount of the benefit, the court may deduct costs that are directly related to the commission of criminal offences referred to in the first to third paragraphs and that reasonably qualify for deduction.
 - 9 When determining the amount of the unlawfully obtained profit, claims awarded to injured third parties in court, as well as the obligation to pay the State a sum of money for the benefit of the victim as referred to in Article 36f, to the extent that these have been satisfied, shall be deducted.
 - 10 When imposing the measure, account shall be taken of any obligations imposed under previous decisions to pay a sum of money for the purpose of confiscating unlawfully obtained profits.
 - 11 When imposing the order, the judge determines the maximum duration of the detention that can be ordered pursuant to Article 6:6:25 of the Code of Criminal Procedure . When determining the duration, no more than one day is counted for each full €25 of the imposed amount. The duration may not exceed three years.

Article 36f

[Amendment(s) without an effective date. See the list of changes .]

- 1 A person who is convicted by a court of a criminal offence and sentenced to a penalty or to whom a measure is imposed by a court decision, or in respect of whom a care order or judicial authorisation has been issued pursuant to Article 2.3 of the Forensic Care Act on the grounds referred to in Article 2.3, first paragraph, sub 1°, 2° or 4° of the Forensic Care Act, or where the court, in imposing the sentence, took into account a criminal offence of which the suspect has stated in the summons that it has been admitted and brought to the attention of the court, or in respect of whom a penalty order has been issued, may be ordered to pay the State a sum of money for the benefit of the victim or the persons referred to in Article 51f, second paragraph, of the Code of Criminal Procedure . The State shall promptly pay any amount received to the victim or the persons referred to in Article 51f, second paragraph, of the Code of Criminal Procedure.
- 2 The measure may be imposed if and to the extent that the suspect is liable to the victim under civil law for the damage caused by the criminal offence.
- 3 The measure may be imposed together with penalties and other measures.
- 4 Article 24a applies accordingly.
- 5 When imposing the measure, the judge determines the duration for which detention may be imposed, pursuant to Article 6:4:20 of the Code of Criminal Procedure . When determining the duration, no more than one day is counted for each full €25 of the imposed amount. The duration may not exceed one year.

Second section. Provision

Article 37

[Expired as of January 1, 2020]

Article 37a

[Amendment(s) without an effective date. See the list of changes .]

- 1 If the safety of others, or the general safety of persons or property so requires, the judge may order that a suspect be placed at the disposal of the court if he comes to the conclusion that:

- 1st. the suspect suffered from defective development or a mental disorder at the time the act was committed; and
- 2°. the act committed by him is an offence punishable by law with a prison sentence of four years or more or is one of the offences described in Articles 132 , 285, first paragraph , 285b , and 395 of the Criminal Code , 175, second paragraph, component b, or third paragraph in conjunction with the first paragraph, component b, of the Road Traffic Act 1994 , and 11, second paragraph, of the Opium Act .
- 2 When applying the previous paragraph, the judge may refrain from imposing a penalty, even if he or she considers that the act can be attributed to the suspect.
- 3 For the purpose of the judgment referred to in the first paragraph, the court shall submit a reasoned, dated, and signed opinion from at least two behavioral experts from different disciplines, including a psychiatrist, who have examined the person concerned. Such opinion must have been issued jointly or individually by the behavioral experts. If this opinion is dated earlier than one year before the start of the hearing, the court may only use it with the consent of the Public Prosecution Service and the suspect. Further rules regarding this opinion may be established by or pursuant to a general administrative order.
- 4 The third paragraph does not apply if the person concerned refuses to cooperate with the investigation that must be conducted for the purpose of the recommendation. Where possible, the behavioral experts will report jointly or individually on the reason for the refusal. The judge will, where possible, obtain another recommendation or report that can inform him or her about the desirability or necessity of an order as referred to in the first paragraph and to the establishment of which the person concerned is willing to cooperate.
- 5 When issuing an order as referred to in the first paragraph, the court shall take into account the content of other opinions and reports issued on the personality of the suspect, as well as the seriousness of the offence committed or the number of previous convictions for criminal offences.
- 6 If the data subject is suspected of a crime against or endangering the inviolability of the body as referred to in Article 38e of the Dutch Criminal Code and refuses to cooperate with any investigation as referred to in the fourth paragraph, the public prosecutor may order the chair of the multidisciplinary committee referred to in the ninth paragraph to issue an opinion to the public prosecutor regarding the presence and usability of personal data concerning a possible developmental defect or pathological disorder of the mental faculties of the data subject, in respect of which the suspect is unwilling to cooperate. The members of the multidisciplinary committee are authorized to request and review personal data, including personal data concerning health, from physicians and behavioral experts. At the request of the multidisciplinary committee, the physician or behavioral expert is obligated to provide the data subject's personal data to the multidisciplinary committee. The multidisciplinary committee shall, no later than 30 days after the order referred to in the first sentence, issue a reasoned opinion to the public prosecutor regarding the presence and usability of the personal data in relation to the presence of a developmental defect or pathological disorder of mental faculties at the time of the offense. The public prosecutor shall notify the suspect of an order referred to in the first sentence, enclosing the multidisciplinary committee's opinion.
- 7 The personal data of the data subject provided to the multidisciplinary committee may only be used for the purpose of a report or recommendation as referred to in the fifth paragraph. For the application of the first sentence, the public prosecutor requires written authorization, to be granted at the public prosecutor's request by the penitentiary chamber. With this request, the public prosecutor shall submit the recommendation of the multidisciplinary committee. If the public prosecutor, based on the recommendation of the multidisciplinary committee, decides not to submit a request, they shall notify the suspect and the committee accordingly. In this article, the penitentiary chamber means: the multi-member chamber referred to in Article 67 of the Judiciary Organization Act , in the composition referred to in the third paragraph of that article.
- 8 Before making a decision, the penitentiary chamber shall hear the suspect. The penitentiary chamber may hear the chairperson of the multidisciplinary committee. The penitentiary chamber shall notify the suspect in writing of its decision. The data shall remain with the multidisciplinary committee until the penitentiary chamber has made a final decision. If the penitentiary chamber authorizes the use of the personal data, the chairperson of the multidisciplinary committee shall immediately provide the personal data to the behavioral experts referred to in the fourth paragraph. Within ninety days of a final negative decision by the penitentiary chamber or a notification from the public prosecutor to the committee that no application will be made as referred to in the sixth paragraph, the personal data concerning the health of the data subject that the committee holds shall be destroyed. The Public Prosecution Service or the suspect may appeal in cassation against the decision of the penitentiary chamber. Articles 446 through 448 of the Code of Criminal Procedure shall apply mutatis mutandis.
- 9 Our Minister shall establish a multidisciplinary committee tasked with advising on the presence and usability of personal data concerning health. The multidisciplinary committee shall consist of two physicians, including a psychiatrist, a behavioral expert, and two lawyers. The committee shall be chaired by a physician who is also a psychiatrist. Rules shall be established by general administrative order

regarding the working methods, confidentiality, and decision-making of the multidisciplinary committee, as well as the data included in the advisory report.

Article 37b

- 1 The court may order that the person placed at the disposal of the government receive care if the safety of others or the general safety of persons or property requires care.
- 2 If the court has imposed a prison sentence in addition to the measure of detention with an order for compulsory treatment by the government, the court may include in its ruling a recommendation regarding the time at which the detention with compulsory treatment by the government should commence.

Article 37c

[Expired as of January 1, 2020]

Article 37d

[Expired as of January 1, 2019]

Article 37e

[Expired as of January 1, 2020]

Article 38

[Amendment(s) without an effective date. See the [list of changes](#) .]

- 1 If the court does not issue an order as referred to in [Article 37b](#) , it shall impose conditions concerning the conduct of the person placed at the disposal of the court to protect the safety of others or the general safety of persons or property. The general condition is that the person placed at the disposal of the court must cooperate in the taking of one or more fingerprints or present an identity document as referred to in [Article 1 of the Identification Obligation Act](#) for the purpose of establishing their identity.
- 2 The court also orders an institution designated in the ruling, which meets certain requirements set by or pursuant to general administrative order, to provide assistance and support to the person placed at the court's disposal in complying with the conditions.
- 3 If the judgment also imposes a custodial sentence, in the case referred to in the first paragraph of this Article, this sentence may be set at a maximum of five years.
- 4 If the judgment also imposes a prison sentence for a period longer than three years, the judge will record in the judgment the nature of the care provided, which has been established as a condition.
- 5 The judge may only impose a condition if the person placed at the court's disposal has declared himself or herself willing to comply with the condition.
- 6 The court may, at the request of the public prosecutor or ex officio, order that the conditional placement be immediately enforceable.
- 7 An order as referred to in the sixth paragraph shall take effect at the time when the suspect is arrested for the execution of that order, or at the time when the execution of another order of deprivation of liberty issued in the same case ends.
- 8 Further rules regarding the procedure for making the facility available subject to conditions may be established by general administrative measure.

Article 38a

- 1 The conditions referred to in the first paragraph of [Article 38](#) may include that the person placed at the disposal of the court must be admitted to an institution designated by the court, undergo treatment by an expert designated in the ruling, or take medication prescribed by the attending physician or tolerate its administration by the attending physician.
- 2 Rules may be established by or pursuant to general administrative order regarding the requirements that an institution to be designated by the court must meet.

Article 38b

[Expired as of January 1, 2020]

Article 38c

[Expired as of January 1, 2020]

Article 38d

- 1 The order is valid for a period of two years, starting from the date on which the court decision imposing it becomes final.
- 2 The term of the detention may, except as provided in [Article 38e](#) or [Article 38j](#) , be extended by the court, at the request of the Public Prosecution Service, each time by either one year or two years, if the safety of others or the general safety of persons or goods requires such an extension.

Article 38e

- 1 The total duration of the measure of detention with a government-ordered compulsory treatment shall not exceed four years, unless the detention with a government-ordered compulsory treatment was imposed for

an offence directed against or endangering the physical integrity of one or more persons.

2 Except in cases where an order as referred to in Article 37b or Article 6:6:10, first paragraph, under e, of the Code of Criminal Procedure has been issued, the total duration of the measure of detention shall not exceed a period of nine years.

3 If the total duration of the provision of services is not limited in time, the term of the provision of services may be extended each time the safety of others or the general safety of persons requires such an extension.

Article 38f

[Expired as of January 1, 2020]

Article 38g

[Expired as of January 1, 2020]

Article 38h

[Expired as of January 1, 2020]

Article 38i

[Expired as of January 1, 2020]

Article 38j

[Amendment(s) without an effective date. See the list of changes .]

In the event of conditional termination of government-ordered care, the provision of care can be extended each time by one or two years.

Article 38k

[Expired as of January 1, 2020]

Article 38l

[Expired as of January 1, 2020]

Article 38la

[Expired as of January 1, 2020]

Article 38lb

[Expired as of January 1, 2020]

Third section. Placement in an institution for habitual offenders

Article 38m

1 The court may, at the request of the Public Prosecution Service, impose the measure of placing a suspect in an institution for habitual offenders if:

- 1st. the act committed by the suspect concerns an offence for which pre-trial detention is permitted;
- 2°. the suspect has been irrevocably sentenced at least three times in the five years preceding the offence committed by him to a custodial sentence or measure, a restrictive measure or a community service order for a criminal offence, or has been given a community service order by a final penal order, the offence was committed after the execution of these sentences or measures and it must furthermore be seriously taken into account that the suspect will commit another criminal offence, and
- 3°. the safety of persons or goods requires the imposition of the measure.

2 The measure is aimed at protecting society and ending the suspect's recidivism.

3 If the suspect is an addict or has other specific problems related to the commission of criminal offences, the measure is also intended to contribute to solving his addiction problem or that other problem.

4 The judge will impose the measure only after obtaining a reasoned, dated, and signed opinion on the desirability or necessity of the measure. If this opinion is dated more than one year before the start of the hearing, the judge may only use it with the consent of the public prosecutor and the suspect.

5 The fourth paragraph does not apply if the suspect refuses to cooperate with the investigation that must be conducted for the purpose of the recommendation. A report will be prepared, to the extent possible, on the reasons for the refusal. The judge will, to the extent possible, submit another recommendation or report that can inform him or her about the desirability or necessity of the measure and to the preparation of which the suspect is willing to cooperate.

6 When imposing the measure, the judge will take into account the content of other opinions and reports issued about the suspect, as well as the number of previous convictions for criminal offenses.

7 A conviction as referred to in the first paragraph, point 2°, shall also be understood to mean an irrevocable conviction by a criminal court in another Member State of the European Union for similar facts.

Article 38n

1 The measure shall apply for a period of no more than two years, starting from the date on which the judicial decision imposing it becomes final.

2 When determining the duration of the measure, the court may take into account the time spent by the convicted person in custody, in pre-trial detention, in a psychiatric hospital or in an institution for clinical

observation designated in accordance with an observation order before the execution of the sentence.

- 3** The judge may, ex officio, at the request of the Public Prosecution Service, or at the request of the suspect or his counsel, decide, at or after the imposition of the measure, to make an interim assessment of the need to continue the enforcement of the measure.

Article 38o

[Expired as of January 1, 2020]

Article 38p

- 1** The judge may determine that the measure will not be enforced.
- 2** The judge who determines that the measure imposed by him will not be enforced shall set a probationary period of no more than three years.
- 3** When applying the first paragraph, the general condition is that:
- a.** the convicted person does not commit a criminal offense before the end of the probation period;
 - b.** the convicted person, in complying with the conditions referred to in the fourth paragraph, cooperates in the taking of one or more fingerprints for the purpose of establishing his identity or presents for inspection an identity document as referred to in Article 1 of the Identification Obligation Act .
- 4** To protect the safety of persons or property, the judge imposes conditions regarding the convicted person's conduct. The judge may instruct a probation service designated by order in council to provide the convicted person with assistance and support in complying with the conditions.
- 5** A condition as referred to in the fourth paragraph may require the convicted person to undergo outpatient or residential treatment. Admission to an institution in this context will be for a period to be determined by the court, not exceeding two years. This condition is only imposed if the convicted person has declared their willingness to undergo the treatment.
- 6** Rules may be established by or pursuant to general administrative measures regarding the requirements that an establishment and a treatment as referred to in the fifth paragraph must meet.

Article 38q

[Expired as of January 1, 2020]

Article 38r

[Expired as of January 1, 2020]

Article 38s

[Expired as of January 1, 2020]

Article 38t

[Expired as of January 1, 2020]

Article 38u

[Expired as of January 1, 2020]

Fourth section. Behavioral and restrictive measures

Article 38v

- 1** To protect society or to prevent criminal offences, a measure restricting freedom may be imposed by judicial decision:
- 1st.** in which someone is convicted of a criminal offense;
 - 2°.** whereby it is determined in accordance with Article 9a that no penalty will be imposed.
- 2** The measure may include ordering the suspect:
- a.** not to stay in a certain area,
 - b.** to refrain from contact with a particular person or persons,
 - c.** to be present at a particular location at certain times or for a certain period,
 - d.** to report to the designated investigating officer at certain times.
- 3** The measure may be imposed for a period of up to five years.
- 4** The judge may, in his ruling, either ex officio or at the request of the public prosecutor, order that the measure be immediately enforceable if there is serious reason to believe that the suspect will commit another criminal offense or behave in an incriminating manner towards a specific person or persons.
- 5** The measure may be imposed together with penalties and other measures.

Article 38w

- 1** In the judgment imposing the measure referred to in Article 38v , the judge shall order that a substitute detention will be applied in the event of non-compliance with the measure.
- 2** The judge will determine in the judgment the maximum duration of the substitute detention to be served for each time the measure is not complied with. The duration of this substitute detention is determined in full days, weeks, or months and is at least three days.

3 The total duration of the substitute detention imposed shall not exceed six months.

4 The application of the substitute detention does not cancel the obligations under the measure referred to in Article 38v , paragraph 2.

Article 38x

[Expired as of January 1, 2020]

Article 38ij

[Expired as of January 1, 2020]

Article 38z

1 To protect the safety of others, or the general safety of persons or property, the judge, either ex officio or at the request of the Public Prosecution Service, may impose a measure on a suspect aimed at influencing behavior or restricting liberty if the suspect, in that judicial decision:

- a.** is made available as referred to in Articles 37a , 37b or 38 ;
 - b.** is sentenced to a prison term, or a prison term of which part will not be served, for an offence directed against or endangering the physical integrity of one or more persons and which, according to the legal description, carries a prison sentence of four years or more;
 - c.** is sentenced to a prison term, or a prison term of which part will not be served, for a terrorist offence or an offence in preparation or facilitation of a terrorist offence or an offence as described in Articles 251 through 253 , 273f , and 317 , paragraph 1 .
- 2** When requesting the imposition of the measure, the public prosecutor must submit a recently drawn up, reasoned and signed opinion from a probation institution.

Article 38aa

[Expired as of January 1, 2020]

Article 38ab

[Expired as of January 1, 2020]

Article 38ac

[Expired as of January 1, 2020]

Article 38ad

[Expired as of January 1, 2020]

Article 38ae

[Expired as of January 1, 2020]

Article 38af

[Expired as of January 1, 2020]

Article 38ag

[Expired as of January 1, 2020]

Title III. Exclusion and Increase of Criminality

Article 39

A person who commits an act for which no criminal liability can be attributed because of a mental disorder, psychogeriatric condition or intellectual disability is not liable to punishment.

Article 40

He shall not be liable to punishment if he commits an act to which he is forced by force majeure.

Article 41

- 1** He shall not be liable to punishment if he commits an act which is necessary to defend his own or another person's body, honor, or property against immediate, unlawful attack.
- 2** Exceeding the limits of necessary defence is not punishable if it was the immediate consequence of a violent emotional upset caused by the attack.

Article 42

- 1** He who commits an act in pursuance of a legal provision is not punishable.
- 2** An official who uses force in the lawful exercise of his duties and in accordance with his instructions on the use of force is not liable to punishment.
- 3** A civil servant is considered to be a person in the public service of a foreign state who carries out his duties in the Netherlands in a manner permitted by international law.

Article 43

- 1** No criminal liability shall be imposed on anyone who commits an act in execution of an official order issued by the competent authority.

- 2** An unauthorized official order does not remove the criminal liability unless the subordinate considered it to be an authorized order in good faith and compliance with it fell within the circle of his subordination.

Article 43a

The temporary prison sentence or detention imposed for a criminal offense may, without prejudice to [Article 10](#), be increased by one-third if, at the time the crime was committed, five years have not yet elapsed since a previous conviction of the offender to imprisonment for a similar offense became final and binding. The five-year term shall be extended by the period during which the convicted offender was legally deprived of his liberty.

Article 43b

In any case, the following are considered to be crimes that are similar to each other:

- 1st.** the offences described in [Articles 105](#), [174](#), [208 to 210](#), [213](#), [214](#), [216 to 222bis](#), [225 to 232](#), [310](#), [311](#), [312](#), [315](#), [317](#), [318](#), [321 to 323a](#), [326 to 332](#), [341](#), [343](#), [344](#), [359](#), [361](#), [366](#), [373](#), [last paragraph](#), [402](#), [416](#), [417](#), [420bis](#), [420bis.1](#) and [420ter](#) ;
- 2°.** the offences described in [Articles 92](#), [108](#), [109](#), [110](#), [115](#), [116](#), [117 to 117b](#), [141](#), [181](#), [182](#), [287 to 291](#), [293](#), [first paragraph](#), [296](#), [300 to 303](#), [381](#), [382](#), [395](#) and [396](#) ;
- 3°.** the offences described in [Articles 261 to 271](#), [418](#) and [419](#) ;
- 4°.** the crimes described in the [Opium Act](#) ;
- 5°.** the offences defined in the [Weapons and Ammunition Act](#) ;
- 6°.** the offences described in the [Road Traffic Act 1994](#) .

Article 43c

[Expired as of July 1, 2010]

Article 44

- 1** If a civil servant violates a special official duty by committing a criminal offence or uses the power, opportunity or means granted to him by his office in committing a criminal offence, the penalty imposed for the offence, with the exception of a fine, may be increased by one third.
- 2** A civil servant is considered to be a person in the public service of a foreign state who carries out his duties in the Netherlands in a manner permitted by international law.

Article 44a

If a criminal offence is committed with a discriminatory intent or consists of, is preceded, accompanied or followed by conduct that expresses hatred against or discrimination against a group of persons on grounds of their race, religion or belief, gender, sexual orientation or disability, the temporary prison sentence or detention imposed for that offence may be increased by one third.

Title IIIa. Grounds for reduction of sentence

Article 44a

- 1** At the request of the public prosecutor, the judge may, following an agreement made pursuant to [Article 226h, paragraph 3, of the Code of Criminal Procedure](#), reduce the sentence they were considering imposing in the manner specified in the second paragraph. When reducing the sentence, the judge takes into account whether the testimony of a witness has or can significantly contribute to the investigation or prosecution of crimes.
- 2** When applying the first paragraph, the reduction of the sentence may consist of:
 - a.** a maximum of half in the case of an unconditional temporary prison sentence, community service order or fine, or
 - b.** the conversion of up to half of the unconditional part of a prison sentence, community service order or a fine into a conditional part, or
 - c.** the replacement of up to one third of a custodial sentence by community service or an unconditional fine.
- 3** When applying the second paragraph, under b, [Article 14a, first and second paragraphs](#), shall not apply.

Title IV. Attempt and Preparation

Article 45

- 1** An attempt to commit a crime is punishable when the perpetrator's intention has manifested itself by beginning to carry out the crime.
- 2** The maximum principal penalties for the offence shall be reduced by one third in the event of an attempt.
- 3** If the crime is punishable by life imprisonment, a prison sentence of up to twenty years shall be imposed.
- 4** The additional penalties for attempt are the same as for the completed crime.

Article 46

- 1 Preparation of a crime punishable by a prison sentence of eight years or more according to the legal definition is punishable when the offender intentionally acquires, manufactures, imports, forwards, exports or possesses objects, substances, information carriers, spaces or means of transport intended for the commission of that crime.
- 2 The maximum principal penalties imposed for the offence are reduced by half in the event of preparation.
- 3 If the crime is punishable by life imprisonment, a prison sentence of up to fifteen years shall be imposed.
- 4 The additional penalties for preparation are the same as for the completed crime.
- 5 Objects are understood to mean all things and all property rights.

Article 46a

Attempting to induce another person to commit a criminal offence by any of the means referred to in [Article 47, paragraph 1, subparagraph 2e](#) , is punishable, provided that no heavier penalty shall be imposed than that which can be imposed for an attempt to commit the criminal offence or, if such an attempt is not punishable, for the criminal offence itself.

Article 46b

Neither preparation nor attempt exists if the crime is not completed due to circumstances beyond the perpetrator's control.

Title V. Participation in criminal offenses**Article 47**

- 1 If perpetrators of a criminal offense are punished:
 - 1st. those who commit the act, have it committed or aid in the commission of the act;
 - 2°. those who deliberately provoke the act by gifts, promises, abuse of authority, violence, threats, or deception, or by providing opportunity, means, or information.
- 2 With regard to the latter, only those actions which they have deliberately provoked, together with their consequences, are taken into consideration.

Article 48

As accomplices to a crime shall be punished:

- 1st. those who deliberately assist in the commission of the crime;
- 2°. those who deliberately provide the opportunity, means or information to commit the crime.

Article 49

- 1 The maximum principal penalties for the offence are reduced by one third in the case of complicity.
- 2 If the crime is punishable by life imprisonment, a prison sentence of up to twenty years shall be imposed.
- 3 The additional penalties for complicity are the same as for the crime itself.
- 4 In determining the penalty, only those acts which the accomplice intentionally facilitated or promoted, as well as their consequences, shall be taken into account.

Article 50

The personal circumstances which exclude, reduce or increase criminal liability shall be taken into account when applying criminal law only in respect of the perpetrator or accomplice to whom they personally concern.

Article 51

- 1 Criminal offenses can be committed by natural persons and legal entities.
- 2 If a criminal offence is committed by a legal entity, criminal proceedings may be instituted and the penalties and measures provided for by law, if appropriate, may be imposed:
 - 1st. against that legal entity, or
 - 2°. against those who gave orders for the act, as well as against those who actually managed the prohibited act, or
 - 3°. against those mentioned under 1° and 2° together.
- 3 For the application of the previous paragraphs, the following shall be deemed to be equivalent to legal entities: companies without legal personality, partnerships, shipping companies and special purpose assets.

Article 52

Aiding and abetting an offense is not punishable.

Article 53

- 1 In crimes committed through the printing press, the publisher as such will not be prosecuted if the printed matter contains his name and place of residence and the perpetrator is known or has been made known by the publisher upon first notice from the examining magistrate.
- 2 This provision does not apply if the perpetrator was not liable to prosecution at the time of publication or was established outside the Kingdom in Europe.

Article 54

- 1 In crimes committed by means of the printing press, the printer as such shall not be prosecuted if the printed document bears his name and place of residence and the person by whose order the document was printed is known or has been made known by the printer upon the first summons of the examining magistrate.
- 2 This provision shall not apply if the person by whose order the document was printed was not liable to prosecution at the time of printing or was established outside the Kingdom in Europe.

Article 54a

An intermediary who provides a communication service consisting in the transmission or storage of data originating from another person shall not be prosecuted as such for a criminal offence committed using that service if he complies with an order as referred to in Article 125p of the Code of Criminal Procedure or a decision as referred to in Article 3, paragraph 1, of Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on combating the dissemination of terrorist content online (OJ L 172, 2021, p. 172) or an order as referred to in the first paragraph of Article 6 of the Act on the Administrative Approach to Online Child Pornographic Material.

Title VI. Concurrence of criminal offences

Article 55

- 1 If an act falls under more than one criminal provision, only one of those provisions will apply, in the absence of a difference the one providing for the most severe principal penalty.
- 2 If a special criminal provision exists for an act that falls under a general criminal provision, only that provision will be taken into account.

Article 56

- 1 If several facts, although each in itself constitutes a crime or violation, are so related that they must be considered as a single continuous act, only one penal provision will apply; in the absence of a difference, the one providing for the most severe principal penalty.
- 2 Likewise, only one penal provision shall apply in the event of a conviction for forgery or defacement of coins and for using the object in relation to which the forgery or defacement was committed.

Article 57

- 1 In the event of a combination of facts that must be considered as separate acts and that constitute more than one offence punishable by similar principal penalties, a single penalty will be imposed.
- 2 The maximum of this penalty is the total of the highest penalties imposed for the facts, but - as far as prison sentences or detention are concerned - not more than one third above the highest maximum.

Article 58

In the event of a combination of facts that must be considered as separate acts and that constitute more than one crime punishable by different principal penalties, any of those penalties may be imposed, but – as far as prison sentences and detention are concerned – they may not, together, exceed the longest of those penalties by more than one third.

Article 59

In the event of a conviction of life imprisonment, no other penalties may be imposed than the deprivation of certain rights, the confiscation of objects already seized, and the publication of the judgment.

Article 60

In the cases referred to in Articles 57 and 58, the following provisions shall apply with regard to additional penalties:

- 1st. the penalties of deprivation of the same rights shall be reduced to a single penalty, the duration of which shall exceed the principal penalty or penalties imposed by at least two and at most five years, or, if no principal penalty other than a fine has been imposed, into a single penalty of at least two and at most five years;
- 2°. the penalties of deprivation of various rights are imposed for each offence separately and without reduction;
- 3°. The penalties of confiscation of certain objects shall be imposed for each offence separately and without reduction; the combined penalties of imprisonment shall not exceed the maximum specified in Article 24c.

third paragraph .

Article 60a

In the event of concurrent imprisonment in the manner referred to in Articles 57 and 58 , the measure referred to in Article 36f shall be subject to the condition that the total of the substitute custodial sentences shall not exceed the maximum specified in Article 24c, third paragraph .

Article 61

- 1 The relative severity of different principal penalties shall be determined by the order of Article 9 .
- 2 Where the judge is given the choice between two main sentences, only the most severe of those sentences is taken into account in the comparison.
- 3 The relative severity of similar principal penalties is determined by the maximum.
- 4 The relative duration of both dissimilar and similar principal penalties is also determined by the maximum.

Article 62

- 1 In the event of a concurrence of offences with criminal offences or of offences combined with each other in the manner referred to in Articles 57 and 58 , a penalty shall be imposed for each offence without reduction.
- 2 The alternative prison sentences may not exceed the maximum specified in Article 24c, third paragraph , for the crimes and misdemeanours or for the misdemeanours together.

Article 63

If, after having been sentenced, any person is found guilty of a crime or an offence committed before the sentence was imposed, the provisions of this Title shall apply in the event of the sentence being imposed concurrently.

Title VII. Filing and withdrawal of complaints in cases of crimes prosecutable only on complaint

Article 64

In the case of an offence which is prosecuted solely on complaint, the person against whom the offence was committed is entitled to file a complaint.

Article 65

- 1 If the person designated in Article 64 has not yet reached the age of sixteen, or has been placed under guardianship other than for squandering, or suffers from such a mental disorder, psychogeriatric condition or intellectual disability that he is unable to assess whether his interests are served by the complaint, the complaint shall be made by his legal representative in civil matters.
- 2 If the person designated in Article 64 is deceased, the following shall be entitled to lodge a complaint: his parents, his children and his surviving spouse, unless it appears that he did not wish to be prosecuted.
- 3 If the complaint must be made against the legal representative in civil matters of the person designated in Article 64 , the following are entitled to make the complaint: the spouse, a blood relative in the direct line, or, in the absence of all these persons, a brother or sister.
- 4 If a person designated in the second or third paragraph has not yet reached the age of sixteen, or has been placed under guardianship other than on account of squandering, or suffers from such a mental disorder, psychogeriatric condition or intellectual disability that he is unable to assess whether his interests are served by the complaint, prosecution may take place on the complaint of his legal representative in civil matters.

Article 66

- 1 The complaint may be lodged within three months after the day on which the person entitled to lodge the complaint became aware of the offence committed.
- 2 If the person against whom the act was committed dies after the period has begun or has lost, acquired or regained the right to file the complaint, this period shall continue without extension.

Article 67

The person who files the complaint remains entitled to withdraw it for eight days after the date of filing.

Title VIII. Lapse of the right to prosecute and of punishment

Article 68

- 1 Except in cases where judicial decisions are subject to review, no one may be prosecuted again for an act in respect of which a final and binding decision has been made against him by a court in the Netherlands, Aruba, Curaçao, Sint Maarten or the public bodies of Bonaire, Sint Eustatius and Saba.
- 2 If the final judgment comes from another court, the same person will not be prosecuted for the same act in the event of:

- 1st. acquittal or dismissal from prosecution;
- 2°. conviction, if a penalty has been imposed, followed by full execution, pardon or limitation of the penalty.
- 3 No one shall be prosecuted for an act which has been finally settled against him in a foreign State by the fulfillment of a condition imposed by the competent authority for the purpose of preventing prosecution.

Article 69

The right to prosecute expires upon the death of the suspect.

Article 70

1 The right to prosecute expires by prescription:

- 1st. in three years for all violations;
- 2°. in six years for crimes punishable by a fine, detention or imprisonment of not more than three years;
- 3°. in twelve years for crimes punishable by a temporary prison sentence of more than three years;
- 4°. in twenty years for crimes punishable by a prison sentence of eight years or more.

2 By way of exception to the first paragraph, the right to prosecute does not expire:

- 1st. for crimes punishable by a prison sentence of twelve years or more;
- 2°. for the offences described in [Articles 242](#) , [243, first paragraph](#) , [245](#) , [246, first paragraph](#) , [247, first and second paragraphs](#) , [249, first paragraph](#) , [252](#) , [253](#) and the offence described in [Article 241, first and second paragraphs](#) , if the act is committed against a person who has not yet reached the age of eighteen years.

Article 71

The limitation period begins on the day after the act was committed, except in the following cases:

- 1st. in the case of offences described in [Articles 173, paragraph 1](#) , and [173b](#) , the term commences on the day after the offence came to the attention of an official charged with the investigation of criminal offences;
- 2°. in case of forgery on the day after the day on which use was made of the object in relation to which the forgery was committed;
- 3°. in the offences described in [Article 251](#) and [Articles 284](#) and [285c](#) , if committed against a person who has not yet reached the age of eighteen years, [Articles 300 through 302 inclusive](#) , insofar as the act constitutes genital mutilation of a person of the female sex who has not yet reached the age of eighteen years or insofar as the act constitutes abuse of a person who has not yet reached the age of eighteen years or the offence described in [Article 302](#) , insofar as the act constitutes forced abortion or forced sterilisation of a person of the female sex who has not yet reached the age of eighteen years, on the day after the day on which that person reaches the age of eighteen years;
- 4°. in the offences described in [Articles 279](#) and [282, first and second paragraphs](#) , on the day following the day of the release or death of the person against whom the offence was immediately committed;
- 5°. in the case of the offences described in [Articles 465](#) , [466](#) and [467](#) , on the day after the day on which, in accordance with the provisions given in or pursuant to [Article 18c of Book 1 of the Civil Code](#) , the registers referred to therein, from which such offence is evident, have been transferred to the central repository referred to in [Section 8 of Chapter 1 of the Civil Status Decree 1994](#) .

Article 72

- 1 Every act of persecution interrupts the running of the statute of limitations, even in respect of persons other than the persecuted.
- 2 After the interruption, a new limitation period begins. However, the right to prosecute expires after ten years for violations and after ten years for crimes if, from the date on which the original limitation period began, a period equal to twice the limitation period applicable to the crime has elapsed.

Article 73

The suspension of criminal prosecution in respect of a preliminary dispute suspends the limitation period.

Article 74

[Amendment(s) without an effective date.

Expired without an effective date.

See the [list of changes](#) .]

- 1 Before the hearing begins, the public prosecutor may impose one or more conditions to prevent prosecution for offenses, except those punishable by a prison sentence of more than six years, and for misdemeanors. Compliance with these conditions voids the right to prosecute.
- 2 The following conditions may apply:

- a. payment to the State of a sum of money, to be determined at least at €3 and at most at the maximum of the fine that can be imposed for the act;
 - b. surrender of objects seized and liable to confiscation or removal from circulation;
 - c. delivery, or payment to the State of the estimated value, of objects liable to confiscation;
 - d. payment to the State of a sum of money or transfer of seized objects for the purpose of total or partial confiscation of the unlawfully obtained profits that are liable to confiscation pursuant to [Article 36e](#);
 - e. full or partial compensation for the damage caused by the criminal offense;
 - f. performing unpaid work or following a training project for a maximum of one hundred and twenty hours.
- 3 In the event of a criminal offence, the public prosecutor shall immediately inform the directly interested party known to him in writing of the date on which he imposed those conditions.
- 4 [Article 6:1:1 of the Code of Criminal Procedure](#) applies mutatis mutandis to the conditions imposed pursuant to the first paragraph.
- 5 The provisions of or pursuant to [Articles 22b](#) , [22c, first paragraph](#) , and [Articles 6:1:9](#) , [6:3:1, second paragraph](#) , and [6:3:6 of the Code of Criminal Procedure](#) relating to community service orders shall apply mutatis mutandis to the condition referred to in paragraph 2(f). When performing the unpaid work or the training project, the identity of the convicted person shall be established in the manner referred to in [Article 27a, paragraph 1, first sentence, and second paragraph, of the Code of Criminal Procedure](#) . The unpaid work or training project shall be completed within a period of nine months after agreement to the condition.
- 6 By or pursuant to a general administrative measure, regulations shall be issued regarding compliance with the condition referred to in paragraph 2(a). These regulations shall, in any case, pertain to the place and method of payment of the sum of money, the timeframe within which payment must be made, and the accounting for the sums of money received. By or pursuant to a general administrative measure, regulations may be issued regarding compliance with the other conditions referred to in paragraph 2.

Article 74a

[Expired without an effective date. See the [list of changes](#) .]

If the criminal offence is not punishable by law with a principal penalty other than a fine and the suspect offers to pay the maximum fine and to comply with all other conditions to be imposed in accordance with [Article 74, paragraph 2](#) , within a period to be determined by the public prosecutor , the public prosecutor may not refuse to impose conditions as referred to in [Article 74](#) .

Article 74b

[Expired without an effective date. See the [list of changes](#) .]

- 1 An order as referred to in [Article 12k of the Code of Criminal Procedure](#) revives the right to prosecute , after fulfillment of the conditions set in accordance with [Article 74](#) , as if it had not lapsed.
- 2 Following an order as referred to in the previous paragraph, amounts paid in application of [Article 74, paragraph 2, under a, c and d](#) , shall be reimbursed without delay to the person who paid them.
- 3 If an order as referred to in the first paragraph is followed by a conviction, the court shall take into account the surrender or extradition by the convicted person of objects pursuant to [Article 74, paragraph 2\(b\) and \(c\)](#) , the compensation for damage pursuant to [Article 74, paragraph 2\(e\)](#), and the unpaid work performed or the training project followed pursuant to [Article 74, paragraph 2\(f\)](#).
- 4 If, following an order as referred to in the first paragraph, the case ends in which a condition as referred to in [Article 74, paragraph 2\(f\)](#) , has been imposed without the imposition of a penalty or measure, the court may, at the request of the former suspect, award him or her compensation at the expense of the State for the damage suffered as a result of the unpaid work performed or the training project completed. Damage includes any loss that does not consist of financial loss. [Articles 533, paragraphs 3, 4, and 6](#) , [534](#) , [535](#) , and [536 of the Code of Criminal Procedure](#) apply mutatis mutandis.

Article 74c

[Expired as of April 1, 2013]

Article 75

[Expired as of January 1, 2020]

Article 76

[Expired as of January 1, 2020]

Article 76a

[Expired as of January 1, 2020]

Article 77

- 1 The right to prosecute shall lapse upon the transfer of prosecution to a foreign state in accordance with the provisions of Title 3 of Book Five of the Code of Criminal Procedure.
- 2 In the case referred to in the first paragraph, the right to prosecute shall revive if the authorities of the State which had taken over the prosecution reverse that decision or announce that no prosecution will be instituted or that prosecution has been discontinued.

Title VIII A. Special provisions for juveniles and young adults

Article 77a

With regard to a person who, at the time of committing a criminal offence, has reached the age of twelve but not yet eighteen, Articles 9, first to fourth paragraph , 10 , 14a to 22d , 24b , 24c , 27 to 36 , 37a to 38p , 43a to 44 , and 57 to 62 shall not apply. They shall be replaced by the special provisions contained in Articles 77d to 77gg .

Article 77b

- 1 With regard to a person who, at the time of the commission of a criminal offence, has reached the age of sixteen but not yet eighteen, the court may disregard Articles 77g to 77gg and render a judgment in accordance with the provisions of the preceding titles, if it finds grounds to do so in the seriousness of the offence committed, the personality of the perpetrator or the circumstances in which the offence was committed.
- 2 In application of the first paragraph, life imprisonment may not be imposed.

Article 77c

- 1 With regard to a young adult who, at the time of the commission of the criminal offence, has reached the age of eighteen years but not yet twenty-three years, the court may, if it finds grounds for doing so based on the personality of the offender or the circumstances in which the offence was committed, render justice in accordance with Articles 77g to 77hh inclusive .
- 2 Article 77e shall not apply.

Article 77d

- 1 The limitation period for the right to prosecute, referred to in Article 70 , shall, in respect of criminal offences, be reduced to half the duration referred to therein.
- 2 The first paragraph does not apply to the offence described in Article 251 committed by a person who, at the time of the commission of the offence, has reached the age of sixteen years in relation to a person who has not yet reached the age of eighteen years.
- 3 The right to prosecute expires after twenty years for:
 - a. crimes punishable by imprisonment of twelve years or more; and
 - b. the offences described in Articles 242 , 243, first paragraph , 245 , 246, first paragraph , 247, first and second paragraphs , 249, first paragraph , 252 , 253 and the offence described in Article 241, first and second paragraphs , if the act is committed against a person who has not yet reached the age of eighteen years.

Article 77e

- 1 The investigating officer designated for this purpose by the public prosecutor may, after obtaining permission from the public prosecutor, propose to the suspect that they participate in a project. This participation serves to prevent the prepared report from being sent to the public prosecutor. The criminal offenses that can be dealt with in this way shall be designated by general administrative order.
- 2 In the case of a proposal as referred to in the first paragraph, the investigating officer informs the suspect that they are not obligated to participate in the project and informs them of the possible consequences of not participating. The proposal, the notification, and the information about the possible consequences are also provided to the suspect in writing.
- 3 The public prosecutor shall provide general instructions regarding the manner of handling the case pursuant to the first paragraph. These instructions shall, in any case, concern:
 - a. the projects and categories of criminal offences which, given the nature of these projects, are eligible for this method of settlement;
 - b. the duration of participation, depending on the nature of the offence and the project and
 - c. the manner in which the public prosecutor's consent can be obtained.
- 4 The duration of participation is a maximum of twenty hours.
- 5 If the investigating officer referred to in the first paragraph is of the opinion that the suspect has properly participated in a project, they shall notify the public prosecutor and the suspect in writing. This shall terminate the right to prosecute, unless an order is issued as referred to in Article 12i of the Code of Criminal Procedure . In that case, the judge, when imposing a sentence, shall take the completed participation into account.

Article 77f

[Amendment(s) without an effective date. See the list of changes .]

- 1 In a penalty order, the public prosecutor may also indicate that:

- a. the young person will comply with the instructions of a certified institution, as referred to in Article 1.1 of the Youth Act, for a period to be determined therein of no more than six months;
 - b. if the juvenile has already reached the age of sixteen at the time the criminal offence is committed, the public prosecutor may instead direct that the juvenile comply with the instructions of a probation institution as referred to in Article 14c, sixth paragraph.
- 2 By way of exception to Article 257a, paragraph 2, subparagraph a, of the Code of Criminal Procedure, the public prosecutor may impose a community service order of up to sixty hours in a penalty order.

Article 77g

- 1 Instead of the penalties imposed for an offence, the penalties and measures provided for in this Title shall be imposed.
- 2 A principal penalty may be imposed either separately or in conjunction with other principal penalties or with additional penalties.
- 3 A measure may be imposed either separately or together with main penalties, with additional penalties and with other measures.

Article 77h

- 1 The main penalties are:
 - a. in case of a crime: juvenile detention, community service or fine;
 - b. in case of violation: community service or fine.
- 2 A community service order consists of:
 - a. a community service order, being the performance of unpaid work or the performance of work to repair the damage caused by the criminal offense, or
 - b. an educational punishment, being following a learning project, or
 - c. a combination of community service and educational punishment.
- 3 The additional penalties are:
 - a. confiscation;
 - b. disqualification from driving motor vehicles.
- 4 The measures are:
 - a. placement in a youth institution;
 - b. measure concerning the behavior of the young person;
 - c. withdrawal from traffic;
 - d. deprivation of unlawfully obtained profits;
 - e. compensation;
 - f. restrictive measure.

Article 77i

- 1 The duration of juvenile detention is:
 - a. for the person who at the time the crime was committed had not yet reached the age of sixteen: at least one day and at most twelve months, and
 - b. otherwise not more than twenty-four months.
- 2 The duration of juvenile detention is specified in the court ruling in days, weeks or months.
- 3 Article 27 applies mutatis mutandis in the event of a sentence to juvenile detention.

Article 77j

[Expired as of January 1, 2020]

Article 77k

[Expired as of January 1, 2020]

Article 77l

- 1 The amount of the fine shall be at least the amount specified in Article 23, paragraph 2, and at most the maximum of a category 2 fine. Article 24a shall apply mutatis mutandis, provided that the court or public prosecutor may order any fine to be paid in installments. The court or public prosecutor shall determine the amount of each installment.
- 2 The court may, in the judgment imposing a fine, order that in the event that full payment or full recovery of the amount due does not follow, alternative juvenile detention will be applied.

Article 77m

- 1 The judgment or penalty order will state whether the community service order consists of work, an educational order, or a combination of both, as well as the number of hours the order will last. The judgment or penalty order may specify the nature and content of the work to be performed or the educational project to be completed.
- 2 The duration of the unpaid work imposed by the court or of the work to make good the damage caused by the criminal offence shall not exceed two hundred hours.
- 3 The duration of a learning project is a maximum of two hundred hours.
- 4 If more than one community service order is imposed, the total number of hours shall not exceed two hundred and forty.
- 5 Article 27, first and fourth paragraphs , apply accordingly in the event of a conviction by the court to a community service order.

Article 77ma

- 1 A community service order will not be imposed in the event of a conviction for a crime punishable by a prison sentence of six years or more according to the legal definition and which has resulted in a serious infringement of the victim's physical integrity.
- 2 The first paragraph may be deviated from if, in addition to the community service order, juvenile detention, a measure concerning behaviour or a measure requiring placement in a youth institution is imposed.

Article 77n

- 1 In the judgment imposing community service, the judge orders that alternative juvenile detention will be applied if the convicted person does not perform the community service properly.
- 2 The duration of the alternative youth detention is determined in full days, weeks or months.
- 3 The alternative juvenile detention sentence lasts at least one day and a maximum of four months. For every two hours of community service, no more than one day is imposed.

Article 77o

[Expired as of January 1, 2020]

Article 77p

[Expired as of January 1, 2020]

Article 77q

[Expired as of January 1, 2020]

Article 77r

Disqualification from driving a motor vehicle is only possible in the cases listed in Articles 179 , 179a , and 180 of the Road Traffic Act 1994 and in Article 30, paragraph 6, of the Motor Vehicle Liability Insurance Act (Stb. 1963, 228). These articles apply accordingly.

Article 77s

[Amendment(s) without an effective date. See the list of changes .]

- 1 The suspect who had a defective development or a pathological disorder of mental faculties at the time the crime was committed may be ordered to place the suspect in a juvenile institution if:
 - a. the fact for which the measure is imposed is an offence punishable by a prison sentence of four years or more according to the statutory description, or is one of the offences described in Articles 132 , 285, first paragraph , 285b and 395 of the Criminal Code, 175, second paragraph, component b, or third paragraph in conjunction with the first paragraph, component b, of the Road Traffic Act 1994 , and 11, second paragraph, of the Opium Act , and
 - b. the safety of others or the general safety of persons or goods requires the imposition of such a measure, and
 - c. the measure is in the interest of the most favourable possible further development of the suspect.
- 2 The judge will impose the measure only after obtaining a reasoned, dated, and signed opinion from at least two behavioral experts from different disciplines. One of these behavioral experts must be a psychiatrist. The opinion is issued jointly by the experts or individually by each of them. If this opinion is dated more than one year before the start of the hearing, the judge may only use it with the consent of the Public Prosecution Service and the defendant.
- 3 When applying the first paragraph, the judge may refrain from imposing a penalty, even if he is of the opinion that the act can be attributed to the suspect.
- 4 When imposing the measure, the judge will take into account the seriousness of the offence committed or the number of previous convictions for a criminal offence.
- 5 The second paragraph does not apply if the person concerned refuses to cooperate with the investigation that must be conducted for the purpose of the recommendation. Where possible, the behavioral experts will jointly or individually prepare a report on the reason for the refusal. The judge will, where possible, submit

another recommendation or report that can inform them about the desirability or necessity of imposing the measure and to the preparation of which the person concerned is willing to cooperate.

6 If the measure has been imposed, Our Minister shall assign the enforcement to an institution as referred to in Article 1, under b, of the Principles Act on Juvenile Detention Centres , or shall have the convicted person committed elsewhere.

7 The measure will apply for a period of three years.

Article 77t

1 If the measure ends conditionally on the basis of Article 6:2:22, first paragraph, of the Code of Criminal Procedure or on the basis of the second paragraph, the following conditions are automatically attached to it:

- a. the convicted person is not guilty of a criminal offense at the time of the conditional termination;
- b. the convicted person cooperates in the taking of one or more fingerprints for the purpose of establishing his identity or presents for inspection an identity document as referred to in Article 1 of the Identification Obligation Act and cooperates with the supervision by the certified institution referred to in Article 1.1 of the Youth Act or a probation institution as referred to in Article 14c, sixth paragraph .

2 One year after the conditional termination of the measure, it will automatically end unconditionally, unless the conditional termination is extended pursuant to Article 6:6:32 of the Code of Criminal Procedure . In cases where the conditional termination is extended, the measure will end unconditionally after the maximum duration of the conditional termination has been reached.

Article 77tb

[Expired as of January 1, 2020]

Article 77tc

[Expired as of January 1, 2020]

Article 77u

[Expired as of January 1, 2020]

[Amendment(s) without an effective date. See the list of changes .]

Article 77v

[Expired as of January 1, 2020]

Article 77w

1 The measure concerning the young person's conduct may only be imposed if:

- a. the seriousness of the crime committed or the frequency of crimes committed or previous convictions for crime give rise to this, and
- b. the measure is in the interest of the most favourable possible further development of the suspect.

2 The judge will impose the measure only after obtaining a reasoned, dated, and signed recommendation from the Child Protection Board, supported by at least one behavioral expert. If this recommendation is dated more than one year before the start of the hearing, the judge may only use it with the consent of the Public Prosecution Service and the suspect. If the measure is imposed pursuant to Article 77c on a young adult who, at the time of the offense or offenses giving rise to the imposition of the measure, was eighteen but not yet twenty-three years of age, a recommendation from the Child Protection Board may be omitted, and a recommendation from a behavioral expert will suffice.

3 The judge will indicate in his or her ruling what the measure consists of. The measure may include the convicted person participating in a program at an institution designated by the judge, or an outpatient program supervised by an organization designated by the judge.

4 In support of the programme referred to in the third paragraph, the judge may order that the convicted person remain overnight in an institution as referred to in the Youth Juvenile Detention Centres Principles Act.

5 Electronic monitoring may be linked to the programme.

6 The judge may, in his ruling, either ex officio or at the request of the Public Prosecution Service, order that the programme be implemented immediately if there is a serious risk that the convicted person will commit another criminal offence or engage in incriminating behaviour and if the immediate implementation is in the interests of the young person.

7 The order referred to in the sixth paragraph may be lifted by the judge hearing the appeal, ex officio, at the request of the convicted person or at the request of the Public Prosecution Service.

8 The measure shall be imposed for a period of at least six months and at most one year.

9 The measure ends automatically when a court decision becomes final and binding in which the suspect is again ordered to comply with the measure or to be placed in a youth institution.

Article 77wa

- 1 The court may determine that the programme referred to in Article 77w, third paragraph , will consist in whole or in part of a form of youth care as referred to in Article 1.1 of the Youth Act .
- 2 If the court has applied the provisions of the first paragraph, the council shall immediately notify the certified institution referred to in Article 1.1 of the Youth Act thereof .

Article 77wb

- 1 In the judgment imposing the measure concerning the juvenile's conduct, the judge shall order that alternative juvenile detention be applied if the convicted person has not properly cooperated with the implementation of the measure.
- 2 The duration of the alternative youth detention order is determined in full days, weeks, or months. For each month for which the measure is imposed, the alternative youth detention order amounts to a maximum of one month.

Article 77wd

[Expired as of January 1, 2020]

Article 77we

- 1 In the judgment imposing the restrictive measure, the judge orders that alternative juvenile detention will be applied in the event that the measure is not complied with.
- 2 Articles 38v , 38w, second to fourth paragraphs , and Article 6:3:10, third paragraph, of the Code of Criminal Procedure shall apply mutatis mutandis.

Article 77wf

[Expired as of January 1, 2020]

Article 77x

- 1 In the event of a conviction to juvenile detention, not including alternative juvenile detention, to community service, to a fine or to a ban on driving motor vehicles, the court may determine that it will not be enforced in whole or in part.
- 2 In the case of a sentence to placement in a juvenile detention center, the judge may order that it not be executed. Article 6:6:10a of the Code of Criminal Procedure applies accordingly.

Article 77y

- 1 The judge who determines that a sentence or measure imposed by him will not be enforced shall set a probation period of no more than two years.
- 2 The probationary period begins:
 - a. if a notice as referred to in Article 366a, first and second paragraph, of the Code of Criminal Procedure has been served or sent, on the fifteenth day after the final judgment has been rendered, unless the judgment or decision has not become final due to the timely application of a legal remedy;
 - b. if a notice as referred to in Article 366a, third paragraph, of the Code of Criminal Procedure must be served, on the fifteenth day after such service, unless the judgment or decision has not become final due to the timely application of a legal remedy;
 - c. if the judge has given an order as referred to in Article 77za, paragraph 1 , on the day of the final judgment.

Article 77z

- 1 Article 77x is applied under the general condition that the convicted person does not commit a criminal offence before the end of the probation period.
- 2 In applying Article 77x, the following special conditions may also be imposed, which the convicted person must comply with during the probation period, or a part thereof to be determined in the sentencing, or within a period to be determined by the judge, but no more than equal to the probation period:
 - 1st. full or partial compensation for the damage caused by the criminal offense;
 - 2°. full or partial compensation for the damage caused by the criminal offence;
 - 3°. deposit of a security deposit to be determined by the court, not exceeding the difference between the maximum fine that can be imposed for the offence and the fine imposed;
 - 4°. Depositing a sum of money, to be determined by the court, into the violent crimes compensation fund or to an institution that aims to represent the interests of victims of crimes. The amount cannot exceed the maximum fine that can be imposed for the offense;
 - 5°. a ban on making or allowing contact to be made with certain persons or institutions;
 - 6°. a prohibition on being at or in the immediate vicinity of a particular location;
 - 7°. an obligation to be present at a particular location at certain times or for a certain period;
 - 8°. an obligation to report to a specific authority at specific times;
 - 9°. a ban on the use of narcotics or alcohol and the obligation to cooperate in blood tests or urine tests to ensure compliance with this ban;

- 10°. admission of the convicted person to a care institution;
 - 11th. an obligation to seek treatment from an expert or healthcare institution;
 - 12°. staying in an institution for assisted living or social care;
 - 13°. participating in a behavioral intervention;
 - 14°. attending education for a certain period, no more than equal to the probationary period;
 - 15°. other conditions concerning the conduct of the convicted person.
- 3 If a special condition has been imposed in the application of Article 77x , this is automatically subject to the conditions that the convicted person:
- a. cooperates in the taking of one or more fingerprints for the purpose of establishing his identity or presents an identity document as referred to in Article 1 of the Identification Obligation Act for inspection; and
 - b. cooperates with the probation supervision referred to in Article 77aa, first to fourth paragraph , including cooperation with home visits and reporting to the probation institution as often and for as long as the probation institution deems this necessary.
- 4 Electronic monitoring may be attached to a special condition.
- 5 The conditions in the second paragraph, parts 10°, 11° or 15° and the behavioural intervention referred to in the second paragraph, part 13°, may consist wholly or partly of youth care as referred to in Article 1.1 of the Youth Act .

Article 77za

The court may, in its judgment, either ex officio or at the request of the Public Prosecution Service, order that the conditions imposed pursuant to Article 77z , and the supervision to be exercised pursuant to Article 77aa , be immediately enforceable if there is serious reason to believe that the convicted person will again commit a crime that is directed against or endangers the physical integrity of one or more persons.

Article 77aa

- 1 The court may instruct a certified institution as referred to in Article 1.1 of the Youth Act or, in special cases and after consultation with such a legal entity, a private individual, to monitor compliance with the conditions and to guide the convicted person to that end.
- 2 If the convicted person has been placed under supervision pursuant to Article 255 of Book 1 of the Civil Code , the court may instruct a certified institution as referred to in Article 1.1 of the Youth Act to provide the convicted person with assistance and support in complying with the special conditions.
- 3 If the young person has reached the age of sixteen, the court may instruct a probation institution referred to in Article 14c, sixth paragraph , to monitor compliance with the conditions and to guide the convicted person to that end.
- 4 By general administrative order, on the recommendation of Our Minister of Justice and Security and Our Minister of Health, Welfare and Sport, rules may be established regarding the nature and extent of the supervision and guidance referred to in the first and second paragraphs.

Article 77bb

Article 366a of the Code of Criminal Procedure applies mutatis mutandis to the notification of the conviction, whereby Articles 77x and 77z have been applied.

Article 77cc

[Expired as of January 1, 2020]

Article 77cca

[Expired as of January 1, 2020]

Article 77dd

[Expired as of January 1, 2020]

Article 77ee

[Expired as of January 1, 2020]

Article 77ff

[Expired as of January 1, 2020]

Article 77gg

- 1 The penalties and measures provided for in this Title shall be the same for attempt, preparation, participation and complicity as for the completed crime.
- 2 In the case of a concurrence of offenses, multiple offenses that should be considered separate acts are considered a single offense for the purposes of imposing penalties and sanctions. Article 63 applies to penalties.

Article 77hh

[Expired as of January 1, 2020]

Title IX. Meaning of certain expressions in the Code

Article 78

Where reference is made to a crime in general or to any crime in particular, this includes complicity in, attempt at, and preparation of that crime, unless the contrary follows from any provision.

Article 78a

[Amendment(s) without an effective date. See the [list of changes](#) .]

- 1** Where this Code authorises the hearing, interrogation or questioning of persons, this also includes, except in cases to be determined by general administrative order, hearing, interrogation or questioning by video conference, whereby a direct image and sound connection is established between the persons involved.
- 2** The presiding judge, the judge, the examining magistrate, or the official responsible for conducting the hearing will decide whether videoconferencing will be used, taking into account the interests of the investigation. Before deciding, the person to be heard or their counsel, and where applicable, the public prosecutor, will be given the opportunity to express their opinion on the use of videoconferencing. Further rules on this matter may be established by general administrative order.
- 3** There is no separate legal remedy available against the decision to use videoconferencing.
- 4** Rules are established by or pursuant to general administrative measures regarding:
 - a.** the requirements that videoconferencing technology must meet, including with a view to the inviolability of recorded observations;
 - b.** the control of compliance with the requirements referred to under a.

Article 78b

Where reference is made to a conviction, this is understood to include a penal order, unless the contrary follows from any provision.

Article 78c

Where reference is made to a previous or earlier conviction for a criminal offence, this also includes a previous or earlier irrevocable conviction by a criminal court in another Member State of the European Union for similar offences.

Article 79

An attempt to commit an act exists as soon as the perpetrator's intention has manifested itself by commencing execution within the meaning of [Article 45](#) .

Article 80

Conspiracy exists when two or more persons agree to commit the crime.

Article 80a

By revolution is meant the destruction or unlawful alteration of the constitutional form of government or the order of succession to the throne.

Article 80ter

A prohibited place means any place that has been designated as a prohibited place under the [Protection of State Secrets Act](#) .

Article 80quater

Data the confidentiality of which is required in the interests of the State also includes data belonging to or derived from information, resources or materials, or research carried out with the aid thereof or working methods applied, the confidentiality of which is subject to rules established pursuant to [Article 68 of the Nuclear Energy Act](#) .

Article 80quinquies

Data means any representation of facts, concepts or instructions, in an agreed form, suitable for transmission, interpretation or processing by humans or automated systems.

Article 80sexies

An automated work means a device or a group of interconnected or related devices, one or more of which automatically processes computer data based on a program.

Article 80septies

- 1** A non-cash payment instrument means:

- a. a secured object, other than coins or banknotes;
 - b. a secure registration or shielded data,
- suitable for initiating a payment order.
- 2 A non-cash payment instrument also includes a secure object, a secure registration or shielded data, suitable for initiating a payment order by means of virtual currency as referred to in Article 1, paragraph 1, of the Money Laundering and Terrorist Financing (Prevention) Act .

Article 81

Committing violence is equated with bringing someone into a state of unconsciousness or powerlessness.

Article 82

- 1 Serious bodily harm includes illness that leaves no prospect of complete recovery, continued inability to perform official or professional duties, and abortion or death of a woman's fetus.
- 2 Serious bodily injury also includes disturbance of mental faculties that has lasted longer than four weeks.

Article 82a

Depriving another person of life or a child at or shortly after birth means killing a fetus that can reasonably be expected to survive outside the mother's body.

Article 83

A terrorist offence is defined as:

- 1st any of the offences described in Articles 92 to 96 , 108, second paragraph , 115, second paragraph , 117, second paragraph , 121 , 122 , 157, section 3 ° , 161quater , section 2 ° , 164, second paragraph , 166, section 3 ° , 168, section 2 ° , 170, section 3 ° , 174, second paragraph , and 289 , as well as in Article 80, second paragraph, of the Nuclear Energy Act , if the offence was committed with a terrorist objective;
- 2nd. any of the offences punishable by a prison sentence pursuant to Articles 114a , 114b , 120a , 120b , 130a , 138b, fifth paragraph , 176a , 176b , 282c , 289a , 304a , 304b , 354a, second paragraph , 415a and 415b , and Article 80, third paragraph, of the Nuclear Energy Act;
- 3rd. any of the offences described in Articles 140a , 282b , 285, third paragraph , and 288a , as well as in Article 55, fifth paragraph, of the Weapons and Ammunition Act , Article 6, fourth paragraph, of the Economic Offences Act , Article 33b of the Explosives for Civil Uses Act and Article 79 of the Nuclear Energy Act .

Article 83a

Terrorist intent means the intent to seriously intimidate the population or part of the population of a country, or to unlawfully compel a government or international organisation to do, refrain from doing or tolerate something, or to seriously disrupt or destroy the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Article 83b

An offence for the preparation or facilitation of a terrorist offence means any of the offences described in Articles 131, paragraph 2 , 132, paragraph 3 , 134a , 138b, paragraph 4 , 197a, paragraph 7 , 205, paragraph 3 , 225, paragraph 3 , 285, paragraph 4 , 311, paragraph 1, subparagraph 6 ° , 312, paragraph 2, subparagraph 5 ° , 317, paragraph 3 , in conjunction with 312, paragraph 2, under 5 ° , 318, paragraph 2 , 322a , 326, paragraph 2 , 354a and 421 .

Article 84

- 1 Civil servants are understood to mean members of general representative bodies.
- 2 The terms civil servants and judges include arbitrators; the terms judges include those who exercise administrative jurisdiction.
- 3 All those belonging to the armed forces are also considered civil servants.

Article 84a

A merchant is understood to mean any person who conducts a business.

Article 84ter

[Expired as of January 1, 2010]

Article 85

- 1 Skipper means any captain of a vessel or any person replacing it.
- 2 Passengers are all those on board, with the exception of the skipper.
- 3 Crew members are all those on board as ship's officers or ship's companions.
- 4 Neither vessels under construction nor ships under construction are considered as vessels or ships.

Article 86

Dutch vessels are understood to mean only those vessels which are entitled to fly the flag of the Kingdom under the legal rules applicable to the Netherlands.

Article 86a

1 Dutch aircraft are defined as:

- a. aircraft registered in Dutch aircraft registers;
 - b. aircraft leased without crew to a lessee who has his principal place of business or, if the lessee does not have such a place of business, his permanent residence, in the Netherlands.
- 2 An aircraft is considered to be in flight from the moment all external doors are closed after boarding until the moment one of the doors is opened for disembarkation. In the event of an emergency landing, the flight is considered to continue until the competent authorities assume responsibility for the aircraft and for the persons and property on board.
- 3 An aircraft is considered to be in operation from the start of its preparation for a particular flight by the ground crew or the flight crew until twenty-four hours have elapsed since landing. The period during which the aircraft is in operation shall, in any case, extend to the entire period during which the aircraft is in flight, as defined in the second paragraph.

Article 86b

For the application of Title I of this Book, having a permanent residence or abode in the Netherlands means residing lawfully in the Netherlands for an uninterrupted period of five years or longer.

Article 87

- 1 The enemy is understood to mean insurgents.
- 2 War is understood as civil war.
- 3 Wartime is defined as the time when war is imminent. Wartime is also considered to exist when conscripts are called up for active duty on an extraordinary basis and for as long as they are kept on active duty on an extraordinary basis.

Article 87a

A friendly state is understood to be a foreign power with which the Netherlands is not involved in an armed conflict.

Article 87b

- 1 An internationally protected person means a person falling within the definition in Article 1, paragraph 1, of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomats of 14 December 1973 (*Trb.* 1981, 69).
- 2 An internationally protected person also includes a person falling within the definition in Article 1, paragraph a or b, of the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994 (*Trb.* 1996, 62), as supplemented by the Optional Protocol of 8 December 2005 (*Trb.* 2006, 211).
- 3 Protected goods are those referred to in Article 2, paragraph 1(b), of the Convention referred to in paragraph 1, and in Article 9, paragraph 1(b), of the Convention referred to in paragraph 2.

Article 88

[Amendment(s) without an effective date. See the list of changes .]

A month means a period of thirty days, and a day, except for the application of the General Time Limits Act , means a period of twenty-four hours.

Article 89

Climbing includes undercutting, as well as crossing ditches or canals intended for closure.

Article 90

False keys are understood to mean all tools not intended for opening the lock.

Article 90a

- 1 A buyer is defined as someone who makes a profession or habit of buying.
- 2 The term 'purchase' means all acts, however named, which are clearly intended to have the same purpose.

Article 90ter

- 1 Electrical works are understood to mean works intended for the production, conduction, transformation or supply of electricity and related safety, fastening, support and warning works.
- 2 Electrical works do not include telegraph and telephone works.

Article 90quater

- 1** Discrimination or discriminating against means any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of social life.
- 2** Discriminatory intent means the intent to express hatred or discrimination against a group of persons on the grounds of their race, religion or belief, gender, sexual orientation or disability.

Article 90quinquies

[Amendment(s) without an effective date. See the [list of changes](#) .]

An institution for the care of persons placed at the disposal of the authorities is defined as an institution as referred to in [Article 1.1, section g, of the Forensic Care Act](#) .

Article 90sexies

[Amendment(s) without an effective date. See the [list of changes](#) .]

A psychiatric hospital is defined as:

- 1st.** an accommodation as referred to in [Article 1:1, first paragraph, part b, of the Compulsory Mental Health Care Act](#) ;
- 2o.** an accommodation as referred to in [Article 1, paragraph 1, section b, of the Care and Compulsion Act for Psychogeriatric and Intellectually Handicapped Clients](#) .

Article 90septies

A psychiatrist is a physician who is authorized to use the title of psychiatrist or neurologist.

Article 90octies

Where reference is made to marriage or spouse, this also includes, with the exception of [Article 449](#) , registered partnership or registered partner.

Article 90novies

- 1** The use of force instruction refers to the generally binding regulations issued by or pursuant to the [Police Act 2012](#) and the [Special Investigation Services Act](#), which contain instructions addressed to civil servants regarding the use of force.
- 2** The first paragraph shall be deemed to be equivalent to regulations containing instructions addressed to civil servants concerning the use of force applicable in the country in which the civil servant is at that time exercising his duties in a manner permitted by international law.
- 3** The first paragraph shall be deemed to be equivalent to generally binding regulations containing instructions regarding the use of force directed at persons in the public service of a foreign state who perform their duties in the Netherlands in a manner permitted by international law.

Final provision**Article 91**

The provisions of [Titles I-VIII A of this Book](#) also apply to acts punishable by other laws or regulations, unless the law provides otherwise.

Book Two. Crimes**Title I. Crimes against State Security****Article 92**

An attack committed with the intention of depriving the King, the reigning Queen or the Regent of life or liberty, or rendering them unfit to rule, is punishable by life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine.

Article 93

An attack undertaken with the intention of bringing the Kingdom, in whole or in part, under foreign rule or of seceding from it shall be punishable by life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine.

Article 94

An attack committed with the intention of destroying or unlawfully altering the constitutional form of government or the order of succession to the throne is punishable by life imprisonment or a term of imprisonment not exceeding thirty years or a category five fine.

Article 95

Any person who, by force or threat of force, disperses a meeting of the Governing Council, compels it to take or refrain from taking any decision, removes a member from that meeting, or deliberately prevents a member from attending that meeting or from performing his duties therein freely and unhindered, shall be punished with life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine.

Article 95a

Any person who, by means of violence or the threat of violence, disperses a meeting of the Council of Ministers, compels it to take or refrain from taking any decision, removes a member from that meeting, or deliberately prevents a member from attending that meeting or from performing his duties therein freely and unhindered, shall be punished with life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine.

Article 96

- 1** Conspiracy to commit any of the offences described in Articles 92-95a is punishable by a prison sentence of not more than ten years or a category 5 fine.
- 2** The same penalty shall apply to any person who, with the intention of preparing or promoting any of the offences referred to in Articles 92 to 95a :
 - 1st.** attempts to induce another to commit, have committed or participate in the commission of the crime, to assist in doing so or to provide the opportunity, means or information to do so;
 - 2°.** attempts to obtain the opportunity, means or information to commit the crime for himself or others;
 - 3°.** has in his possession objects which he knows are intended to be used to commit the crime;
 - 4°.** prepares or has in his possession plans for the execution of the crime which are intended to be communicated to others;
 - 5°.** attempts to prevent, hinder or thwart any governmental measure taken to prevent or suppress the commission of the crime.

Article 97

- 1** He who enters into communications with a foreign power with the intention of inciting it to commit hostilities or to wage war against him, of strengthening it in its intention to do so, of promising it assistance in doing so or of assisting it in its preparation, shall be punished with life imprisonment or a term of imprisonment not exceeding thirty years or a fine of the fifth category.
- 2** Acts committed in preparation for a crime as described in the preceding paragraph shall be punishable by a prison sentence of not more than ten years or a category five fine.

Article 97a

Any person who enters into contact with a person or body established abroad with the intention of inducing such a person or body to provide support in preparing, promoting or bringing about revolution, or of strengthening such a person or body in the intention conceived to do so, or of promising or providing such a person or body with assistance in doing so, or of preparing, promoting or bringing about revolution, shall be punished with life imprisonment or a term of imprisonment not exceeding thirty years or a fine of the fifth category.

Article 97b

The following shall be punishable by a prison sentence of not more than ten years or a fine of the fifth category:

- 1st.** he who imports any object capable of providing material support for the preparation, promotion or bringing about of revolution, if he knows or has serious reason to suspect that it is intended for that purpose;
- 2°.** any person who has in his possession or makes into the subject of an agreement any object suitable for providing material support for the preparation, promotion or bringing about of revolution, if he knows or has serious reason to suspect that it is intended for that purpose and that the object or any other object it has replaced was either imported for that purpose or was intended for that purpose by or on behalf of a person or body established abroad.

Article 98

- 1** Any person who intentionally provides or makes available information, the secrecy of which is required by the interests of the State or of its allies, an object from which such information can be derived, or such data to a person or body not authorised to receive it, shall, if he knows or has reasonable cause to suspect that it concerns such information, such an object or such data, be punished with a prison sentence of not more than eight years or a fine of the fifth category.
- 2** The same penalty shall be imposed on any person who intentionally provides or makes available information originating from a prohibited place and relating to the security of the State or of its allies, an object from which such information can be obtained, or such data to a person or body not authorised to receive it, if he knows or has reasonable grounds to suspect that it concerns such information, such an object or such data.

Article 98a

- 1 Any person who intentionally makes public or, without being authorised to do so, intentionally provides or makes available information, an object or data as referred to in [Article 98](#) to a foreign power, a person or body established abroad, or such a person or body that there is a risk that the information or data will become known to a foreign power or to a person or body established abroad, shall, if he knows or has reasonable cause to suspect that it concerns such information or data, be punished with a prison sentence of not more than fifteen years or a fine of the fifth category.
- 2 If the offender acted in time of war or in the service or on the orders of a foreign power or of a person or body established abroad, the penalty may be life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine.
- 3 Acts committed in preparation for a crime as described in the preceding paragraphs shall be punishable by a prison sentence of not more than six years or a category 5 fine.

Article 98b

Any person through whose negligence any information, object or data referred to in [Article 98](#) is made public or becomes available to a person or body not authorised to receive it, shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 98c

- 1 The following shall be punishable by a prison sentence of not more than eight years or a fine of the fifth category:
 - 1st. he who intentionally takes or keeps information, an object or data as referred to in [Article 98 without being entitled to do so](#);
 - 2°. he who performs any act undertaken with the intention of obtaining, without being entitled to do so, information, an object or data referred to in [Article 98](#) ;
 - 3°. he who stealthily, under false pretense, by means of a disguise or by any means other than the usual entrance, enters or attempts to enter a prohibited place, is present there in such a manner, or removes or attempts to remove himself from there in one of these ways or by one of these means.
- 2 The provision under 3° is not applicable if the court finds that the perpetrator did not act with the intention referred to under 2°.

Article 98d

- 1 A prison sentence of not more than eight years or a fine of the fifth category shall be imposed on any person who, knowing that there is a risk of danger to the security of the State, its allies or an international organisation, to vital infrastructure, to the integrity and exclusivity of high technologies, or to the safety of one or more persons, intentionally acts in secret association with a foreign power
 - 1st. harmful acts committed for the benefit of that foreign power; or
 - 2°. provides that foreign power directly or indirectly with information, an object or data.
- 2 The same penalty shall be imposed on anyone who induces another to commit the acts referred to in the first paragraph.
- 3 A prison sentence of up to twelve years or a fine of the fifth category shall be imposed if the act:
 - a. committed in time of war;
 - b. results in serious bodily harm or death.

Article 99

Any person who deliberately conducts negotiations with a foreign power, assigned to him by the government, to the detriment of the State, shall be punished with a prison sentence of not more than fifteen years or a fine of the fifth category.

Article 100

The following shall be punishable by a prison sentence of not more than ten years or a fine of the fifth category:

- 1st. he who, in the event of a war in which the Netherlands is not involved, deliberately performs any act which creates the risk of the State becoming involved in a war, or deliberately violates any special government regulation issued and announced to enforce non-participation in the war;
- 2°. he who, in time of war, wilfully violates any government regulation issued and promulgated in the interest of state security.

Article 101

A Dutch national who, in anticipation of war with a foreign power, voluntarily enters military service with that power shall, if war breaks out, be punished with a prison sentence of not more than fifteen years or a category 5 fine.

Article 102

He who intentionally, in time of war, provides assistance to the enemy or harms the State vis-à-vis the enemy shall be punished with life imprisonment or a temporary imprisonment of not more than thirty years or a fine of the fifth category.

Article 103

Conspiracy to commit the offence described in [Article 102](#) shall be punishable by a prison sentence of not more than ten years or a category 5 fine.

Article 103a

No criminal liability shall be imposed on anyone who has committed one of the crimes described in [Articles 102](#) and [103](#) in the reasonable belief that he would not harm Dutch interests.

Article 104

A prison sentence of not more than six years or a category five fine shall be imposed on any person who, in time of war, without intent to assist the enemy or to disadvantage the State vis-à-vis the enemy, intentionally:

- 1st. takes in, hides, or helps an enemy spy;
- 2°. causes or promotes the desertion of a soldier in the service of the Empire.

Article 105

- 1 Any person who, in time of war, commits any fraudulent act in the supply of supplies for the use of the armed forces, shall be punished with a prison sentence of not more than twelve years or a category 5 fine.
- 2 The same penalty shall be imposed on any person who, having the supervision over the delivery of the goods, intentionally allows the fraudulent act.

Article 106

- 1 In the event of conviction for an offence referred to in [Article 92](#), deprivation of the rights referred to in [Article 28, paragraph 1, points 1° to 4°](#), may be pronounced.
- 2 In the event of conviction for one of the offences referred to in [Articles 93 to 103](#), deprivation of the rights referred to in [Article 28, paragraph 1, points 1 to 3](#), may be pronounced.
- 3 If convicted of an offence referred to in [Article 105](#), the offender may be deprived of the right to exercise the profession in which he committed the offence and of the rights referred to in [Article 28, paragraph 1, points 1° to 4°](#), and publication of the judicial decision may be ordered.

Article 107

The penalties provided for the acts described in [Articles 102-105](#) shall be applicable if any of those acts are committed against or in relation to the allies of the State in a common war.

Article 107a

Articles [100, paragraph 2](#), and [101-107](#) apply mutatis mutandis in the event of an armed conflict that cannot be considered a war and in which the Netherlands is involved, either for the purpose of individual or collective self-defence or for the restoration of international peace and security.

Title II. Crimes against royal dignity

Article 108

- 1 An attack on the life or liberty of the King's spouse, the King's heir presumptive, or the King's spouse is punishable by a prison sentence of not more than fifteen years or a category five fine.
- 2 If the attempt on life results in death or is committed with premeditation, a penalty of life imprisonment or a term of imprisonment not exceeding thirty years or a fine of the fifth category shall be imposed.

Article 109

Any actual assault on the person of the King that does not fall under a more severe penal provision is punishable by a prison sentence of up to seven years and six months or a category 5 fine.

Article 110

Any actual assault on the person of the King's spouse, the King's heir presumptive, his spouse, or the Regent that does not fall under a more severe penal provision is punishable by a prison sentence of up to six years or a category 5 fine.

Article 111

[Expired as of January 1, 2020]

Article 112

[Expired as of January 1, 2020]

Article 113

[Expired as of January 1, 2020]

Article 114

In the event of conviction for one of the offences referred to in [Articles 108](#) , [109](#) and [110](#) , deprivation of the rights referred to in [Article 28, paragraph 1, points 1° to 4°](#) , may be pronounced.

Article 114a

If an offence punishable under [Article 108, paragraph 1](#) , [109](#) or [110](#) has been committed with a terrorist intent, the prison sentence provided for in that Article shall be increased by half and, if the offence is punishable by a prison sentence of not more than fifteen years, a life sentence or a prison sentence of not more than thirty years shall be imposed.

Article 114b

1 Conspiracy to commit the crimes described in [Article 108](#) , committed with a terrorist intent, is punishable by a prison sentence of not more than ten years or a category 5 fine.

2 [Article 96, paragraph 2](#) , shall apply mutatis mutandis.

Title III. Crimes against heads of friendly states and other internationally protected persons**Article 115**

1 An attack on the life or liberty of a head of a friendly state is punishable by a prison sentence of not more than fifteen years or a category five fine.

2 If the attempt on life results in death or is committed with premeditation, a penalty of life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine shall be imposed.

Article 116

Any actual assault on the person of a head of a friendly state, which does not fall under a more severe penal provision, is punishable by a prison sentence of not more than six years or a category 5 fine.

Article 117

1 An attack on the life or liberty of an internationally protected person is punishable by a prison sentence of not more than twelve years or a category five fine.

2 If the attempt on life results in death or is committed with premeditation, a penalty of life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine shall be imposed.

Article 117a

Any actual assault on the person of an internationally protected person, which does not fall under a more severe criminal provision, shall be punishable by a prison sentence of not more than three years or a fine of the fourth category.

Article 117b

Any person who intentionally uses violence against the protected property of an internationally protected person, if there is reason to fear that this would endanger the safety or liberty of that person, shall be punished with a prison sentence of not more than eight years or a fine of the fifth category.

Article 118

[Expired as of January 1, 2020]

Article 119

[Expired as of January 1, 2020]

Article 120

In the event of conviction for one of the offences referred to in [Articles 115](#) and [116](#) , deprivation of the rights referred to in [Article 28, paragraph 1, points 1° to 4°](#) , may be pronounced.

Article 120a

If an offence punishable in [Article 115, paragraph 1](#) , [116](#) , [117, paragraph 1](#) , [117a](#) or [117b](#) is committed with a terrorist intent, the prison sentence provided for in that Article shall be increased by half and, if the offence is punishable by a prison sentence of not more than fifteen years, a life sentence or a prison sentence of not more than thirty years shall be imposed.

Article 120b

- 1 Conspiracy to commit the crimes described in [Articles 115](#) and [117](#) , committed with a terrorist intent, is punishable by a prison sentence of not more than ten years or a category five fine.
- 2 [Article 96, paragraph 2](#) , shall apply mutatis mutandis.

Article 120c

In the event of conviction for one of the offences described in [Articles 117](#) , [117a](#) and [117b](#) , committed with a terrorist intent, as well as for conviction for one of the offences described in [Article 120b](#) , deprivation of the right referred to in [Article 28, paragraph 1, under 3°](#) , may be pronounced.

Title IV. Crimes concerning the exercise of state duties and rights**Article 121**

He who, by violence or threat of violence, disperses a meeting of both Houses of the States-General or of one of them, or compels it to take or refrain from taking any decision, or removes a Member, a Minister or a State Secretary from that meeting or deliberately prevents him or her from attending it or from performing his or her duties therein freely and unhindered, shall be punished with life imprisonment or a term of imprisonment not exceeding thirty years or a category five fine.

Article 121a

He who, by violence or the threat of violence, disperses a meeting of a committee of either or both Houses of the States General, or forces it to take or refrain from taking any decision, or removes a Member, Minister, or State Secretary from that meeting, or deliberately prevents him or her from attending or from fulfilling his or her duties therein freely and unhindered, shall be punished with a prison sentence of not more than nine years or a category five fine.

Article 122

- 1 Conspiracy to commit the offence described in [Article 121](#) shall be punishable by a prison sentence of not more than ten years or a category five fine.
- 2 [Article 96, paragraph 2](#) , shall apply mutatis mutandis.

Article 123

He who, by violence or threat of violence, disperses a meeting of the provincial council or compels it to take or refrain from taking any decision, or removes a member, the chairman or a deputy from that meeting or deliberately prevents him from attending it or from performing his duties therein freely and unhindered, shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.

Article 123a

He who, by violence or the threat of violence, disperses a meeting of a committee established by the States of a province, or compels it to take or refrain from taking any decision, or removes a member, a deputy, or the King's Commissioner from that meeting, or deliberately prevents him or her from attending or from fulfilling his or her duties therein freely and unhindered, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 124

Any person who, by means of violence or the threat of violence, disperses a meeting of the council of a municipality or forces it to take or refrain from taking any decision, or removes a member, the chairman or an alderman from that meeting or deliberately prevents him or her from attending it or from performing his or her duties therein freely and unhindered, shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.

Article 124a

He who, by means of violence or the threat of violence, disperses a meeting of a committee established by the council of a municipality or forces it to take or refrain from taking any decision, or removes a member, an alderman or the mayor from that meeting or deliberately prevents him from attending it or from performing his duties therein freely and unhindered, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 125

Any person who, on the occasion of an election called pursuant to statutory provision, by means of violence or the threat of violence, intentionally prevents any person from exercising his or her own or another person's right to vote freely and unhindered, shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 126

- 1 He who, on the occasion of an election called by law, by gift or promise, bribes any person to refrain from exercising his or her right to vote or to exercise it in a certain manner, shall be punished with a prison sentence of not more than six months or a fine of the third category.
- 2 The same punishment shall be applied to the voter or the voter's representative who allows himself to be bribed by a gift or promise to any person.

Article 127

Any person who, on the occasion of an election convened pursuant to statutory provision, commits any fraudulent act as a result of which a vote is rendered invalid or a person other than the person intended when casting the vote is designated, shall be punished with a prison sentence of not more than six months or a fine of the third category.

Article 128

Any person who deliberately impersonates another person and takes part in an election announced pursuant to statutory provisions shall be punishable by a prison sentence of not more than one year or a fine of the third category.

Article 129

Any person who, on the occasion of an election convened pursuant to statutory provision, deliberately thwarts a vote that has taken place or commits any fraudulent act whereby the result of the vote is different from that which would have been obtained by the lawfully cast votes, shall be punished with a prison sentence of not more than one year and six months or a fine of the fourth category.

Article 130

- 1 In the event of conviction for one of the offences referred to in [Articles 121](#) and [123](#), deprivation of the rights referred to in [Article 28, paragraph 1, points 1° to 3°](#), may be pronounced.
- 2 In the event of conviction for one of the offences referred to in [Articles 122](#), [124](#) and [129](#), deprivation of the rights referred to in [Article 28, paragraph 1, point 3°](#), may be pronounced.

Article 130a

If an offence punishable under [Article 123](#) or [124](#) is committed with a terrorist motive, the temporary prison sentence provided for in these Articles shall be increased by half.

Article 130b

In the event of conviction for one of the offences referred to in [Articles 123](#) and [124](#), committed with a terrorist intent, deprivation of the right referred to in [Article 28, paragraph 1, point 3°](#), may be pronounced.

Title V. Offences against public order**Article 131**

- 1 He who publicly, orally or in writing or image, incites any criminal offence or to violent action against the public authorities, shall be punished with a prison sentence of not more than five years or a fine of the fourth category.
- 2 If the offence incited involves a terrorist offence or an offence prepared or facilitated in connection with a terrorist offence, the prison sentence imposed for the offence described in the first paragraph shall be increased by one third.

Article 132

- 1 Any person who distributes, publicly displays or posts, or has in stock for the purpose of being distributed, publicly displayed or posted, any writing or image which incites to any criminal offence or to violent action against the public authorities, shall, if he knows or has serious reason to suspect that the writing or image contains such incitement, be punished with a prison sentence of not more than three years or a fine of the fourth category.
- 2 The same penalty shall be imposed on anyone who, with the same knowledge or the same reason to suspect, publicly makes known the contents of such writing.
- 3 If the criminal offence incited in writing or by image constitutes a terrorist offence or an offence in preparation or facilitation of a terrorist offence, the prison sentence imposed for the offence described in the first paragraph shall be increased by one third.

Article 133

Any person who publicly, orally, in writing or in images, offers to provide information, opportunity or means to commit any criminal offence shall be punished with a prison sentence of not more than six months or a fine of the third category.

Article 134

- 1 Any person who distributes, publicly displays or posts, or has in stock for the purpose of being distributed, publicly displayed or posted, any document or image which offers to provide information, opportunity or means to commit any criminal offence, shall, if he knows or has serious reason to suspect that the document or image contains such an offer, be punished with a prison sentence of not more than three months or a fine of the second category.
- 2 The same penalty shall be imposed on anyone who, with the same knowledge or the same reason to suspect, publicly makes known the contents of such writing.

Article 134a

Any person who intentionally provides or attempts to provide himself or another with the opportunity, means or information to commit a terrorist offence or an offence in preparation or facilitation of a terrorist offence, or who acquires or teaches another the knowledge or skills to do so, shall be punished with a prison sentence of not more than eight years or a category 5 fine.

Article 135

Any person who, having knowledge of a criminal conspiracy, at a time when the commission of such offences could still be prevented, deliberately fails to give sufficient notice thereof in good time, either to officials of the justice department or police, or to the threatened person, shall, if the offence has followed, be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 136

- 1 He who, having knowledge of an intention to commit one of the crimes defined in Articles 92-110, desertion in time of war, military treason, murder, kidnapping or the crimes defined in Article 243, first and second paragraphs, or one of the crimes defined in Title VII of this Book or a terrorist crime, at a time when the commission of these crimes can still be prevented, deliberately fails to give sufficient notice thereof in time, either to the officials of the justice department or police, or to the threatened person, shall, if the crime has followed, be punished with a prison sentence of not more than one year or a fine of the fourth category.
- 2 The same penalty shall apply to any person who, having knowledge of any offence referred to in the first paragraph which has already been committed and which has endangered life, deliberately fails to give the same notification at a time when the consequences can still be averted.

Article 137

The provisions of Articles 135 and 136 shall not apply to any person who, by reason of the notification, would create a risk of prosecution for himself, for any of his blood relatives or relatives by marriage in the direct line or in the second or third degree of the collateral line, for his spouse or former spouse, or for any other person in whose prosecution he might, by reason of his office or profession, be able to excuse himself from giving evidence.

Article 137c

- 1 Any person who publicly, verbally, in writing or in images, deliberately makes offensive comments about a group of people on the grounds of their race, their religion or belief, their sexual orientation or their disability, shall be punished with a prison sentence of not more than one year or a category three fine.
- 2 The same penalty shall be imposed on anyone who publicly, orally, in writing or in images, deliberately makes offensive statements about a group of people as described in the first paragraph:
 - a. by condoning one of the acts described in Articles 3 through 6, 7, paragraph 2, and 8 through 8b of the International Crimes Act or one of the acts described in Article 6 of the Charter of the International Military Tribunal, annexed to the Treaty of London of 8 August 1945;
 - b. by denying or grossly trivializing one of the facts as described in the articles mentioned under a), insofar as that fact has been established by final decision by an international court that derives its jurisdiction from a treaty to which the Kingdom is a party or by a Dutch court.
- 3 If the act is committed by a person who makes a profession or habit of it or by two or more persons acting together, a prison sentence of not more than two years or a fine of the fourth category shall be imposed.

Article 137d

- 1 He who publicly, verbally or in writing or by image, incites hatred or discrimination against people or acts of violence against the person or property of people on the grounds of their race, their religion or belief, their gender, their sexual orientation or their disability, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 If the act is committed by a person who makes a profession or habit of it or by two or more persons acting in concert, a prison sentence of not more than four years or a fine of the fourth category shall be imposed.

Article 137e

- 1 He who, other than for the purpose of business reporting:
- 1st. makes public a statement which he knows or has reasonable grounds to believe is offensive to a group of people on the basis of their race, religion or belief, sexual orientation or disability, or incites hatred or discrimination against people or violence against the person or property of people on the basis of their race, religion or belief, gender, sexual orientation or disability;
- 2°. delivers to any person, other than at that person's request, or distributes or has in stock for the purpose of making public or distributing such a statement, an object in which he knows or should reasonably suspect that such a statement is contained;
- shall be punishable by a prison sentence of not more than six months or a fine of the third category.
- 2 If the act is committed by a person who makes a profession or habit of it or by two or more persons acting in concert, a prison sentence of not more than one year or a fine of the fourth category shall be imposed.

Article 137f

Anyone who participates in or provides financial or other material support for activities aimed at discriminating against people on the grounds of their race, religion, belief, gender, sexual orientation or disability, shall be punished with a prison sentence of not more than three months or a category two fine.

Article 137g

- 1 Any person who, in the exercise of an office, profession or business, deliberately discriminates against persons on the grounds of their race, shall be punished with a prison sentence of not more than six months or a category three fine.
- 2 If the act is committed by a person who makes a habit of it or by two or more persons acting together, a prison sentence of not more than one year or a fine of the fourth category shall be imposed.

Article 137h

If the offender commits one of the criminal offences described in Articles 131 to 134 and 137c to 137g in the course of his profession, he may be disqualified from practising that profession.

Article 138

- 1 Any person who unlawfully enters a home or enclosed premises or grounds occupied by another person, or who is unlawfully present there and does not immediately leave upon the claim of or on behalf of the person entitled thereto, shall be punished with a prison sentence of not more than one year or a fine of the third category.
- 2 Any person who has gained access by breaking and entering, by climbing in, by using false keys, by giving a false order or by wearing a false costume, or who, without the prior knowledge of the person entitled and otherwise than by mistake, is found there during the time appointed for sleeping at night, shall be deemed to have trespassed.
- 3 If he makes threats or uses means capable of instilling fear, he will be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 4 The prison sentences specified in the first and third paragraphs may be increased by one third if two or more persons acting together commit the offence.

Article 138a

- 1 Any person who unlawfully enters or unlawfully remains in a dwelling or building, the use of which has been terminated by the rightful owner, shall be guilty of squatting and shall be punished with a prison sentence of not more than one year or a fine of the third category.
- 2 If he makes threats or uses means capable of instilling fear, he will be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 3 The prison sentences specified in the first and second paragraphs may be increased by one third if two or more persons acting together commit the offence.

Article 138aa

- 1 Any person who unlawfully resides in an enclosed area for the distribution, storage or transshipment of goods located in a port, airport or railway yard shall be punished with a prison sentence of not more than one year or a fine of the third category.
- 2 Any person who has gained access to a place referred to in the first paragraph by breaking and entering, by means of false keys, a false order or a false costume, or by means of a false access pass or an access pass not belonging to the person concerned, a false identity or by misleading a person charged with

guarding that place, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

3 The prison sentence specified in the first and second paragraphs may be increased by one third if:

- a. the guilty party has gained access to a building, space or means of transport intended for the distribution, storage or transshipment of goods in the enclosed place referred to in the first paragraph by means of the acts referred to in Article 138, second paragraph ;
- b. the act is committed by two or more persons acting together.

Article 138ab

1 Anyone who intentionally and unlawfully accesses an automated work or part thereof will be punished with a prison sentence of up to two years or a category 4 fine for computer hacking. Access to the work is deemed to have been accessed:

- a. by breaking a security,
- b. due to a technical intervention,
- c. using false signals or a false key, or
- d. by assuming a false identity.

2 Computer hacking is punishable by a prison sentence of up to four years or a category four fine if the perpetrator subsequently takes over, taps into, or records for himself or another person data stored, processed, or transferred by means of the automated work in which he is unlawfully present.

3 Computer hacking committed through a public telecommunications network shall be punishable by imprisonment of not more than four years or a fine of the fourth category if the perpetrator subsequently

- a. uses the processing capacity of an automated work with the intention of unlawfully benefiting himself or another person;
- b. through the intervention of the automated work into which he has penetrated, gains access to the automated work of a third party.

4 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

Article 138b

1 Anyone who intentionally and unlawfully hinders access to or the use of an automated work by offering or sending data to it shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

2 If the act is committed:

- a. using a significant number of automated works affected by the use of a means referred to in Article 139d, paragraph 2 , which has been primarily made suitable or designed for that purpose; or
- b. with the intention of unlawfully benefiting oneself or another,

the guilty party shall be punished with a prison sentence of not more than three years or a fine of the fourth category.

3 If the act causes serious damage, or is committed against an automated work belonging to the vital infrastructure, the offender will be punished with a prison sentence of up to five years or a fine of the fourth category.

4 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

5 If the act is committed with the intention of preparing or facilitating a terrorist offence, the prison sentence imposed for the act shall be increased by one third.

6 If an act is committed with terrorist intent, the prison sentence imposed for the act will be increased by half.

Article 138c

1 A prison sentence of not more than one year or a fine of the fourth category shall be imposed on any person who intentionally and unlawfully copies or transmits, for himself or for another person, non-public data stored by means of an automated system.

2 If the data concerns a non-cash payment instrument, the offender will be punished with imprisonment of up to two years or a fine of the fourth category.

3 If the act is committed with the intention of unlawfully benefiting oneself or another, the offender shall be punished with a prison sentence of not more than three years or a fine of the fourth category.

4 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

Article 139

- 1 Any person who unlawfully enters a premises intended for public use, or who is unlawfully present there and does not immediately leave at the request of a competent official, shall be punished with a prison sentence of not more than three months or a fine of the second category.
- 2 Any person who has gained access by breaking and entering, by climbing in, by using false keys, by giving a false order or by wearing a false costume, or who has entered without the prior knowledge of the competent official and otherwise than by mistake, and is found there during the time appointed for sleeping at night, shall be deemed to have entered.
- 3 If he makes threats or uses means capable of instilling fear, he will be punished with a prison sentence of not more than one year or a fine of the third category.
- 4 The prison sentences specified in the first and third paragraphs may be increased by one third if two or more persons acting together commit the offence.

Article 139a

- 1 A prison sentence of not more than six months or a fine of the fourth category shall be imposed on any person who, by means of a technical device, intentionally:
 - 1st. eavesdrops other than on the instructions of a participant in that conversation;
 - 2°. without being a participant in that conversation and other than at the behest of such a participant.
- 2 The first paragraph does not apply to the recording:
 - 1st. of data processed or transmitted by means of telecommunications or by means of an automated work;
 - 2°. except in the case of obvious misuse, with a technical aid that is not secretly present under the authority of the person who uses the home, premises or yard;
 - 3°. in implementation of the Intelligence and Security Services Act 2017 .

Article 139b

- 1 A prison sentence of not more than three months or a fine of the third category shall be imposed on any person who, with the intention of eavesdropping on or recording a conversation taking place elsewhere than in a home, private premises or yard, secretly uses a technical device to:
 - 1st. eavesdrops other than on the instructions of a participant in that conversation;
 - 2°. without being a participant in that conversation and other than at the behest of such a participant.
- 2 Article 139a, paragraph 2, under 1° and 3° , applies accordingly.

Article 139c

- 1 Any person who intentionally and unlawfully uses a technical device to intercept or record data not intended for him and which is processed or transmitted by means of telecommunications or an automated system shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 The first paragraph does not apply to tapping or recording:
 - 1st. of data received by means of a radio receiving device, unless a special effort has been made to enable reception or an unauthorised receiving device has been used.
 - 2°. by or on behalf of the person entitled to a connection used for telecommunications, except in the case of obvious misuse;
 - 3°. for the proper functioning of a public telecommunications network, for the purposes of criminal prosecution, or for the implementation of the Intelligence and Security Services Act 2017 .

Article 139d

- 1 A prison sentence of not more than two years or a fine of the fourth category shall be imposed on any person who, with the intention of unlawfully listening in on, tapping into or recording a conversation, telecommunications or other data transmission or other data processing by an automated work, places a technical aid in a specific place.
- 2 The same penalty shall be imposed on anyone who, with the intention of thereby committing an offence as referred to in Article 138ab, first paragraph , 138b or 139c :
 - a. manufactures, receives, procures, transfers, sells, acquires, transports, imports, exports, distributes or otherwise makes available or possesses a technical device that is primarily adapted or designed for the commission of such a criminal offence, or
 - b. manufactures, sells, acquires, imports, distributes or otherwise makes available or possesses a computer password, access code or similar data that allows access to an automated work or part thereof.

- 3** Any person who commits the act referred to in the second paragraph while his intention is directed at a criminal offence as referred to in Article 138ab, second or third paragraph, shall be punished with a prison sentence of not more than four years or a fine of the fourth category .

Article 139e

The following shall be punishable by imprisonment of not more than six months or a fine of the fourth category:

- 1st.** any person who has at his disposal an object on which he knows or should reasonably suspect that data are recorded which have been obtained through unlawful eavesdropping, tapping or recording of a conversation, telecommunications or other data transmission or other data processing by an automated system;
- 2°.** he intentionally discloses to another person data which he has obtained through unlawful eavesdropping, tapping or recording of a conversation, telecommunications or other data transmission or other data processing by an automated system, or which he knows or should reasonably suspect has come to his attention as a result of such eavesdropping, tapping or recording;
- 3°.** he who intentionally makes an object as described under 1° available to another.

Article 139f

A prison sentence of not more than one year or a category four fine shall be imposed on any person who, using a technical device whose presence has not been clearly indicated, intentionally and unlawfully produces an image of a person present in a home or other place not accessible to the public.

Article 139g

- 1** A prison sentence of not more than one year or a fine of the fourth category shall be imposed on any person who:
- a.** acquires or has in his possession, while at the time of acquiring or possessing such data he knew or should reasonably have suspected that it was obtained through a criminal offence;
- b.** makes available to another, discloses to another or has in his/her possession or uses for profit, while he/she knows or should reasonably suspect that the information has been obtained through a criminal offence.
- 2** No criminal liability shall be imposed on any person who in good faith could have assumed that the public interest required the acquisition, possession, making available, disclosure or use of the data referred to in the first paragraph.

Article 139h

[Expired as of July 1, 2024]

Article 140

- 1** Participation in an organization that aims to commit crimes is punishable by a prison sentence of up to six years or a category 5 fine.
- 2** The continued operation of an organisation that has been banned by a final judicial decision or is banned by operation of law, or in respect of which an irrevocable declaration as referred to in Article 122, paragraph 1, of Book 10 of the Dutch Civil Code has been issued, shall be punishable by a prison sentence of not more than two years or a fine of the fourth category.
- 3** If an organization aims to commit crimes punishable by a prison sentence of twelve years or more according to the legal definition, the offense referred to in the first paragraph shall be punishable by a prison sentence of up to ten years or a fine of the fifth category.
- 4** In the case of founders, leaders or directors, prison sentences may be increased by one third.
- 5** Participation as described in the first paragraph also includes providing financial or other material support to, as well as recruiting funds or persons for, the organization described therein.

Article 140a

- 1** Participation in an organization that aims to commit terrorist crimes is punishable by a prison sentence of up to fifteen years or a category 5 fine.
- 2** If an organization aims to commit terrorist crimes that are punishable by life imprisonment according to the legal definition, the offense referred to in the first paragraph shall be punishable by a prison sentence of up to twenty years or a category 5 fine.
- 3** Founders, leaders or directors are punishable by life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine.
- 4** The fifth paragraph of Article 140 shall apply mutatis mutandis.

Article 141

- 1 Those who openly commit violence against persons or property in association shall be punished with a prison sentence of not more than four years and six months or a fine of the fourth category.
- 2 The guilty will be punished:
 - 1st. with imprisonment of not more than six years or a fine of the fourth category, if he intentionally destroys property or if the violence he commits results in any bodily injury;
 - 2°. with imprisonment of not more than nine years or a fine of the fifth category, if the violence results in grievous bodily harm;
 - 3°. with imprisonment of not more than twelve years or a fine of the fifth category, if such violence results in death.
- 3 Article 81 shall not apply.

Article 141a

Anyone who intentionally provides the opportunity, means or information to commit violence against persons or property shall be punished with a prison sentence of not more than three years or a fine of the fourth category.

Article 142

- 1 Any person who deliberately disturbs the peace by false alarm calls or signals shall be punished with a prison sentence of not more than one year or a fine of the fourth category.
- 2 Any person who intentionally, without necessity, uses an emergency number for public services shall be punished with a prison sentence of up to three months or a fine of the third category.

Article 142a

- 1 Any person who sends an object or leaves or places it in a place whether or not accessible to the public, with the intention of falsely making another person believe that this can cause an explosion, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.
- 2 The same penalty shall be imposed on anyone who transmits information with the intention of falsely misleading another person into believing that an object capable of causing an explosion is present in a place, whether or not accessible to the public.

Article 143

Anyone who prevents a lawful public meeting or demonstration by means of violence or threats of violence shall be punished with a prison sentence of not more than nine months or a category three fine.

Article 144

Any person who, by creating disorder or making noise, deliberately disrupts a lawful public meeting, or by creating disorder, deliberately disrupts a lawful demonstration, shall be punished with a prison sentence of not more than two weeks or a category two fine.

Article 145

He who, by violence or threat of violence, prevents either a lawful public gathering for the practice of religion or belief, or a lawful religious or philosophical ceremony or funeral, shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 146

He who, by causing disorder or making a noise, deliberately disrupts either a lawful public gathering for the practice of religion or belief, or a lawful religious or philosophical ceremony or funeral, shall be punished with a prison sentence of not more than two months or a fine of the second category.

Article 147

[Expired as of March 1, 2014]

Article 147a

[Expired as of March 1, 2014]

Article 148

Any person who intentionally prevents or obstructs authorised access to a cemetery or crematorium or the authorised transport of a corpse to a cemetery or crematorium shall be punished with a prison sentence of not more than one month or a category two fine.

Article 149

Any person who intentionally desecrates a grave or intentionally and unlawfully destroys or damages any memorial erected in a cemetery shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 150

Any person who intentionally and unlawfully digs up or removes a corpse or moves or transports an exhumed or removed corpse shall be punished with a prison sentence of not more than one year or a category three fine.

Article 151

He who buries, burns, destroys, conceals, removes or disposes of a corpse with the intention of concealing the fact or cause of death or stillbirth, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 151a

Any person who, for the purpose of profit, intentionally promotes the foster care of a child under the age of six months who is not under the guardianship of a legal entity, without prior written permission from the Child Protection Board, shall be punished with a prison sentence of not more than six months or a category three fine.

Article 151b

- 1 Any person who, in the exercise of a profession or business, intentionally causes or promotes a surrogate mother or a woman wishing to become a surrogate mother to negotiate or make an agreement, directly or indirectly, with another person in order to carry out the intention referred to in the third paragraph, shall be punished with a prison sentence of not more than one year or a fine of the fourth category.
- 2 The following shall be punished with the same penalty:
 - a. the person who publicly offers services consisting of initiating or promoting negotiations or an agreement as referred to in the first paragraph;
 - b. the person who makes it public that a woman wishes to become a surrogate mother or is available as such, or that a woman who wishes to become a surrogate mother or is available as such is being sought.
- 3 A surrogate mother is considered to be a woman who has become pregnant with the intention of bearing a child for another person who wishes to acquire parental authority over that child, or who otherwise wishes to assume the care and upbringing of that child on a permanent basis.

Article 151c

- 1 Any person who, in the exercise of a profession or business, intentionally causes or promotes a woman to negotiate directly or indirectly with another person or to make an agreement in connection with the woman's wish to permanently entrust the care and upbringing of her child to another person, shall be punished with a prison sentence of not more than six months or a fine of the third category.
- 2 Without prejudice to the provisions of [Article 151b, paragraph 1](#), the first paragraph shall not apply
 - a. if the bringing about or promoting of the offence referred to in that paragraph is carried out by the Child Protection Council or a legal entity designated for that purpose by the Council;
 - b. if the causing or promoting referred to in that paragraph concerns a reference to an organisation as referred to under a.

Article 151d

Any person who knows or has serious reason to suspect that a visual representation as referred to in [Article 239, third paragraph](#), or an object is offensive to decency and that visual representation or that object:

- a. openly displays or offers on or at a place intended for public traffic; or
- b. sends to someone other than at that person's request,

shall be punishable by a prison sentence of not more than two months or a fine of the third category.

Article 151e

Any person who provides, offers or displays a visual representation as referred to in [Article 239, third paragraph](#), or an object the display of which may be considered harmful to persons under the age of sixteen, to a person under the age of sixteen, shall be punished with a prison sentence of not more than one year or a fine of the fourth category.

Article 151f

- 1 The one who
 - 1st. to sell or administer intoxicating liquor to a person who is obviously intoxicated;
 - 2°. makes anyone under the age of eighteen drunk;
 - 3°. forces someone by force or threat of force to consume intoxicating liquor,

shall be punishable by a prison sentence of not more than nine months or a category three fine.

- 2 If the act results in grievous bodily harm, the offender shall be punished with a prison sentence of not more than six years or a fine of the fourth category.
- 3 If the act results in death, the guilty party shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.
- 4 If the person guilty of the crime commits it in the exercise of a profession, that person may be deprived of the exercise of that profession.

Article 152

In the event of conviction for one of the offences described in Articles 138b, fifth paragraph , and 140a , deprivation of the right referred to in Article 28, first paragraph, under 3° , may be pronounced.

Title VI. Duel

[Expired as of October 16, 2018]

Article 153

[Expired as of February 1, 2006]

Article 154

[Expired as of February 1, 2006]

Article 155

[Expired as of February 1, 2006]

Article 156

[Expired as of February 1, 2006]

Title VII. Crimes Endangering the General Safety of Persons or Property

Article 157

He who deliberately sets fire, causes an explosion or causes a flood will be punished:

- 1st. with imprisonment of not more than twelve years or a fine of the fifth category, if there is a likelihood of common danger to property;
- 2°. with imprisonment of not more than fifteen years or a fine of the fifth category, if this is likely to endanger life or serious bodily harm to another;
- 3°. with life imprisonment or a temporary imprisonment of not more than thirty years or a category 5 fine, if there is a risk of endangering the life of another and the act results in the death of another person.

Article 158

He who is responsible for a fire, explosion or flood shall be punished:

- 1st. with imprisonment of not more than six months or a fine of the fourth category, if this results in a common danger to property;
- 2°. with imprisonment of not more than one year or a fine of the fourth category, if this results in danger of death or danger of serious bodily harm to another;
- 3°. with imprisonment of not more than two years or a fine of the fourth category, if the act results in the death of someone.

Article 159

Any person who intentionally and unlawfully conceals or renders unusable fire-fighting tools or fire extinguishing equipment in the vicinity of or in anticipation of a fire, or in any way prevents or hinders the extinguishing of a fire, shall be punished with a prison sentence of not more than six years or a fine in the fifth category.

Article 160

Any person who, during or in anticipation of flooding, intentionally and unlawfully conceals or renders unusable dike materials or tools, thwarts any attempt to repair dikes or other water management works, or obstructs the means employed to prevent or stop flooding, shall be punished with a prison sentence of not more than six years or a category 5 fine.

Article 161

Any person who deliberately destroys, renders unusable or damages any work serving as a flood barrier, water discharge, gas or water pipeline or sewerage system will be punished:

- 1st with imprisonment of not more than six years or a fine of the fifth category, if there is a risk of flooding or common danger to property;
- 2nd. with imprisonment of not more than nine years or a fine of the fifth category, if this is likely to endanger the life of another;

- 3rd.** with imprisonment of not more than five years or a fine of the fifth category, if there is a risk of danger to the life of another and the act results in the death of someone else.

Article 161a

Any person who intentionally destroys, damages or renders unusable any electrical work, causes disruption to the operation or functioning of such work, or frustrates a safety measure taken in relation to such work, will be punished:

- 1st.** with imprisonment of not more than one year or a fine of the fifth category, if this results in the prevention or hindrance of the supply of electricity for the public good;
- 2°.** with imprisonment of not more than six years or a fine of the fifth category, if there is a likelihood of common danger to property as a result;
- 3°.** with imprisonment of not more than nine years or a fine of the fifth category, if this is likely to endanger the life of another;
- 4°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if there is a risk of danger to the life of another person and the act results in the death of someone else.

Article 161ter

Any person who is responsible for any electrical work being destroyed, damaged or rendered unusable, for any disruption to the operation or functioning of such work, or for any safety measure taken in relation to such work being thwarted, shall be punished:

- 1st.** with imprisonment of not more than six months or a fine of the fourth category, if this results in the prevention or hindrance of the supply of electricity for the public good or in a common danger to goods;
- 2°.** with imprisonment of not more than one year or a fine of the fourth category, if this endangers the life of another;
- 3°.** with imprisonment of not more than two years or a fine of the fourth category, if the act results in the death of someone.

Article 161quater

Anyone who intentionally exposes people, animals, plants or goods to ionizing radiation, or contaminates people, animals, plants, goods, soil, water or air with radioactive substances, will be punished:

- 1st.** with imprisonment of not more than fifteen years or a fine of the fifth category, if there is a risk of danger to public health or danger to the life of another person;
- 2°.** with life imprisonment or a temporary imprisonment of not more than thirty years or a category 5 fine, if there is a risk of endangering the life of another and the act results in the death of another person.

Article 161quinquies

Any person who is at fault in causing people, animals, plants or goods to be exposed to ionising radiation, or in causing people, animals, plants, goods, soil, water or air to be contaminated with radioactive substances, shall be punished:

- 1st.** with imprisonment of not more than one year or a fine of the fourth category, if there is a risk of danger to public health or danger to the life of another;
- 2°.** with imprisonment of not more than two years or a fine of the fourth category, if there is a risk of danger to the life of another and the act results in the death of someone else.

Article 161sexies

Any person who intentionally destroys, damages or renders unusable any automated work or any telecommunications work, causes disruption to the operation or functioning of such work, or frustrates a safety measure taken in relation to such work, shall be punished:

- 1st.** with imprisonment of not more than six years or a fine of the fifth category, if there is a risk of common danger to goods or the provision of services;
- 2°.** with imprisonment of not more than nine years or a fine of the fifth category, if this is likely to endanger the life of another;
- 3°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if there is a risk of danger to the life of another person and the act results in the death of someone else.

Article 161septies

Any person who is responsible for any automated work or any telecommunications work being destroyed, damaged or rendered unusable, for any disruption to the operation or functioning of such work, or for any safety

measure taken in relation to such work being thwarted, shall be punished:

- 1st.** with imprisonment of not more than six months or a fine of the fourth category, if this results in the prevention or hindrance of the storage, processing or transfer of data for the public benefit, disruption of a public telecommunications network or the performance of a public telecommunications service, or common danger to goods or to the provision of services;
- 2°.** with imprisonment of not more than one year or a fine of the fourth category, if this endangers the life of another;
- 3°.** with imprisonment of not more than two years or a fine of the fourth category, if the act results in the death of someone.

Article 162

Any person who intentionally destroys, renders unusable or damages any work serving public traffic or air traffic, obstructs any public land or waterway or thwarts any safety measure taken in respect of such work or road, will be punished:

- 1st.** with imprisonment of not more than nine years or a fine of the fifth category, if there is a risk of endangering road safety;
- 2°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if there is a risk of danger to road safety and the act results in the death of someone.

Article 162a

Any person who intentionally destroys, renders unusable or damages an aircraft or any facility at an airport, or disrupts airport services, will be punished:

- 1st.** with imprisonment of not more than nine years or a fine of the fifth category, if there is a risk of danger to aviation safety or general danger to goods, buildings or services at the airport;
- 2°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if there is reason to fear that this would endanger the safety of aviation or general danger to goods, buildings or services at the airport and the act results in the death of a person.

Article 163

Any person who is to blame for the destruction, unintentional destruction or damage of any public or air traffic work, or for the obstruction of any public road or waterway, or for the thwarting of any safety measure taken in respect of such work or road, shall be punished:

- 1st.** with imprisonment of not more than six months or a fine of the fourth category, if this makes traffic unsafe;
- 2°.** with imprisonment of not more than two years or a fine of the fourth category, if the act results in the death of someone.

Article 164

- 1** Anyone who deliberately causes danger to traffic by mechanical force on a railway or to air traffic, shall be punished with a prison sentence of not more than fifteen years or a fine of the fifth category.
- 2** If the act results in the death of someone, the guilty party shall be punished with life imprisonment or a temporary imprisonment of not more than thirty years or a fine of the fifth category.

Article 165

- 1** Any person who is to blame for causing a danger to traffic by mechanical force on a railway or to air traffic shall be punished with a prison sentence of not more than one year or a fine of the fourth category.
- 2** If the act results in the death of someone, the guilty party shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 166

Any person who intentionally destroys, damages, removes or moves a sign or aid provided for the safety of shipping or aviation, frustrates its operation or sets an incorrect sign, will be punished:

- 1st.** with imprisonment of not more than twelve years or a fine of the fifth category, if there is a risk of endangering the safety of shipping or aviation;
- 2°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if there is a risk of endangering the safety of shipping or aviation and the act results in the sinking, stranding or accident of a vessel or aircraft;
- 3°.** with life imprisonment or a temporary imprisonment of not more than thirty years or a fine of the fifth category, if there is a risk of endangering the safety of shipping or aviation and the act results in the death

of a person.

Article 167

Any person who is responsible for the destruction, damage, removal or displacement of a sign or aid erected for the safety of navigation or air navigation, or for the thwarting of its operation, or for the erroneous posting of a sign or aid, shall be punished:

- 1st.** with imprisonment of not more than six months or a fine of the fourth category, if this makes shipping or aviation unsafe;
- 2°.** with imprisonment not exceeding one year or a fine of the fourth category, if the act results in the sinking, grounding or accident of a vessel or aircraft;
- 3°.** with imprisonment of not more than two years or a fine of the fourth category, if the act results in the death of someone.

Article 168

Any person who intentionally and unlawfully sinks, beaches or crashes, destroys, renders unusable or damages any vessel, vehicle or aircraft shall be punished:

- 1st.** with imprisonment of not more than fifteen years or a fine of the fifth category, if this is likely to endanger the life of another;
- 2°.** with life imprisonment or a temporary imprisonment of not more than thirty years or a category 5 fine, if there is a risk of endangering the life of another and the act results in the death of another person.

Article 169

Any person who is responsible for causing any vessel, vehicle or aircraft to sink, run aground or be wrecked, destroyed, rendered unserviceable or damaged, shall be punished:

- 1st.** with imprisonment of not more than one year or a fine of the fourth category, if this endangers the life of another;
- 2°.** with imprisonment of not more than two years or a fine of the fourth category, if the act results in the death of someone.

Article 170

He who deliberately destroys or damages any building, structure, installation at sea or place accessible to the public will be punished:

- 1st.** with imprisonment of not more than twelve years or a fine of the fifth category, if there is a likelihood of common danger to property;
- 2°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if this is likely to endanger the life of another;
- 3°.** with life imprisonment or a temporary imprisonment of not more than thirty years or a category 5 fine, if there is a risk of endangering the life of another and the act results in the death of another person.

Article 171

Any person who is responsible for the destruction or damage of any building, structure, installation at sea or place accessible to the public shall be punished:

- 1st.** with imprisonment of not more than six months or a fine of the fourth category, if this results in a common danger to property;
- 2°.** with imprisonment of not more than one year or a fine of the fourth category, if this endangers the life of another;
- 3°.** with imprisonment of not more than two years or a fine of the fourth category, if the act results in the death of someone.

Article 172

1 Any person who intentionally and unlawfully introduces a substance into a drinking water supply facility or into a water pipe intended for shared use by or with others, or who obstructs the production of drinking water in or the supply of drinking water from the public drinking water supply, shall be punished:

- 1st.** with imprisonment of not more than twelve years or a fine of the fifth category, if there is reason to fear that this would endanger another;
- 2°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if there is a risk of danger to the life of another person and the act results in the death of someone else.

- 2** Any person who intentionally destroys, damages or renders unusable any work intended for the public drinking water supply, causes a disruption to the operation or functioning of such work, or thwarts a safety measure taken in relation to such work, shall, if there is a likelihood of hindrance or impediment to the public drinking water supply, be punished with a prison sentence of not more than one year or a fine of the fourth category.

Article 173

- 1** Any person who is to blame for the unlawful introduction of a substance into a drinking water supply facility or into a water main intended for shared use by or with others shall be punished:
- 1st.** with imprisonment of not more than one year or a fine of the fourth category, if there is a risk of danger to public health or danger to the life of another;
- 2°.** with imprisonment of not more than two years or a fine of the fourth category, if there is a risk of danger to the life of another and the act results in the death of someone else.
- 2** Any person who is to blame for the destruction, damage or unusability of any work intended for the public drinking water supply, or for the disruption or operation of such a work, or for the thwarting of any safety measure taken in relation to such a work, shall, if there is any likelihood of hindrance or impediment to the public drinking water supply as a result, be punished with a prison sentence of not more than six months or a fine of the fourth category.

Article 173a

Any person who intentionally and unlawfully brings a substance onto or into the soil, into the air or into surface water shall be punished:

- 1st.** with imprisonment of not more than twelve years or a fine of the fifth category, if there is a risk of danger to public health or danger to the life of another person;
- 2°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if there is a risk of danger to the life of another person and the act results in the death of someone else.

Article 173b

Any person who is guilty of unlawfully introducing a substance into or on the soil, in the air or in surface water shall be punished:

- 1st.** with imprisonment of not more than one year or a fine of the fourth category, if there is a risk of danger to public health or danger to the life of another;
- 2°.** with imprisonment of not more than two years or a fine of the fourth category, if there is a risk of danger to the life of another and the act results in the death of someone else.

Article 174

- 1** Any person who sells, offers for sale, delivers or distributes goods knowing that they are injurious to life or health and who conceals that injurious nature, shall be punished with a prison sentence of not more than fifteen years or a fine of the fifth category.
- 2** If the act results in the death of someone, the guilty party shall be punished with life imprisonment or a temporary imprisonment of not more than thirty years or a fine of the fifth category.

Article 175

- 1** He who is at fault in causing goods harmful to life or health to be sold, delivered or distributed without the buyer or acquirer being aware of that harmful nature, shall be punished with a prison sentence of not more than one year or a fine of the fourth category.
- 2** If the act results in the death of someone, the guilty party shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 175a

Any person who, in the event of war, intentionally violates a published order as referred to in Article 7 of the Civil Protection Act (*Stb.* 1952, 404), or a regulation issued and published by or pursuant to one of the general administrative measures as referred to in Article 29 of the Repeal Act BB (*Stb.* 1986, 312), shall be punished:

- 1st.** with imprisonment of not more than two years or a fine of the fifth category, if there is a likelihood of common danger to property as a result;
- 2°.** with imprisonment of not more than three years or a fine of the fifth category, if this is likely to endanger the life of another;
- 3°.** with imprisonment of not more than five years or a fine of the fifth category, if there is a risk of danger to the life of another person and the act results in the death of someone else.

Article 175b

He who, in the event of war, is guilty of violating a published order as referred to in Article 7 of the Civil Protection Act, or a regulation issued and published by or pursuant to one of the general administrative measures referred to in Article 29 of the Repeal Act BB, shall be punished:

- 1st. with imprisonment of not more than six months or a fine of the fourth category, if this results in a common danger to property;
- 2°. with imprisonment of not more than one year or a fine of the fourth category, if this endangers the life of another;
- 3°. with imprisonment of not more than two years or a fine of the fourth category, if the act results in the death of someone.

Article 176

- 1 If convicted of any offence defined in this Title, the offender may be deprived of the right to exercise the profession in which he committed the offence.
- 2 In the event of conviction for one of the offences referred to in Articles 174 and 175, the judge may order the publication of his judgment.

Article 176a

If a crime punishable in Articles 157, 159, 160, 161, 161bis, 161quater, 161sexies, 162, 162a, 164, 166, 168, 170, 172, 173a or 174 is committed with terrorist intent, the prison sentence provided for in that Article shall be increased by half and, if the crime is punishable by a prison sentence of not more than fifteen years, a life sentence or a prison sentence of not more than thirty years shall be imposed.

Article 176b

- 1 Conspiracy to commit the offences referred to in Articles 157, 161, subparagraphs 2° and 3°, 161bis, subparagraphs 3° and 4°, 161quater, 161sexies, subparagraphs 2° and 3°, 162, 164, 166, 168, 170, 172, 173a and 174, to be committed with terrorist intent, is punishable by a prison sentence of not more than ten years or a fine of the fifth category.
- 2 Article 96, paragraph 2, shall apply mutatis mutandis.

Article 176c

In the event of conviction for one of the offences described in Articles 157, 159, 160, 161bis, 161quater, 161sexies, 162, 162a, 164, 166, 168, 170, 172, 173a, 174, committed with a terrorist intent, as well as for one of the offences described in Article 176b, deprivation of the right referred to in Article 28, first paragraph, under 3°, may be pronounced.

Title VIII. Offences against public authority**Article 177**

- 1 The following shall be punishable by imprisonment of not more than six years or a fine of the fifth category:
 - 1st. he who makes a gift or promise to a civil servant or provides or offers a service with the intention of inducing him to do or refrain from doing something in his office;
 - 2°. he who makes a gift or promise to a civil servant or provides or offers a service as a result of or in connection with what the civil servant has done or failed to do in his current or previous office.
- 2 The same penalty shall be imposed on any person who commits an act as described in the first paragraph, under 1°, against a person with the prospect of employment with a government employer, if the employment with a government employer has followed.
- 3 If the offender commits any of the offences described in this Article in his profession, he may be deprived of the exercise of that profession.
- 4 Deprivation of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° may be declared.
- 5 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

Article 177a

[Expired as of January 1, 2015]

Article 178

- 1 Any person who makes a gift or promise to a judge, or provides or offers a service, with the intention of influencing the decision of a case submitted to the judge, shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.
- 2 If such a gift or promise is made or such a service is provided or offered with the intention of obtaining a conviction in a criminal case, the guilty party shall be punished with a prison sentence of not more than twelve years or a fine of the fifth category.

- 3 If the offender commits any of the offences described in this Article in his profession, he may be deprived of the exercise of that profession.
- 4 Deprivation of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° may be declared.
- 5 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

Article 178a

- 1 For the purposes of Article 177, persons employed in the public service of a foreign state or of an international organisation shall be treated as civil servants .
- 2 For the purposes of Article 177, paragraph 1, point 2° , former civil servants are treated as civil servants .
- 3 For the purposes of Article 178, a judge shall be deemed to be the judge of a foreign state or of an international organisation.

Article 179

Any person who, by force or any other act or threat of force or any other act, compels a civil servant to perform an official act or to refrain from performing a lawful official act, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 180

Any person who, by force or threat of force, resists a civil servant acting in the lawful exercise of his duties, or persons who assist him by virtue of a legal obligation or at his request, shall be guilty of resistance and shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 181

The coercion and resistance described in Articles 179 and 180 shall be punished:

- 1st. with imprisonment of not more than five years or a fine of the fourth category, if the offence or the associated acts result in any bodily harm;
- 2°. with imprisonment of not more than seven years and six months or a fine of the fifth category, if they result in grievous bodily harm;
- 3°. with imprisonment of not more than twelve years or a fine of the fifth category, if they result in death.

Article 182

- 1 The coercion and resistance described in Articles 179 and 180 , committed by two or more persons acting jointly, are punishable by a prison sentence of not more than six years or a fine of the fourth category.
- 2 The guilty will be punished:
 - 1st. with imprisonment of not more than seven years and six months or a fine of the fifth category, if the crime committed by him or the acts committed by him in connection with it result in any bodily harm;
 - 2°. with imprisonment of not more than twelve years or a fine of the fifth category, if they result in grievous bodily harm;
 - 3°. with imprisonment of not more than fifteen years or a fine of the fifth category, if they result in death.

Article 183

For the purposes of Articles 179 through 182, the skipper or aircraft commander who exercises a power or fulfills an obligation conferred or imposed on him as such by a provision of the Code of Criminal Procedure shall be considered equivalent to civil servants . A skipper shall be deemed to be any person who exercises the highest authority at an installation designated in accordance with the second paragraph of Article 136a of the Code of Criminal Procedure .

Article 184

- 1 Any person who intentionally fails to comply with an order or a demand made pursuant to statutory provision by a civil servant charged with the exercise of any supervision or by a civil servant charged with or authorised to detect or investigate criminal offences, as well as any person who intentionally prevents, hinders or thwarts any act undertaken by one of those civil servants in implementation of any statutory provision, shall be punished with a prison sentence of not more than three months or a fine of the second category.
- 2 Any person who, by virtue of a statutory provision, is charged with any public service, whether permanently or temporarily, shall be treated as an official referred to in the first part of the previous paragraph.
- 3 A claim or action by the skipper or aircraft commander exercising a power or fulfilling an obligation conferred or imposed on him as such by a provision of the Code of Criminal Procedure shall be deemed to be equivalent to a claim or action as referred to in the first paragraph . A skipper shall be understood to

mean the person who exercises the highest authority at an installation designated in accordance with Article 136a , second paragraph, of the Code of Criminal Procedure .

- 4 If, at the time of the commission of the offence, two years have not yet elapsed since a previous conviction of the offender for a similar offence became final, the prison sentence may be increased by one third.

Article 184a

- 1 Any person who intentionally acts contrary to a code of conduct issued pursuant to Article 509hh, paragraph 1, subparagraph b, of the Code of Criminal Procedure , shall be punished with a prison sentence of not more than one year or a fine of the third category.
- 2 Any person who intentionally acts contrary to an order referred to in Article 20, fifth paragraph, of Book 2 of the Civil Code , shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 185

Any person who causes a disturbance at a court hearing or at a place where a public official is working in the lawful exercise of his duties and who does not leave after an order has been given by or on behalf of the competent authority, shall be punished with a prison sentence of not more than two weeks or a fine of the second category.

Article 185a

With regard to Articles 179 to 182 , 184 and 185 , persons in the public service of a foreign state or of an international organisation who perform their duties in the Netherlands in a manner permitted by international law shall be treated as civil servants.

Article 186

Any person who, on the occasion of a riot, intentionally fails to leave immediately after the third order given by or on behalf of the competent authority, shall be guilty of participating in a riot and shall be punished with a prison sentence of not more than three months or a fine of the second category.

Article 187

Any person who unlawfully tears off, makes illegible or damages an announcement made in public by the competent authority, with the intention of preventing or hindering knowledge thereof, shall be punished with a prison sentence of not more than one month or a fine of the second category.

Article 188

Any person who reports or complains that a criminal offence has been committed, knowing that it has not been committed, shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 189

- 1 The following shall be punishable by imprisonment of not more than six months or a fine of the third category:
- 1st. he who intentionally conceals or assists any person guilty of or suspected of any crime in evading detection or arrest by officials of the justice department or the police;
- 2°. he who, after any crime has been committed, with the intention of covering it up or of preventing or hindering the investigation or prosecution, destroys, removes, conceals or withdraws from the investigation by officials of the judiciary or police objects on or with which the crime was committed or other traces of the crime;
- 3°. he who intentionally conceals, destroys, disposes of or conceals from the investigation of officials of the judiciary or police objects which may serve to reveal the truth or to demonstrate unlawfully obtained profits as referred to in Article 36e , with the intention of preventing, hindering or thwarting their seizure, or who, by intentionally providing data or information to third parties, prevents, hinders or thwarts such seizure.
- 2 If the offence referred to in the first paragraph concerns a terrorist offence, a prison sentence of up to four years or a fine of the fifth category may be imposed.
- 3 These provisions shall not apply to any person who performs the acts mentioned therein in order to avoid or avert the risk of persecution of one of his blood relatives or relatives by marriage in the direct line or in the second or third degree of the collateral line, or of his spouse or former spouse.
- 4 Officials of the judiciary or police are treated as equivalent to those serving in the public service of an international court that derives its jurisdiction from a treaty to which the Kingdom is a party, who are charged with the investigation or prosecution of any criminal offence, as well as public officials of a foreign state who perform their duties in the Netherlands in a manner permitted by international law.

Article 190

Any person who intentionally prevents, obstructs or frustrates an autopsy shall be punished with a prison sentence of not more than six months or a fine of the third category.

Article 191

Any person who intentionally frees a person deprived of his liberty by public authority or by virtue of a judicial decision or order, or who assists in his self-freeing, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 192

- 1** Any person who, legally summoned as a witness, expert or interpreter, deliberately fails to fulfil any legal obligation which he is required to fulfil as such, shall be punished:
 - 1st.** in criminal cases, a prison sentence of not more than six months or a fine of the third category;
 - 2°.** in other cases with imprisonment of not more than four months or a fine of the second category.
- 2** Any person who, after an agreement has been reached with the public prosecutor pursuant to Article 226h, third paragraph, or Article 226k, first paragraph, of the Code of Criminal Procedure, has been legally summoned as a witness, and deliberately fails to comply with his obligation to testify, shall be punished with a prison sentence of not more than one year or a fine in the fifth category.
- 3** The provisions of the preceding paragraph of this Article shall not apply to a party in civil proceedings who, when heard as a witness, refuses to answer questions put to him.

Article 192a

Any person who deliberately fails to comply with the request of a parliamentary inquiry committee to inspect, copy, or otherwise take cognizance of documents shall be punished with a prison sentence of not more than four months or a category two fine.

Article 192b

Any person who deliberately fails to comply with a request from a parliamentary committee of inquiry to provide written information shall be punished with a prison sentence of not more than three months or a fine of the second category.

Article 192c

Any person who intentionally prevents, obstructs or hinders a parliamentary inquiry committee or persons appointed by it from entering a place shall be punished with a prison sentence of not more than three months or a fine of the second category.

Article 192d

The crimes referred to in Articles 192 through 192c shall not be prosecuted if they were committed by a member of the States General, a minister, or a state secretary.

Article 193

Any person who deliberately fails to comply with a lawful order to produce a document alleged to be false or forged, or which is intended to be compared with another document alleged to be false or forged, or whose authenticity is denied or not acknowledged, shall be punished:

- 1st.** in criminal cases, a prison sentence of not more than six months or a fine of the third category;
- 2°.** in other cases with imprisonment of not more than four months or a fine of the second category.

Article 194

- 1** Any person who has been declared bankrupt and is legally obliged to provide information shall be punished with a prison sentence of not more than one year or a fine of the third category if he either intentionally fails to appear without valid reason, or refuses to provide the required information, or intentionally provides incorrect or incomplete information.
- 2** The same penalty shall be imposed on anyone who, in the bankruptcy of another, is legally obliged to provide information and who either deliberately fails to do so without valid reason, or refuses to provide the required information, or deliberately provides incorrect or incomplete information.
- 3** The same penalty shall be imposed on any person to whom the Debt Restructuring Scheme for Natural Persons has been declared applicable and who is legally obliged to provide information, or who is legally obliged to provide information in respect of another person under the Debt Restructuring Scheme for Natural Persons, either intentionally fails to provide information without valid reason, or refuses to provide the required information, or intentionally provides incorrect or incomplete information.
- 4** If the offender commits one of the criminal offences described in the first paragraph in his profession, he may be disqualified from practising that profession.

Article 195

Any person who exercises a right knowing that he has been deprived of it by a judicial decision shall be punished with a prison sentence of not more than six months or a fine of the third category.

Article 196

Any person who intentionally wears insignia or performs an act relating to an office which he does not hold or from which he is suspended, shall be punished with a prison sentence of not more than three months or a fine of the second category.

Article 197

An alien who resides in the Netherlands while he knows or has serious reason to suspect that he has been declared an undesirable alien on the basis of a statutory provision or that an entry ban has been issued against him pursuant to Article 66a, seventh paragraph, of the Aliens Act 2000, shall be punished with a prison sentence of not more than six months or a fine of the third category.

Article 197a

- 1 Any person who assists or provides another person in gaining entry into or transit through the Netherlands, another Member State of the European Union, Iceland, Norway or a State that has acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime, done at New York on 15 November 2000, or who provides him with the opportunity, means or information to do so, knowing or having serious reasons to suspect that such entry or transit is unlawful, shall be guilty of smuggling in human beings and shall be liable to a prison sentence of not more than six years or a fine of the fifth category.
- 2 Any person who, for profit, assists another in obtaining residence in the Netherlands, another Member State of the European Union, Iceland, Norway or a State that has acceded to the Protocol referred to in the first paragraph, or provides him with the opportunity, means or information to do so, while he knows or has serious reasons to suspect that such residence is unlawful, shall be punished with a prison sentence of not more than six years or a fine of the fifth category.
- 3 If any of the acts described in the first and second paragraphs are committed in the exercise of any office or profession, a prison sentence of not more than eight years or a fine of the fifth category shall be imposed and disqualification from exercising the right to hold the office or practice the profession may be pronounced and the court may order publication of its judgment.
- 4 If any of the acts described in the first and second paragraphs are committed by a person who makes a profession or habit of it or is committed jointly by several persons, a prison sentence of not more than ten years or a fine of the fifth category shall be imposed.
- 5 If any of the acts described in the first and second paragraphs result in serious bodily harm or are likely to endanger the life of another, a prison sentence of up to fifteen years or a category 5 fine shall be imposed.
- 6 If any of the acts described in the first and second paragraphs result in death, a prison sentence of up to eighteen years or a fine of the fifth category shall be imposed.
- 7 If any of the acts described in the first and second paragraphs are committed with the intention of preparing or facilitating a terrorist offence, the prison sentence imposed for the act shall be increased by one third.
- 8 For the application of this Article, the term 'the Netherlands' shall also be understood to mean the public bodies of Bonaire, Sint Eustatius and Saba.

Article 197b

Any person who, pursuant to an agreement or appointment, requires another person who has unlawfully gained entry to or resided in the Netherlands to perform work while he knows or has serious reasons to suspect that the entry or residency is unlawful, shall be punished with a prison sentence of not more than one year or a fine in the fifth category.

Article 197c

Any person who makes a profession or habit of the act described in Article 197b shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 197d

If the offender commits the acts described in Articles 197b or 197c in the exercise of any office or profession, the court may also order disqualification from holding the office or exercising the profession and order the publication of its judgment.

Article 198

- 1 Any person who intentionally removes any property from a seizure imposed on it by law or from judicial custody, or who, knowing that it has been removed, conceals it, shall be punished with a prison sentence of

not more than four years or a fine of the fourth category.

- 2 The same penalty shall be imposed on anyone who intentionally destroys, damages or renders unusable any property seized under the law.
- 3 The same penalty shall be imposed on any custodian who intentionally commits or permits any of these acts, or who assists the perpetrator as an accomplice.

Article 199

- 1 Any person who intentionally breaks, lifts or damages seals with which objects have been sealed by or on behalf of the competent public authority, or otherwise frustrates the closure effected by such a seal, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 The custodian who intentionally commits or permits the act or assists the perpetrator as an accomplice shall be punished with a prison sentence of not more than three years or a fine of the fourth category.
- 3 If the act is committed as a result of the carelessness of the custodian, he shall be punished with imprisonment of not more than one month or a fine of the second category.

Article 200

- 1 Any person who intentionally destroys, damages, renders unusable or removes any matter intended to serve as evidence or conviction before the competent authority, deeds, documents or registers which are kept permanently or temporarily by public authority, or which have been handed over either to a civil servant or to another person in the interest of public service, shall be punished with a prison sentence of not more than three years or a fine of the fourth category.
- 2 Competent authority also includes: an international court that derives its jurisdiction from a treaty to which the Kingdom is a party.

Article 201

Any person who intentionally diverts, opens or damages letters or other documents delivered to a post or telegraph office or placed in a post box from their destination, shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 202

If the person guilty of one of the offences described in [Articles 198-201](#) gains access to the scene of the offence or brings the property within his possession by means of breaking and entering, breaking and entering, climbing in, using false keys, a false order or a false costume, the penalty may be increased by a maximum of one year's imprisonment.

Article 203

Any person who in time of peace deliberately provokes the desertion of a soldier in the service of the Kingdom by any of the means mentioned in [Article 47, paragraph 1, sub 2°](#) , or promotes it in any manner mentioned in [Article 48](#) , shall be punished with a prison sentence of not more than six months or a fine of the third category.

Article 204

He who, in time of peace, deliberately incites riot or mutiny among soldiers in the service of the Kingdom by any of the means mentioned in [Article 47, paragraph 1, sub 2°](#) , or promotes it in any manner mentioned in [Article 48](#) , shall be punished with a prison sentence of not more than six years or a fine of the fourth category.

Article 205

- 1 He who, without the King's permission, recruits any person for foreign military service or armed struggle, shall be punished with a prison sentence of not more than four years or a category 5 fine.
- 2 If the offender commits one of the criminal offences described in the first paragraph in his profession, he may be disqualified from practising that profession.
- 3 If the armed struggle for which recruitment is taking place involves the commission of a terrorist offence, the prison sentence imposed for the offence described in the first paragraph shall be increased by one third.

Article 206

- 1 The following shall be punishable by imprisonment of not more than two years or a fine of the fourth category:
 - 1st. he who deliberately makes himself unfit or allows himself to be made unfit for service in the armed forces or for any work under civilian service;
 - 2°. he who, at the request of another, deliberately makes him unsuitable for such a service or for such work.
- 2 If in the latter case the act results in death, a prison sentence of not more than six years or a fine of the fourth category shall be imposed.

Title IX. Perjury**Article 207**

- 1 Any person who, in cases in which a statutory provision requires a sworn statement or attaches legal consequences to it, either orally or in writing, in person or through a person specially authorized to do so, intentionally makes a false statement under sworn, shall be punished with a prison sentence of not more than six years or a fine of the fourth category.
- 2 If the false statement is made in a criminal case to the detriment of the defendant or suspect, the guilty party shall be punished with a prison sentence of up to nine years or a fine of the fifth category.
- 3 The oath is equivalent to the promise or confirmation which, by law, takes the place of the oath.
- 4 Deprivation of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° may be declared.

Article 207a

- 1 Any person who, in cases where a declaration under oath or a substitute confirmation or promise is required by or pursuant to a treaty to which the Kingdom is a party, intentionally makes a false statement in that form before an international tribunal, either orally or in writing, in person or through a person specially authorised for that purpose, shall be punished with a prison sentence of not more than six years or a fine of the fourth category.
- 2 Articles 207, paragraphs 2 and 4 shall apply.

Article 207b

- 1 Any person who, in cases where a declaration under oath or a substitute confirmation or promise is required by or pursuant to a treaty, intentionally makes a false statement orally, in person, before a judicial authority of another State in the Netherlands, by video conference, shall be punished with a prison sentence of not more than six years or a fine of the fourth category.
- 2 Article 207, paragraphs 2 and 4 , shall apply.
- 3 No prosecution shall take place except upon complaint by the judicial authority before which the false statement was made. Article 66 shall not apply to the complaint referred to in this paragraph.

Title X. Counterfeiting of Coins and Banknotes**Article 208**

Any person who counterfeits or falsifies coins, banknotes, or coins with the intention of passing off or having passed off those coins, banknotes, or coins as genuine and uncounterfeit, shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.

Article 209

Any person who intentionally issues as genuine and uncounterfeit coins, banknotes or coins which he has himself counterfeited or forged or the falsity or forgery of which was known to him when he received them, or who receives, procures, has in stock, transports, imports, transits or exports them with the intention of issuing or having them issued as genuine and uncounterfeit, shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.

Article 210

Any person who intentionally and unlawfully puts into circulation or, in order to put them into circulation, receives, obtains, has in stock, transports, imports, transits or exports coins or banknotes intended to be put into circulation as legal tender, shall be punished with a prison sentence of not more than five years or a fine of the fifth category.

Article 213

Any person who intentionally issues false or forged coins or false or forged banknotes or coins shall, subject to Article 209 , be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 214

Any person who manufactures, receives, obtains or possesses substances, objects or data which he knows are intended for counterfeiting or falsifying coinage, banknotes or coins, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 214a

In the event of conviction for any of the offences described in this Title:

- 1st. the false or counterfeit coins;
- 2°. the false or forged coins or banknotes;
- 3°. the substances, objects or data which are by their nature intended for counterfeiting or falsifying coinage, banknotes or coins;

to the extent that the crime has been committed with them or they have formed the object thereof, shall be declared forfeit, regardless of who the objects belong to.

Article 215

In the event of conviction for one of the offences referred to in Articles 208 to 210 , deprivation of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° may be pronounced.

Title XI. Forgery in seals and marks

Article 216

[Amendment(s) without an effective date. See the list of changes .]

1 The following shall be punishable by imprisonment of not more than six years or a fine of the fifth category:

- 1st.** he who counterfeits or forges stamps issued by the government with the intention of using those stamps as genuine and unadulterated or having them used by others.
- 2°.** he who, with the same intention, manufactures such stamps by unlawfully using genuine stamps.
- 2** The first paragraph applies mutatis mutandis to stamps issued by a provider of the universal postal service as referred to in the Postal Act 2009 that bear the designation "Netherlands", as well as to stamps issued by the International Clearing and Coordination Body referred to in Article 10, paragraph 2, of the Convention on the Collection, Deposit and Reception of Waste produced during Rhine and Inland Navigation, concluded in Strasbourg on 9 September 1996 (Trb. 1996, 293), referred to in Article 10, paragraph 2, of that Convention, pursuant to Article 3.01, paragraph 2, of the Implementing Regulation belonging to that Convention.

Article 217

The following shall be punishable by a prison sentence of not more than five years or a fine of the fifth category:

- 1st.** he who places false legal marks or signs on palladium, platinum, gold or silver objects or falsifies genuine ones, with the intention of using those objects or causing others to use them as if the marks and signs placed thereon were genuine and unadulterated;
- 2°.** he who, with the same intention, places legal marks or signs on the said objects by unlawfully using genuine stamps or other equipment intended for the affixing of legal marks or signs;
- 3°.** any person who places, adds or transfers genuine legal marks or signs in, to or on palladium, platinum, gold or silver objects other than those to which they were originally affixed, with the intention of using those objects or causing others to use them as if the said marks or signs had been originally placed thereon.

Article 218

The following shall be punishable by imprisonment of not more than three years or a fine of the fifth category:

- 1st.** he who affixes false metrological marks or falsifies genuine ones on objects subject to metrological conformity assessment, with the intention of using those objects or causing others to use them as if the marks affixed thereto were genuine and unadulterated;
- 2°.** he who, with the same intention, places marks on the said objects by unlawfully using genuine stamps.

Article 219

The following shall be punishable by imprisonment of not more than two years or a fine of the fifth category:

- 1st.** he who falsely places or falsifies genuine marks on goods or their packaging other than those referred to in Articles 217 and 218 , which are required or permitted by law to be placed on goods or their packaging, with the intention of using those goods or causing others to use them as if the marks placed thereon were genuine and unadulterated;
- 2°.** he who, with the same intention, places marks on the said goods or their packaging by making unlawful use of genuine stamps;
- 3°.** he who uses genuine trademarks for goods or their packaging for which those trademarks are not intended, with the intention of using those goods or causing others to use them as if the trademarks in question were intended for such purposes.

Article 220

He who intentionally uses, sells, offers for sale, delivers, stocks for sale or imports into the Kingdom in Europe false, forged or unlawfully manufactured seals, signs or brands, or the objects to which they are unlawfully attached, as if those seals, signs or brands were genuine and unadulterated and not unlawfully manufactured or unlawfully attached to the objects, shall be punished with the same penalties as those laid down in Articles 216-219 , according to the distinctions made therein.

Article 221

- 1 Any person who removes the rejection mark affixed to objects subject to metrological conformity assessment, with the intention of using those objects or allowing others to use them as if they were not rejected, shall be punished with a prison sentence of not more than one year or a fine of the fourth category.
- 2 The same penalty shall be imposed on anyone who intentionally uses, sells, offers for sale, delivers or stocks for sale these objects which have been stripped of the rejection mark, as if they were not rejected.

Article 222

- 1 Any person who removes the mark from seals referred to in [Article 216](#) which have already been used, in order to render them unsuitable for further use, with the intention of using those seals or having them used by others as if they had not yet been used, shall be punished with a prison sentence of not more than three years or a fine of the fifth category.
- 2 The same penalties shall be imposed on anyone who intentionally uses, sells, offers for sale, delivers, stocks for sale, or imports into the Kingdom and Europe these stamps which have been stripped of that mark, as if they had not yet been used.

Article 222bis

The provisions of [Articles 216](#) , [219](#) , [220](#) and [222](#) shall also apply, in accordance with the distinctions made therein, if the acts described therein are committed with regard to seals or marks of Aruba, Curaçao, Sint Maarten, a foreign power or an international organisation.

Article 223

Any person who is in possession of substances or objects which he knows are intended to be used to commit any offence defined in [Article 216](#) or in [Article 222bis](#) in connection with [Article 216](#) shall be punished with a prison sentence of not more than six months or a fine of the fourth category.

Article 224

In the event of conviction for one of the offences referred to in [Articles 216-222bis](#) , deprivation of the rights referred to in [Article 28, paragraph 1, points 1°, 2° and 4°](#) may be pronounced.

Title XII. Forgery of writings, data and biometric characteristics**Article 225**

- 1 Any person who falsely draws up or falsifies a document intended to serve as evidence of any fact, with the intention of using it or causing others to use it as genuine and unadulterated, shall be guilty of forgery and shall be punished with a prison sentence of not more than six years or a fine of the fifth category.
- 2 The same penalty shall be imposed on anyone who intentionally uses a false or forged document as if it were genuine and unadulterated, or who intentionally delivers or possesses such a document while knowing or having reasonable grounds to suspect that it is intended for such use.
- 3 If an act described in the first or second paragraph is committed with the intention of preparing or facilitating a terrorist offence, the prison sentence imposed for the act shall be increased by one third.

Article 226

- 1 The offender shall be punished with imprisonment not exceeding seven years or a category 5 fine if it is committed:
 - 1st. in authentic deeds;
 - 2°. in bonds or certificates of indebtedness of any state, province, municipality or public institution;
 - 3°. in shares or debentures or certificates of shares or debentures of any association, foundation or company;
 - 4°. in talons, dividend or interest certificates belonging to one of the documents described under the two preceding numbers, or in certificates issued in lieu of these documents;
 - 5°. in credit or commercial paper.
- 2 The same penalty shall be imposed on anyone who intentionally uses any false or falsified document referred to in the first paragraph as if it were genuine and unadulterated, or who intentionally delivers, possesses, receives, procures, transports, sells or transfers such a document, while he knows or should reasonably suspect that the document is intended for such use.

Article 227

- 1 Any person who includes in an authentic instrument a false statement concerning a fact the truth of which must be apparent from the instrument, with the intention of using that instrument or having it used by others as if his statement were in accordance with the truth, shall be punished with a prison sentence of not more than six years or a fine of the fifth category.
- 2 The same penalty shall be imposed on anyone who intentionally uses the deed as if its contents were true, or who intentionally delivers or possesses the deed while knowing or having reasonable grounds to suspect that the deed is intended for such use.

Article 227a

Any person who, other than by forgery, deliberately provides untruthful information to the person by whom or through whose intervention any provision or allowance is granted, shall, if the act may serve to benefit himself or another person, while he knows or should reasonably suspect that the information provided is important for determining his or another person's right to that provision or allowance or for the amount or duration of such provision or allowance, be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 227b

Any person who, in violation of an obligation imposed on him by or pursuant to a statutory provision, deliberately fails to provide the required information in good time, shall, if the act may serve to benefit himself or another person, while he knows or should reasonably suspect that the information is important for determining his or another person's right to a benefit or allowance, or for the amount or duration of such a benefit or allowance, be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 227c

- 1 Any person who, other than by forgery, deliberately fails to provide information truthfully or in breach of an obligation incumbent upon him, and who thereby results in funds or assets from the budget of the European Union or from a budget managed by or for the European Union being unlawfully received or withheld, shall be liable to a prison sentence of not more than four years or a category 5 fine.
- 2 The same penalty shall be imposed on any person who, other than by forgery, intentionally fails to provide truthful information or, in breach of an obligation incumbent upon him, fails to provide information, and who thereby reduces the resources of the budget of the European Union or of a budget managed by or on behalf of the European Union.

Article 228

- 1 A physician or midwife who deliberately makes a false statement regarding a birth, a cause of death or regarding the existence or non-existence of illness, infirmity or defect, shall be punished with a prison sentence of not more than three years or a fine of the fourth category.
- 2 If the statement is issued with the intention of having a person admitted or detained in a psychiatric hospital, a prison sentence of up to seven years and six months or a category 5 fine shall be imposed.
- 3 The same penalties shall be imposed on anyone who deliberately uses a false statement as if its contents were in accordance with the truth.

Article 229

- 1 Any person who falsely draws up or falsifies a written medical certificate concerning the cause of death, or concerning the existence or non-existence of illnesses, weaknesses or defects, with the intention of misleading the public authorities or insurers, shall be punished with a prison sentence of not more than three years or a fine of the fourth category.
- 2 The same penalty shall be imposed on anyone who, with the same intention, uses the false or falsified statement as if it were genuine and unadulterated.

Article 230

- 1 He who falsely draws up or falsifies a certificate of good conduct, competence, poverty, infirmity or other circumstances, with the intention of using it or having it used by others for the purpose of obtaining employment or of arousing goodwill and assistance, shall be punished with a prison sentence of not more than one year or a fine of the third category.
- 2 The same penalty shall be imposed on anyone who intentionally uses any false or forged certificate referred to in the first paragraph as if it were genuine and unadulterated.

Article 231

- 1 Any person who falsely draws up or falsifies a travel document, an identity document as referred to in Article 1 of the Identification Obligation Act or any other identity document issued by a service or organisation of vital or national interest, or who causes such a document to be issued on the basis of false personal data, or who makes such a document that has been issued to him or another person available to a third party with the intention that that third party use it as if it had been issued to him, shall be punished with a prison sentence of not more than six years or a fine of the fifth category.
- 2 The same penalty shall be imposed on anyone who issues or possesses a travel document or identity document as referred to in the first paragraph that he knows or reasonably should suspect is false or forged, or who intentionally uses a false or forged travel document or identity document as referred to in the first paragraph. The same penalty shall be imposed on anyone who intentionally and unlawfully uses a

travel document or identity document as referred to in the first paragraph that has been reported missing to the competent authorities or that is not issued in his name.

3 Article 225, third paragraph , shall apply mutatis mutandis.

Article 231a

1 Any person who falsely creates or falsifies biometric characteristics or biometric personal data with the intention of using or causing them to be used as genuine and unadulterated in cases where those characteristics or personal data are used to establish a person's identity, in order to conceal that person's identity or to conceal or abuse the identity of another person, shall be punished with a prison sentence of not more than six years or a fine of the fifth category.

2 The same penalty shall be imposed on anyone who, in cases where biometric characteristics or biometric personal data are used to establish a person's identity, intentionally uses false or falsified biometric characteristics or biometric personal data as if they were genuine and unadulterated with the intention of concealing his identity or of misusing the identity of another person, or intentionally uses biometric characteristics or biometric personal data of another person with the intention of creating suspicion on that other person or not on that person of having committed a criminal offence.

3 Article 225, third paragraph , shall apply mutatis mutandis.

Article 231b

Any person who intentionally and unlawfully uses identifying personal data, other than biometric personal data, of another person with the intention of concealing his identity or concealing or misusing the identity of another person, whereby any disadvantage may arise from that use, shall be punished with a prison sentence of not more than five years or a fine of the fifth category.

Article 232

1 Any person who intentionally forges or falsifies a non-cash payment instrument or a publicly available card or a publicly available carrier of identifying personal data intended for performing or obtaining services other than payments by automated means, with the intention of benefiting himself or another, shall be punished with a prison sentence of not more than six years or a fine of the fifth category.

2 The same penalty shall be imposed on any person who intentionally uses a false or forged non-cash payment instrument or a card obtained through a criminal offence, or a card obtained through a criminal offence, or intentionally uses it as if it were genuine or unforged, or intentionally delivers, possesses, receives, procures, transports, imports, exports, sells or transfers such a payment instrument or card, while he knows or should reasonably suspect that the non-cash payment instrument or card is intended for such use.

Article 234

1 He who manufactures, receives, procures, sells, transfers, acquires, transports, imports, exports, distributes, otherwise makes available or has in his possession substances, objects or data which he knows are intended to be used to commit one of the offences described in Articles 226, paragraph 1, subparagraphs 2° to 5° , 231, paragraph 1 , 231a, paragraph 1 , 231b and 232, paragraph 1 or one of the offences described in Articles 310 , 311 , 312 , 317 , 321 and 326 , insofar as these facts relate to the acquisition of a non-cash payment instrument, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

2 Article 225, third paragraph , shall apply mutatis mutandis.

Article 235

1 If convicted of one of the offences described in this Title, the offender may be deprived of the right to exercise the profession in which he committed the offence.

2 In the event of conviction for one of the offences referred to in Articles 225 to 232 and 234 , deprivation of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° may be pronounced.

Title XIII. Offences against civil status

Article 236

1 He who by any act deliberately makes another person's descent uncertain, shall be guilty of embezzlement and shall be punished with a prison sentence of not more than five years or a fine of the fourth category.

2 Deprivation of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° may be declared.

3 Prosecution will not commence until a request to invoke or challenge status has been filed and the civil court has issued a final decision. However, if the request is not progressing satisfactorily due to the parties' inaction, prosecution may also commence after the civil court has ruled that there is prima facie evidence.

Article 237

1 The following shall be punishable by a prison sentence of not more than four years or a fine of the fourth category:

1st. he who deliberately enters into a double marriage;

2°. he who enters into a marriage knowing that the other party thereby enters into a double marriage.

2 If any person who deliberately enters into a double marriage has concealed his marital status from the other party, he shall be punished with imprisonment of not more than six years or a fine of the fourth category.

3 Deprivation of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° may be declared.

Article 238

An unmarried person who enters into marriage by deliberately concealing from the other party that there is any lawful impediment to it, shall, if the marriage is declared null and void on the basis of that impediment, be punished with a prison sentence of not more than four years or a fine of the fourth category.

Title XIV. Sexual Offenses

Article 239

1 In this title, the term 'person who performs sexual acts with a person' also includes: the person who causes a person to perform sexual acts with that person, with himself or with a third party, or the person who causes a person to undergo sexual acts with a third party.

2 In this title, the term 'person who performs sexual acts with a child' also includes: the person who causes a child to perform sexual acts with that person, with himself or with a third party, or the person who causes a child to undergo sexual acts with a third party.

3 In this Title, visual representation also includes data suitable for forming a visual representation or a data carrier containing data suitable for forming a visual representation.

Article 240

Anyone who engages in sexual acts with a person while having serious reason to suspect that the person lacks the will to do so shall be punished with a prison sentence of not more than two years or a fourth-category fine if he is guilty of criminal assault.

Article 241

1 Anyone who performs sexual acts on a person knowing that the person lacks the intention to do so shall be punished with imprisonment for a term not exceeding six years or a fine of the fourth category by intentional assault.

2 Anyone who is guilty of aggravated intentional assault shall be punished with a prison sentence of up to eight years or a category 5 fine if he or she commits the offence described in the first paragraph, preceded, accompanied, or followed by coercion, violence, or threats.

Article 242

Anyone who performs sexual acts with a person consisting of or partly involving sexual penetration of the body and who has serious reason to suspect that the person lacks the will to do so shall be guilty of rape by a prison sentence of not more than four years or a category four fine.

Article 243

1 Anyone who performs sexual acts with a person, which acts consist of or partly consist of sexual penetration of the body, knowing that the person lacks the intention to do so, shall be guilty of intentional rape and shall be punished with a prison sentence of not more than nine years or a category 5 fine.

2 Anyone who is guilty of aggravated rape with intent to commit rape, whether preceded, accompanied by, or followed by coercion, violence, or threats, shall be punished with imprisonment for a term not exceeding twelve years or a category 5 fine.

Article 244

For the purposes of the offences described in Articles 240 to 243, a person is deemed to lack the intention to engage in sexual acts if that person is in a state of unconsciousness, reduced consciousness or physical incapacity, or has such a mental disorder, psychogeriatric condition or intellectual disability that he or she is unable or incompletely capable of determining or expressing his or her intention regarding the sexual acts or of resisting them.

Article 245

1 Anyone guilty of sexual assault in the age category of sixteen to eighteen years shall be punished with imprisonment of up to six years or a fine of the fourth category if they:

- a. if the act is committed against a child of that person, against a child who is cared for or raised as belonging to the family of that person, against a child over whom that person exercises authority or against a child otherwise entrusted to the care, vigilance or education of that person or against a child subordinate to that person;
 - b. if the act is committed against a child in a particularly vulnerable position, which in any case means a particularly vulnerable position as a result of a mental disorder or intellectual or physical disability, a situation of dependence or a state of physical or mental incapacity;
 - c. if the act is committed through abuse of authority arising from actual relationships, using gifts or promises of money or goods, or through deception; or
 - d. if that child makes himself available to perform sexual acts with a third party in return for payment.
- 2 Anyone who is guilty of aggravated sexual assault in the age category of sixteen to eighteen years shall be punished with a prison sentence of up to eight years or a fine of the fifth category if he is guilty of the offence described in the first paragraph, preceded by, accompanied by or followed by coercion, violence or threats.

Article 246

- 1 Anyone guilty of rape in the age category of sixteen to eighteen years shall be punished with imprisonment of not more than nine years or a fine of the fifth category if they perform sexual acts with a child aged sixteen to eighteen years, which acts consist of or include sexual penetration of the body:
- a. if the act is committed against a child of that person, a child who is cared for or raised as belonging to the family of that person, a child over whom that person exercises authority or a child otherwise entrusted to the care, vigilance or education of that person or a child subordinate to that person;
 - b. if the act is committed against a child in a particularly vulnerable position, which in any case means a particularly vulnerable position as a result of a mental disorder or intellectual or physical disability, a situation of dependence or a state of physical or mental incapacity;
 - c. if the act is committed through abuse of authority arising from actual relationships, using gifts or promises of money or goods, or through deception; or
 - d. if that child makes himself available to perform sexual acts with a third party in return for payment.
- 2 Anyone who is guilty of aggravated rape in the age category of sixteen to eighteen years shall be punished with imprisonment of not more than twelve years or a fine of the fifth category, whoever is guilty of the offence described in the first paragraph, preceded by, accompanied by or followed by coercion, violence or threats.

Article 247

- 1 Anyone who engages in sexual acts with a child between the ages of twelve and sixteen shall be liable to a prison sentence of up to eight years or a category five fine for sexual assault committed in the age category of twelve to sixteen years.
- 2 Anyone who is guilty of aggravated sexual assault in the age category of twelve to sixteen years shall be punished with a prison sentence of not more than ten years and eight months or a fine of the fifth category if he is guilty of the offence described in the first paragraph, preceded by, accompanied by or followed by coercion, violence or threats.
- 3 No criminal liability shall be imposed on anyone who, as a peer, commits the acts referred to in the first paragraph in the context of an equivalent situation between that person and that child.

Article 248

- 1 Anyone who engages in sexual acts with a child between the ages of twelve and sixteen, which acts consist of or include sexual penetration of the body, shall be guilty of rape within the age category of twelve to sixteen years, and shall be punished with a prison sentence of not more than twelve years or a fine of the fifth category.
- 2 Anyone who is guilty of aggravated rape in the age category of twelve to sixteen years shall be punished with imprisonment of up to fifteen years or a fine of the fifth category, who is guilty of the offence described in the first paragraph, preceded by, accompanied by, or followed by coercion, violence, or threats.
- 3 No criminal liability shall be imposed on anyone who, as a peer, commits the acts referred to in the first paragraph in the context of an equivalent situation between that person and that child.

Article 249

- 1 Anyone who engages in sexual acts with a child under the age of twelve shall be liable to a prison sentence of up to ten years or a category five fine for sexual assault in the age category under twelve.
- 2 Anyone who is guilty of aggravated sexual assault in the age category under twelve years of age shall be punished with a prison sentence of not more than thirteen years and four months or a fine of the fifth category if he is guilty of the offence described in the first paragraph, preceded, accompanied by, or followed by coercion, violence, or threats.

Article 250

- 1 Anyone who engages in sexual acts with a child under the age of twelve, which acts consist of or include sexual penetration of the body, shall be guilty of rape in the age category under twelve years, and shall be punished with a prison sentence of not more than fifteen years or a fine of the fifth category.
- 2 Anyone who is guilty of aggravated rape in the age category under twelve years of age shall be punished with imprisonment of up to eighteen years or a fine of the fifth category if he is guilty of the offence described in the first paragraph, preceded, accompanied by, or followed by coercion, violence, or threats.

Article 250a

Any person who intentionally provides or attempts to provide himself or another with the opportunity, means or information to commit an offence as described in Articles 247 to 250 , or who acquires or teaches another the knowledge or skills to do so, shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 251

- 1 Any person who poses as a child under the age of sixteen or who is a person under the age of sixteen:
 - a. makes intrusive verbal or written sexual advances in a manner that could be considered harmful to children under the age of sixteen;
 - b. witnesses an act or a visual representation of a sexual nature or with an unmistakably sexual intent in a manner that could be considered harmful to children under the age of sixteen; or
 - c. proposes a meeting for sexual purposes and takes any action to bring about that meeting,shall be punishable by a prison sentence of not more than two years or a fine of the fourth category.
- 2 Any person who commits the acts referred to in the first paragraph with regard to a child between the ages of sixteen and eighteen or a person posing as such under the circumstances described in Article 245, first paragraph , shall be punished with a prison sentence of not more than one year and six months or a category four fine.
- 3 No criminal liability shall be imposed on a person who, as a peer, commits the act referred to in the first paragraph, introductory sentence and under c, in the context of an equivalent situation between that person and that child, provided that the child has at least reached the age of twelve.

Article 252

Any person who distributes, offers, openly displays, produces, imports, transits, exports, acquires, possesses or gains access to a visual representation of a sexual nature or with an unmistakably sexual intent in which a person who is clearly under the age of eighteen years is involved or appears to be involved, shall be punished with a prison sentence of not more than six years or a fine of the fifth category.

Article 253

Any person who intentionally attends a performance in which a person under the age of eighteen is involved or appears to be involved in acts of a sexual nature or with an unmistakably sexual nature, or in which a visual representation as referred to in Article 252 is shown, shall be punished with a prison sentence of not more than six years or a fine of the fifth category.

Article 253a

Any person who distributes, offers, openly displays, manufactures, imports, transits, exports, acquires or possesses an object with the outward appearance of a child or a part of the body of a child under the age of sixteen, which is intended for performing sexual acts, shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 254

- 1 The prison sentence for the offence may be increased by three years in the cases described under a through e:
 - a. if an act described in Articles 240 to 253 is committed by two or more persons acting together; or
 - b. in the case of Articles 240 to 243 :
- 1st. if the act is committed in the capacity of a civil servant, to which is equated a person in the public service of a foreign state who exercises his duties in the Netherlands in a manner permitted by international law, against a person who is subject to the authority of the offender or entrusted to the vigilance of the offender; or
- 2°. if the offender is employed in a penal institution, an institution for the care of persons placed at the offender's disposal, or an institution for health care or social care, and the act is committed against a person who is

subject to the offender's authority or entrusted to the vigilance of the offender and who is admitted to or is being treated in that institution or institution; or

- 3°. if the offender works in health care or social care and the act is committed against a person who has turned to the offender for help or care; or
 - c. if committing one of the acts described in Articles 245 to 253a becomes a profession or habit; or
 - d. if an act described in Articles 247 to 250 and 251 to 253 is committed under the circumstances described in Article 245, paragraph 1, under a or b; or
 - e. if an act described in Articles 247 to 250 is committed with a child who makes himself available to perform sexual acts with a third party in return for payment.
- 2 The prison sentence for the offence may be increased by three years if one of the offences described in Articles 241 , 243 and 245 through 250 results in grievous bodily harm or is likely to endanger the life of another person.
- 3 If any of the offences described in Articles 241 , 243 and 245 to 250 results in death, a sentence of life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine shall be imposed.

Article 254a

- 1 In the event of conviction for one of the offences referred to in Articles 240 to 253 , deprivation of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° may be pronounced.
- 2 If the person who is guilty of one of the offences described in Articles 240 to 253 commits the offence in the exercise of a profession, that person may be disqualified from exercising that profession.

Article 254b

Any person who intentionally, in public or, if another person is present against his will, in a non-public place, performs acts that are offensive to decency, shall be punished with a prison sentence of not more than six months or a fine of the third category.

Article 254ba

- 1 The one who
 - a. intentionally and unlawfully produces a visual representation of a sexual nature of a person;
 - b. has a visual representation as referred to under a) available to him/her, while he/she knows or should reasonably suspect that it was obtained by or as a result of an act punishable under a)
 shall be punishable by a prison sentence of not more than one year or a fine of the fourth category.
- 2 The one who
 - a. makes public a visual representation as referred to in the first paragraph(a) while the person knows or should reasonably suspect that it was obtained by or as a result of an act punishable under the first paragraph(a);
 - b. makes public a visual representation of a sexual nature of a person knowing that such publication may be detrimental to that person,
 shall be punishable by a prison sentence of not more than two years or a fine of the fourth category.

Article 254c

- 1 Any person who distributes, openly displays, produces, imports, forwards, exports, or possesses a visual representation of a sexual act involving or appearing to involve a human being and an animal shall be punished with a prison sentence of not more than six months or a category three fine.
- 2 If the act described in the first paragraph is committed by a person who makes a profession or habit of it, a prison sentence of not more than one year or a fine of the fourth category shall be imposed.

Article 254d

Any person who performs sexual acts with an animal or causes an animal to perform sexual acts with that person or with himself or with a third party, or causes an animal to undergo sexual acts by a third party, shall be punished with a prison sentence of not more than one year and six months or a fine of the fourth category.

Title XV. Abandonment of persons in need of care

Article 255

He who intentionally places or leaves in a helpless state a person to whose maintenance, care or care he is obliged by law or agreement, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 256

Any person who exposes or abandons a child under the age of seven with the intention of disposing of him shall be punished with a prison sentence of not more than four years and six months or a fine of the fourth category.

Article 257

- 1 If any of the acts described in Articles 255 and 256 results in serious bodily harm, the offender shall be punished with a prison sentence of not more than seven years and six months or a fine of the fifth category.
- 2 If any of these acts results in death, he shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.

Article 258

If the person guilty of the offence described in Article 256 is the father or the mother, the prison sentences provided for in Articles 256 and 257 may be increased in respect of him or her by one third.

Article 259

If the mother, under the influence of fear that her childbirth will be discovered, exposes her child shortly after birth or abandons it with the intention of disposing of it, the maximum prison sentences referred to in Articles 256 and 257 shall be reduced by half and the fine referred to in Article 257 shall be reduced to the fourth category.

Article 260

- 1 In the event of conviction for one of the offences referred to in Articles 255 to 259, deprivation of the rights referred to in Article 28, paragraph 1, point 4°, may be pronounced.
- 2 If convicted of an offence described in Article 255, the offender may, if he committed the offence in the course of his profession, be deprived of the right to practise that profession.

Title XVI. Insult

Article 261

- 1 He who deliberately attacks another person's honour or good name by accusing him of a specific act, with the obvious aim of making it public, is guilty of defamation and is punishable by a prison sentence of not more than six months or a fine of the third category.
- 2 If this is done by means of writings or images, distributed, publicly displayed or posted, or by writings the content of which is publicly heard, the perpetrator, as guilty of libel, shall be punished with imprisonment of not more than one year or a fine of the third category.
- 3 Neither libel nor defamation exists if the perpetrator acted in necessary defence, or could have assumed in good faith that the charge was true and that the public interest required the charge.

Article 262

- 1 He who commits the crime of libel or defamation, knowing that the act charged is contrary to the truth, shall be guilty of libel and shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 Deprivation of the rights referred to in Article 28, paragraph 1, points 1° and 2°, may be declared.

Article 265

- 1 If the offended party has been declared guilty of the offense charged by a final and binding court decision, a conviction for defamation is excluded.
- 2 If he has been acquitted of the offence charged by a final and binding court decision, that final and binding decision shall be regarded as full proof of the falsity of the offence.
- 3 If criminal proceedings have been instituted against the offended person for the offence charged against him, the prosecution for defamation shall be suspended until a final and binding decision has been made on the offence charged.

Article 266

- 1 Any intentional insult that does not have the character of libel or defamation, whether publicly orally or in writing or image, or inflicted on a person in his presence or by acts or through a sent or offered writing or image, is punishable as a simple insult by a prison sentence of not more than three months or a fine of the second category.
- 2 Conduct intended to express an opinion on the promotion of public interests and not aimed at causing offense in a different or more serious respect than that which results from that aim is not punishable as simple insult.

Article 267

- 1 The prison sentences provided for in the preceding Articles of this Title may be increased by one third if the insult is committed against:

1st. the King, the King's spouse, the King's heir presumptive, the King's spouse, or the Regent;

- 2°. a civil servant during or in connection with the lawful exercise of his duties, with the exception of members of general representative bodies;
- 3°. a public body or a public institution.
- 2 A civil servant is considered to be a person in the public service of a foreign state who carries out his duties in the Netherlands in a manner permitted by international law.

Article 268

- 1 Any person who intentionally files or causes to be filed in writing a false complaint or denunciation against a particular person to the government, thereby attacking the honour or good name of that person, shall be guilty of a libelous charge and shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 Deprivation of the rights referred to in Article 28, paragraph 1, points 1° and 2° , may be declared.

Article 269

- 1 An insult, punishable under this title, shall not be prosecuted except on the complaint of the person against whom the offence was committed.
- 2 The first paragraph does not apply to the cases provided for in Article 267 .
- 3 The first paragraph shall also not apply in the event of insulting members of generally representative bodies.

Article 270

- 1 Any person who commits an act against a deceased person which, if the deceased had still been alive, would have been characterised as libel or slander, shall be punished with a prison sentence of not more than three months or a fine of the second category.
- 2 This offence shall not be prosecuted except on complaint by one of the blood or related relatives of the deceased in the direct or collateral line up to the second degree, or by his spouse.

Article 271

- 1 Any person who distributes, publicly displays or posts a writing or image of insulting content or that is defamatory of a deceased person, or who has in stock such a writing or image for the purpose of being distributed, publicly displayed or posted, shall, if he knows or has serious reason to suspect that the content of the writing or image is of such a nature, be punished with a prison sentence of not more than three months or a fine of the second category.
- 2 The same penalty shall be imposed on anyone who, with the same knowledge or the same reason to suspect, publicly makes known the contents of such writing.
- 3 If the offender commits one of the offences described in this Article in his profession and at the time of the commission of the offence two years have not yet elapsed since a previous conviction of the offender for one of these offences became final, he may be deprived of the exercise of that profession.
- 4 Crimes shall not be prosecuted except on the complaint of the persons designated in Article 269 and the second paragraph of Article 270 , except in the cases provided for in Article 267 .

Title XVII. Breach of Secrets**Article 272**

- 1 Any person who intentionally breaches any secret which he knows or has reasonable grounds to suspect he is obliged to keep by virtue of office, profession, statutory provision or a previous office or profession, shall be punished with a prison sentence of not more than one year or a fine of the fourth category.
- 2 If this crime is committed against a specific person, it will only be prosecuted on that person's complaint.
- 3 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

Article 273

- 1 Anyone who intentionally commits an offence shall be punished with a prison sentence of not more than six months or a fine of the fourth category.
- 1st. concerning a commercial, industrial or service enterprise in which he is or has been employed, discloses details which have been kept confidential or
- 2°. discloses or uses for profit data obtained by criminal means from an automated system of a commercial, industrial or service-providing enterprise and which relate to that enterprise, if this data was not generally known at the time of disclosure or use and may result in any detriment.
- 2 No criminal liability shall be imposed on anyone who in good faith could have assumed that the public interest required disclosure.
- 3 No prosecution will take place except on complaint by the management of the company.
- 4 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

Article 273a

Any person employed by any public transport institution who intentionally and unlawfully opens a letter, sealed document or package entrusted to such institution, takes possession of it or discloses its contents to another person, shall be punished with a prison sentence of not more than one year and six months or a category four fine.

Article 273b

- 1 Any person employed by any public transport institution who intentionally delivers to any person other than the rightful owner, destroys, misappropriates, appropriates, or alters the contents of a letter, postcard, document or parcel entrusted to such institution, or appropriates any object enclosed therein, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.
- 2 If such a piece or object has monetary value, appropriation is punishable by a prison sentence of not more than six years or a fine of the fourth category.

Article 273c

The person charged with the operation of a telegraph installation used for the public benefit shall be punished:

- a. with imprisonment of not more than one year and six months or a fine of the fourth category, if he intentionally and unlawfully discloses the contents of a message entrusted to such an institution to another or intentionally and unlawfully opens a telegram, takes note of it or discloses the contents to another;
- b. with imprisonment of not more than four years or a fine of the fourth category, if he intentionally delivers to someone other than the rightful owner, destroys, misappropriates, appropriates or changes the contents of a message or telegram entrusted to such an institution.

Article 273d

- 1 A person employed by a provider of a public communications network or a public communications service who:
 - a. who intentionally and unlawfully takes cognizance of data which are stored, processed or transmitted through such a network or service and which are not intended for him, and takes over, intercepts or records such data for himself or another person;
 - b. who has at his disposal an object from which he knows or should reasonably suspect that data can be obtained through the unlawful copying, tapping or recording of such data;
 - c. who intentionally and unlawfully discloses the contents of such data to another;
 - d. who intentionally and unlawfully makes available to another an object from which information about the content of such data can be derived.
- 2 The first paragraph applies mutatis mutandis to the person employed by a provider of a non-public communications network or a non-public communications service.

Article 273e

Any person referred to in Articles 273a through 273d who intentionally permits another to commit any of the acts referred to in those Articles, or assists that other person as an accomplice, shall be punished with the penalties and distinctions laid down in those provisions.

Title XVIII. Crimes against personal liberty**Article 273f**

- 1 Anyone guilty of human trafficking shall be punished with imprisonment of up to twelve years or a category 5 fine:
 - 1st. any person who, by coercion, force or other act or by the threat of force or other act, by extortion, fraud, deception, or by abuse of the authority resulting from the circumstances, by abuse of a position of vulnerability or by the giving or receiving of payments or benefits to achieve the consent of a person having control over that other person, recruits, transports, transfers, harbours or receives, including the exchange or transfer of control over that other person, for the purpose of exploiting that other person or removing his organs;
 - 2°. any person who recruits, transports, transfers, harbours or receives another person, including the exchange or transfer of control over that other person, for the purpose of exploitation of that other person or removal of that other person's organs, when that other person has not attained the age of eighteen years;
 - 3°. any person who recruits, takes along or abducts another person with the intention of inducing that other person in another country to make himself available to perform sexual acts with or for a third party in return for payment;
 - 4°. the person who, by one of the means mentioned under 1°, compels or induces another to make himself available to perform work or services or to make his organs available, or under the circumstances

- mentioned under 1°, undertakes any act of which he knows or should reasonably suspect that the other person thereby makes himself available to perform work or services or makes his organs available;
- 5°. the person who induces another to make himself available to perform sexual acts with or for a third party in return for payment or to make his organs available in return for payment, or undertakes any act in relation to another of which he knows or should reasonably suspect that the other person thereby makes himself available to perform such acts or makes his organs available in return for payment, while the other person has not yet reached the age of eighteen years;
- 6°. the person who deliberately benefits from the exploitation of another;
- 7°. the person who deliberately benefits from the removal of another person's organs, knowing or having reasonable grounds to suspect that the organs of another person have been removed in the circumstances referred to in 1°;
- 8°. any person who intentionally profits from the sexual acts of another person with or for a third party in return for payment or the removal of that person's organs in return for payment, while that other person has not yet reached the age of eighteen years;
- 9°. the person who, by one of the means mentioned under 1°, forces or induces another to benefit him from the proceeds of that person's sexual acts with or for a third party or from the removal of that person's organs.
- 2 Exploitation shall include, at a minimum, the exploitation of another person in prostitution or other forms of sexual exploitation, forced or compulsory labour or services, including begging, slavery and practices similar to slavery, servitude and the exploitation of criminal activities.
- 3 The offender shall be punished with imprisonment of not more than fifteen years or a fine of the fifth category, if:
- 1st. the acts described in the first paragraph are committed by two or more persons acting together;
- 2°. the person in respect of whom the acts described in the first paragraph are committed is a person who has not yet reached the age of eighteen or is another person in respect of whom abuse is made of a vulnerable position;
- 3°. the facts described in the first paragraph are preceded, accompanied or followed by violence.
- 4 If any of the acts described in the first paragraph results in serious bodily harm or is likely to endanger the life of another, a prison sentence of up to eighteen years or a category five fine shall be imposed.
- 5 If any of the acts described in the first paragraph results in death, a penalty of life imprisonment or a temporary imprisonment of not more than thirty years or a fine of the fifth category shall be imposed.
- 6 A vulnerable position also includes a situation in which a person has no real or acceptable choice other than to submit to the abuse.
- 7 Article 254a applies accordingly.

Article 273g

- 1 Any person who performs sexual acts with another person while knowing or having serious reason to suspect that the other person makes himself available to perform sexual acts with a third party in return for payment, under the circumstances referred to in Article 273f, paragraph 1, point 1°, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.
- 2 The offender shall be punished with a prison sentence of not more than six years or a fine of the fourth category if the person in respect of whom the offence described in the first paragraph is committed is a person who has not yet reached the age of eighteen years.

Article 274

Any person who, for his own account or that of another, engages in the slave trade or intentionally participates therein, either directly or indirectly, shall be punished with a prison sentence of not more than twelve years or a fine of the fifth category.

Article 275

- 1 Any person who serves as a skipper or operates on a vessel knowing that it is intended for the slave trade, or using it for that purpose, shall be punished with a prison sentence of not more than twelve years or a category 5 fine.
- 2 If the transport results in the death of one or more slaves, the master shall be punished with a prison sentence of not more than fifteen years or a category 5 fine.

Article 276

Any person who enters service as a crew member on a vessel knowing that it is intended or used for the slave trade, or who voluntarily remains in service after having learned of that purpose or use, shall be punished with a prison sentence of not more than nine years or a category five fine.

Article 277

He who, for his own account or that of another, directly or indirectly cooperates in the leasing, chartering or insuring of a vessel, knowing that it is intended for the slave trade, shall be punished with a prison sentence of not more than eight years or a fine of the fifth category.

Article 278

He who transports any person across the borders of the Kingdom into Europe, with the intention of unlawfully bringing him into the power of another or of removing him into a helpless state, shall be guilty of human robbery and shall be punished with a prison sentence of not more than twelve years or a category 5 fine.

Article 279

- 1 He who intentionally removes a minor from the authority lawfully vested in him or from the supervision of the person authorized to exercise such authority over him, shall be punished with a prison sentence of not more than six years or a fine of the fourth category.
- 2 A prison sentence of up to nine years or a category 5 fine shall be imposed if deception, violence or threats of violence have been used, or if the minor is under the age of twelve.

Article 280

- 1 Any person who intentionally conceals from the investigation of officials of the justice system or police a minor who is or has withdrawn from the lawful authority or supervision of a person authorized to exercise such authority over him, shall be punished with a prison sentence of not more than three years or a fine of the fourth category, or, if the minor is under twelve years of age, with a prison sentence of not more than six years or a fine of the fourth category.
- 2 The foregoing does not apply to
 - a. the person who immediately informs the child protection council of the minor's place of residence; or
 - b. the youth care provider, as referred to in Article 1.1 of the Youth Act , insofar as he acts in accordance with the Youth Act
 - c. the person who acts in the context of careful assistance to the minor.
- 3 Careful assistance consists of the immediate notification that assistance is being provided and the immediate disclosure of the identity of the care provider and his or her place of residence or establishment to the person exercising authority over the minor.
- 4 Persons in the public service of a foreign state who perform their duties in the Netherlands in a manner permitted by international law are treated as equivalent to officials of the judiciary and police.

Article 281

- 1 If guilty of abduction, the following will be punished:
 - 1st. with imprisonment not exceeding six years or a fine of the fourth category, he who carries away a minor female, without the will of her parents or guardians but with her consent, with the intention of securing her property in or out of wedlock;
 - 2°. with imprisonment not exceeding nine years or a fine of the fifth category, he who carries away a woman by trickery, violence or threats of violence, with the intention of securing her possession in or out of wedlock.
- 2 No prosecution will take place except on complaint.
- 3 The complaint is made:
 - a. if the woman is a minor at the time of the abduction, either by herself or by someone whose consent she requires to enter into marriage;
 - b. if she is of legal age at the time of the abduction, either by herself or by her husband.
- 4 If the abductee has married the kidnapped person, no conviction will take place until the marriage has been declared null and void.

Article 282

- 1 He who intentionally and unlawfully deprives another of his liberty or keeps him deprived of his liberty shall be punished with a prison sentence of not more than eight years or a fine in the fifth category.
- 2 If the act results in grievous bodily harm, the offender shall be punished with a prison sentence of up to nine years or a fine of the fifth category.
- 3 If the act results in death, he shall be punished with a prison sentence of not more than twelve years or a fine of the fifth category.
- 4 The penalties provided for in this Article shall also apply to any person who intentionally causes the unlawful deprivation of liberty to occur.

Article 282a

- 1 He who intentionally and unlawfully deprives another of his liberty or keeps him deprived of his liberty with the intention of forcing another to do or refrain from doing something, shall be guilty of hostage-taking and shall be liable to a prison sentence of not more than fifteen years or a category 5 fine.
- 2 If the act results in death, he shall be punished with life imprisonment or a temporary prison sentence of not more than thirty years or a fine of the fifth category.
- 3 The fourth paragraph of Article 282 applies.

Article 282b

- 1 He who intentionally and unlawfully deprives another of his liberty or keeps him deprived of his liberty with a terrorist aim, shall be punished with life imprisonment or a term of imprisonment not exceeding thirty years or a fine of the fifth category.
- 2 Article 282, paragraph 4 , shall apply mutatis mutandis.

Article 282c

- 1 Conspiracy to commit the offence described in Article 282b is punishable by a prison sentence of not more than ten years or a category 5 fine.
- 2 Article 96, paragraph 2 , shall apply mutatis mutandis.

Article 283

- 1 Any person who is guilty of unlawfully depriving or continues to be deprived of liberty shall be punished with a prison sentence of not more than six months or a fine of the second category.
- 2 If the act results in grievous bodily harm, the offender shall be punished with a prison sentence of not more than one year or a fine of the third category.
- 3 If the act results in death, he shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 284

- 1 The following shall be punishable by imprisonment of not more than two years or a fine of the fourth category:
 - 1st. he who, by force or any other act or by the threat of force or any other act, whether directed against that other person or against third parties, unlawfully compels another to do, refrain from doing or tolerate something;
 - 2°. he who forces another by threatening with libel or defamation to do, refrain from doing or tolerate something.
- 2 In the case described under 2°, the offence shall not be prosecuted except on complaint by the person against whom it was committed.

Article 284a

He who, by threatening with theft or extortion of fissile material, as referred to in Article 1, first paragraph, under b, of the Nuclear Energy Act (*Stb.* 1963, 82), directed against that other person or against third parties, unlawfully compels that person to do, refrain from doing or tolerate something, shall be punished with a prison sentence of not more than one year and six months or a fine of the fourth category.

Article 285

- 1 Threat of openly committing violence in concert against persons or property, of violence against an internationally protected person or his or her protected property, of any criminal offence endangering the general safety of persons or property or of common danger to the provision of services, of the crimes described in Articles 241 and 243 , of any crime against life, of hostage-taking, of grievous bodily harm or of arson, shall be punishable by a prison sentence of not more than three years or a fine of the fourth category.
- 2 If this threat is made in writing and under certain conditions, it shall be punishable by a prison sentence of not more than four years or a fine of the fourth category.
- 3 Threatening to commit a terrorist offence is punishable by a prison sentence of up to six years or a category 5 fine.
- 4 If the act described in the first, second or third paragraph is committed with the intention of preparing or facilitating a terrorist offence, the prison sentence imposed for the act shall be increased by one third.
- 5 If the act described in the first, second or third paragraph is committed against a person in their capacity as Minister, State Secretary, King's Commissioner, Provincial Executive Member, Mayor, Alderman, member of a general representative body, judicial officer, lawyer, journalist or publicist in the context of news gathering, police officer or special investigating officer, the prison sentence imposed for the act shall be increased by one third.

Article 285a

- 1 He who deliberately makes an expression to a person orally, by gestures, in writing or in images, clearly in order to influence that person's freedom to make a statement truthfully or conscientiously before a judge or official, while he knows or has serious reason to suspect that such a statement will be made, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.
- 2 The following shall be deemed to be equivalent to a judge or civil servant: a judge at, or a person in the public service of, an international court deriving its jurisdiction from a treaty to which the Kingdom is a party, and a person in the public service of a foreign state who exercises his or her office in the Netherlands in a manner permitted by international law.

Article 285b

- 1 He who unlawfully and systematically and deliberately infringes another person's personal privacy with the aim of forcing that other person to do, refrain from doing or tolerate something, or to instill fear in him, is guilty of harassment and shall be punished with a prison sentence of not more than three years or a fine of the fourth category.
- 2 Prosecution shall only take place on complaint of the person against whom the crime was committed.

Article 285c

Any person who intentionally lures a person outside or into the Netherlands with the intention of committing an offence described in [Article 284](#) against that person shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 285d

- 1 Any person who obtains personal data of another person or a third party, disseminates such data or otherwise makes it available with the intention of frightening or causing such fear to that other person, of causing or causing such fear to that other person, of seriously hindering or causing such fear to that other person, or of seriously hindering or causing such fear to that other person in the exercise of his office or profession, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 If the act described in the first paragraph is committed against a person in their capacity as Minister, State Secretary, King's Commissioner, Provincial Executive Member, Mayor, Alderman, member of a general representative body, judicial officer, lawyer, journalist or publicist in the context of news gathering, police officer or special investigating officer, the prison sentence imposed for the act shall be increased by one third.

Article 286

In the event of conviction for one of the offences referred to in [Articles 274-282](#) and in the [second paragraph of Article 285](#), deprivation of the rights referred to in [Article 28, first paragraph, points 1°, 2° and 4°](#) may be pronounced.

Article 286a

In the event of conviction for one of the offences described in [Articles 282b](#), [282c](#) and [285, third paragraph](#), deprivation of the right referred to in [Article 28, first paragraph, under 3°](#), may be pronounced.

Title XIX. Crimes against life**Article 287**

He who intentionally deprives another of life is guilty of manslaughter and shall be punished with a prison sentence of not more than twenty-five years or a category five fine.

Article 288

Manslaughter followed, accompanied or preceded by a criminal offence and committed with the intention of preparing or facilitating the execution of that offence or, on being caught in the act, of securing for oneself or other participants in that offence either impunity or possession of the unlawfully obtained property, is punishable by life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine.

Article 288a

Manslaughter committed with a terrorist intent is punishable by life imprisonment or a temporary sentence of not more than thirty years or a category 5 fine.

Article 289

He who intentionally and with premeditation takes the life of another shall be guilty of murder and shall be punished with life imprisonment or a term of imprisonment not exceeding thirty years or a category 5 fine.

Article 289a

- 1 Conspiracy to commit the offence described in Article 289 with a terrorist intent, as well as the offence described in Article 288a , shall be punishable by a prison sentence of not more than ten years or a category five fine.
- 2 Article 96, paragraph 2 , shall apply mutatis mutandis.

Article 290

A mother who, under the influence of fear that her childbirth will be discovered, deliberately takes the life of her child at or shortly after birth, shall be guilty of infanticide and shall be punished with a prison sentence of not more than six years or a fine of the fourth category.

Article 291

The mother who, in execution of a decision taken under the influence of fear that her impending birth will be discovered, deliberately deprives her child of life at or shortly after birth, shall be guilty of infanticide and shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.

Article 292

The offences described in Articles 290 and 291 shall be deemed to be manslaughter or murder in relation to other persons who participate in them.

Article 293

- 1 He who intentionally ends the life of another at the express and serious request of that other person shall be punished with a prison sentence of not more than twelve years or a category 5 fine.
- 2 The act referred to in the first paragraph is not punishable if it is committed by a physician who complies with the due care requirements referred to in Article 2 of the Termination of Life on Request and Assisted Suicide (Review of Termination of Life on Request and Assisted Suicide) Act and who reports this to the municipal coroner in accordance with Article 7, second paragraph, of the Burial and Cremation Act .

Article 294

- 1 Any person who deliberately incites another to commit suicide shall, if suicide follows, be punished with a prison sentence of not more than three years or a fine of the fourth category.
- 2 Anyone who intentionally assists another in committing suicide or provides them with the means to do so shall, if suicide follows, be punished with a prison sentence of up to three years or a category 4 fine. Article 293, paragraph 2, applies mutatis mutandis.

Article 295

- 1 In the event of conviction for manslaughter, murder or one of the offences referred to in Articles 293, first paragraph , and 296 , deprivation of the rights referred to in Article 28, first paragraph, points 1°, 2° and 4° may be pronounced.
- 2 If the person guilty of one of the offences described in Articles 287 to 289 commits the offence in the course of his profession, he may be disqualified from practising that profession.

Article 295a

In the event of conviction for one of the offences described in Articles 288a and 289a , or for conviction for the offence described in Article 289 , committed with a terrorist intent, deprivation of the right referred to in Article 28, paragraph 1, under 3° , may be pronounced.

Title XIXA. Termination of pregnancy**Article 296**

- 1 Any person who provides treatment to a woman while he knows or should reasonably suspect that this could result in an abortion will be punished with a prison sentence of not more than four years and six months or a fine of the fourth category.
- 2 If the act results in the death of the woman, a prison sentence of up to six years or a fine of the fourth category shall be imposed.
- 3 If the act is committed without the woman's consent, a prison sentence of up to twelve years or a category 5 fine shall be imposed.
- 4 If the act is committed without the woman's consent and also results in her death, a prison sentence of up to fifteen years or a category 5 fine shall be imposed.
- 5 The act referred to in the first paragraph is not punishable if the treatment was carried out by:
 - a. a physician in a hospital or clinic where such treatment may be performed in accordance with the Termination of Pregnancy Act ;

- b. a general practitioner who performs a medical termination of pregnancy in accordance with the Termination of Pregnancy Act .

Title XX. Abuse

Article 300

- 1 Assault is punishable by a prison sentence of not more than three years or a category four fine.
- 2 If the act results in grievous bodily harm, the offender shall be punished with a prison sentence of not more than four years or a fine of the fourth category.
- 3 If the act results in death, he shall be punished with a prison sentence of not more than six years or a fine of the fourth category.
- 4 Intentional harm to health is equated with abuse.
- 5 Attempting this crime is not punishable.

Article 301

- 1 Premeditated assault is punishable by a prison sentence of up to four years or a category four fine.
- 2 If the act results in grievous bodily harm, the offender shall be punished with a prison sentence of not more than six years or a fine of the fourth category.
- 3 If the act results in death, he shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.

Article 302

- 1 Any person who intentionally causes grievous bodily harm to another shall be guilty of grievous assault and shall be punished with a prison sentence of not more than eight years or a category 5 fine.
- 2 If the act results in death, the guilty party shall be punished with a prison sentence of not more than ten years or a fine of the fifth category.

Article 303

- 1 Aggravated assault committed with premeditation is punishable by a prison sentence of up to twelve years or a category 5 fine.
- 2 If the act results in death, the guilty party shall be punished with a prison sentence of not more than fifteen years or a fine of the fifth category.

Article 304

- 1 The prison sentences provided for in Articles 300 to 303 may be increased by one third:
 - 1st. with regard to the guilty party who commits the offence against his mother, his father with whom he has a family law relationship, his spouse, his life partner, his child, a child over whom he exercises authority or a child whom he cares for or raises as belonging to his family or a minor entrusted to his care, education or vigilance;
 - 2°. with regard to the guilty party who systematically commits the crime against a minor;
 - 3°. if the offence is committed against a civil servant during or in connection with the lawful exercise of his duties;
 - 4°. if the crime is committed by administering substances harmful to life or health.
- 2 A civil servant is considered to be a person in the public service of a foreign state who carries out his duties in the Netherlands in a manner permitted by international law.

Article 304a

If an offence punishable under Article 302 or 303 has been committed with a terrorist intent, the prison sentence provided for in that Article shall be increased by half and, if the offence is punishable by a prison sentence of not more than fifteen years, a life sentence or a prison sentence of not more than thirty years shall be imposed.

Article 304b

- 1 Conspiracy to commit the offence described in Article 303 , to be committed with a terrorist intent, is punishable by a prison sentence of not more than ten years or a category 5 fine.
- 2 Article 96, paragraph 2 , shall apply mutatis mutandis.

Article 304c

In the event of conviction for one of the offences described in Articles 302 and 303 , committed with a terrorist intent, as well as for conviction for the offence described in Article 304b , deprivation of the right referred to in Article 28, paragraph 1, under 3° , may be pronounced.

Article 305

- 1 In the event of conviction for one of the offences referred to in Articles 301 and 303 , deprivation of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° may be pronounced.
- 2 If convicted of one of the offences described in Articles 301–303, the offender may, if he committed the offence in the course of his profession, be deprived of the right to practice that profession.

Article 306

Those who deliberately take part in an attack or brawl in which several persons are involved, shall be punished, without prejudice to each person's responsibility for the particular acts committed by him:

- 1st. with imprisonment of not more than two years or a fine of the fourth category, if the attack or fight results only in grievous bodily harm;
- 2°. with imprisonment of not more than three years or a fine of the fourth category, if the attack or fight results in the death of someone.

Article 306a

Anyone who incites an animal towards a human being or another animal shall be punished with a prison sentence of not more than one year or a fine of the third category.

Title XXI. Causing death or bodily harm by negligence**Article 307**

- 1 He who is responsible for the death of another shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 If the guilt consists of recklessness, he shall be punished with imprisonment of not more than four years or a fine of the fourth category.

Article 308

- 1 Any person who is at fault in causing another person to suffer serious bodily harm or such bodily harm as to cause temporary illness or impediment in the performance of his official or professional duties, shall be punished with a prison sentence of not more than one year or a fine of the fourth category.
- 2 If the guilt consists of recklessness, he shall be punished with imprisonment of not more than two years or a fine of the fourth category.

Article 309

If the offences described in this Title are committed in the exercise of any office or profession, the prison sentence may be increased by one third, disqualification from exercising the profession in which the offence was committed may be pronounced, and the judge may order the publication of his judgment.

Title XXII. Theft and Poaching**Article 310**

Any person who takes any property belonging in whole or in part to another person with the intention of unlawfully appropriating it shall be guilty of theft and shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 311

- 1 The following shall be punishable by imprisonment of not more than six years or a fine of the fourth category:
 - 1st. theft of cattle from the pasture;
 - 2°. theft in the event of fire, explosion, flood, shipwreck, stranding, railway accident, riot, mutiny or war emergency;
 - 3°. theft in a dwelling or on an enclosed property on which a dwelling stands, by someone who is there without the knowledge or against the will of the rightful owner;
 - 4°. theft by two or more persons acting together;
 - 5°. theft in which the offender has gained access to the scene of the crime or has brought the property to be taken within his reach by means of breaking and entering, breaking or climbing in, by means of false keys, by means of a false order or by assuming a false name or a false identity, by means of cunning devices or by a web of fabrications;
 - 6°. theft with the intent to prepare or facilitate a terrorist offence.
- 2 If the theft described under 3° is accompanied by one of the circumstances mentioned under 4° and 5°, a prison sentence of up to nine years or a fine of the fifth category shall be imposed.

Article 312

- 1 Theft, preceded, accompanied or followed by violence or threats of violence against persons, committed with the intention of preparing or facilitating the theft or, upon being caught in the act, of enabling oneself or

other participants in the crime to escape or to secure possession of the stolen property, shall be punishable by a prison sentence of not more than nine years or a category 5 fine.

2 A prison sentence of up to twelve years or a fine of the fifth category shall be imposed:

- 1st. if the act is committed either during the time intended for sleeping at night in a dwelling or on an enclosed property where a dwelling stands; or on a public road; or in a moving railway train;
 - 2°. if the act is committed by two or more persons acting together;
 - 3°. if the guilty party has gained access to the scene of the crime by breaking and entering, by climbing in, by using false keys, by means of a false order or by using a false costume;
 - 4°. if the act results in serious bodily harm;
 - 5°. if the act is committed with the intention of preparing or facilitating a terrorist offence.
- 3 A prison sentence of up to fifteen years or a fine of the fifth category shall be imposed if the act results in death.

Article 313

In the event of conviction for theft, deprivation of the rights referred to in [Article 28, paragraph 1, points 1°, 2° and 4°](#) may be pronounced.

Article 314

- 1 He who, without violence or threat of violence against persons, takes, in whole or in part, clay, sludge, uncut peat, sand, earth, gravel, rubble, manure, turf, sods, heather, marram grass, seaweed, reeds, rushes, moss, unprocessed and untransported coppice or brushwood, unpicked or fallen tree fruits or leaves, grass standing in the field or crops standing in the field or left behind after the harvest, with the intention of unlawfully appropriating such objects, shall be guilty of poaching and shall be punished with a prison sentence of not more than one month or a fine of the second category.
- 2 If, at the time of the commission of the offence, two years have not yet elapsed since a previous conviction of the offender for a similar offence became final, he shall be punished with a prison sentence of not more than two months or a fine of the second category.

Article 315

- 1 The following shall be punishable by imprisonment of not more than three years or a fine of the fourth category:
- 1st. poaching committed using vessels, wagons, draught or pack animals;
 - 2°. poaching committed under one or more of the circumstances referred to in [Article 311, paragraph 1, points 2°-5°](#).
- 2 Deprivation of the rights referred to in [Article 28, paragraph 1, points 1°, 2° and 4°](#) may be declared.

Article 316

- 1 If the perpetrator or accomplice of one of the crimes described in this Title is the spouse of the person against whom the crime was committed, who is not legally separated or separated from his or her property, prosecution of that perpetrator or accomplice shall be excluded.
- 2 If he is his spouse who is legally separated or separated from his property, or his blood or marital relative, either in the direct line or in the second degree of the collateral line, prosecution, as far as he is concerned, will only take place on a complaint made against him by the person against whom the offence was committed.
- 3 If the previous paragraph applies, the period referred to in [Article 66](#) shall commence on the day after the identity of the suspect became known to the person entitled to file the complaint.

Title XXIII. Extortion and extortion

Article 317

- 1 He who, with the intention of unlawfully benefiting himself or another, by violence or the threat of violence forces another person either to hand over any property belonging in whole or in part to that person or to a third party, or to incur a debt or to cancel a debt, or to make information available, shall be guilty of extortion and shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.
- 2 The same penalty shall be imposed on anyone who exercises the coercion referred to in the first paragraph by threatening that data stored by means of an automated work will be rendered unusable or inaccessible or will be erased.
- 3 The provisions of the [second and third paragraphs of Article 312](#) shall apply to this offence.

Article 318

- 1 He who, with the intention of unlawfully benefiting himself or another, by threatening with slander, libel or disclosure of a secret, compels any person either to hand over any property belonging in whole or in part to

that person or to a third party, or to incur a debt or cancel a debt, or to make information available, shall be guilty of extortion and shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

2 If the act is committed with the intention of preparing or facilitating a terrorist offence, the prison sentence imposed for the act shall be increased by one third.

3 This offence shall not be prosecuted except on complaint by the person against whom it was committed.

Article 319

The provisions of [Article 316](#) shall apply to the crimes defined in this Title.

Article 320

In the event of conviction for one of the offences described in this Title, deprivation of the rights referred to in [Article 28, paragraph 1, points 1°, 2° and 4°](#) may be pronounced.

Title XXIV. Embezzlement

Article 321

Any person who intentionally and unlawfully appropriates any property belonging in whole or in part to another person and which he has in his possession otherwise than by reason of a criminal offence, shall be guilty of embezzlement and shall be punished with a prison sentence of not more than three years or a fine in the fifth category.

Article 322

Embezzlement committed by a person who has possession of the property by virtue of his personal employment or profession, or in return for financial compensation, is punishable by a prison sentence of not more than four years or a fine of the fifth category.

Article 322a

If any of the acts described in [Articles 321](#) and [322](#) are committed with the intention of preparing or facilitating a terrorist offence, the prison sentence imposed for the act shall be increased by one third.

Article 323

Embezzlement committed by a person to whom the property has been entrusted for safekeeping out of necessity, or by guardians, curators, administrators, executors of an estate, court-appointed liquidators of an estate or community, or administrators of charitable institutions or foundations, with regard to any property in their possession as such, is punishable by a prison sentence of not more than five years or a fine of the fifth category.

Article 323a

Any person who intentionally and unlawfully uses resources provided for a specific purpose by or on behalf of the government or by or on behalf of an international organisation for purposes other than those for which they were provided, shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 324

The provisions of [Article 316](#) shall apply to the crimes defined in this Title.

Article 325

1 In the event of conviction for any of the offences defined in this Title, the judge may order the publication of his judgment and declare that the person concerned is deprived of the rights referred to in [Article 28, paragraph 1, points 1°, 2° and 4°](#).

2 If the offender commits the offence in the course of his profession, he may be disqualified from practising that profession.

Title XXV. Deception

Article 326

1 He who, with the intention of unlawfully benefiting himself or another, either by assuming a false name or a false identity, or by cunning devices or by a web of fabrications, induces any person to hand over any property, to provide a service, to make information available, to incur a debt or to cancel a debt, shall be guilty of fraud and shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

2 If the act is committed with the intention of preparing or facilitating a terrorist offence, the prison sentence imposed for the act shall be increased by one third.

Article 326a

Any person who makes a profession or habit of purchasing goods with the intention of securing for himself or another person the disposal of those goods without full payment shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 326b

The following shall be punishable by imprisonment of not more than two years or a fine of the fifth category:

- 1st. he who falsely places any name or mark on or in a work of literature, science, art or industry, or falsifies the real name or mark, with the intention of thereby making it appear that the work was by the hand of the person whose name or mark he placed on or in it;
- 2°. he who wilfully sells, offers for sale, delivers, has in stock for sale or imports into the Kingdom in Europe a work of literature, science, art or industry on or in which any name or mark has been falsely placed, or the real name or mark has been falsified, as if that work were the work of the person whose name or mark has been falsely placed thereon or in it.

Article 326c

- 1 Any person who, with the intention of not paying in full, uses a service offered to the public by telecommunications, by means of a technical intervention or by means of false signals, shall be punished with a prison sentence of not more than four years or a fine of the fifth category.
- 2 A prison sentence of not more than two years or a fine of the fourth category shall be imposed on any person who intentionally uses an object clearly intended, or data clearly intended, to commit the offence referred to in the first paragraph.
 - a. openly offers for distribution;
 - b. has available for distribution or with a view to import into the Netherlands or
 - c. produces or stores for profit.
- 3 Any person who makes a profession of committing offences as referred to in the second paragraph or carries out the commission of such offences as a business shall be punished either with a prison sentence of not more than four years and a fine of the fifth category, or with one of these penalties.

Article 326d

He who, with the intention of unlawfully benefiting himself or another, commits any fraudulent act to deceive in order to induce another person acting in the exercise of a profession, business or organisation to make a payment, shall be punished with a prison sentence of not more than two years or a fine of the fifth category.

Article 326e

Any person who makes a profession or habit of selling goods or providing services for payment by means of an automated system, with the intention of securing payment for himself or another person for those goods or services without full delivery, shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 327

He who by cunning devices misleads the insurer as to the circumstances relating to the insurance, so that the insurer concludes an agreement which he would not have concluded or would not have concluded under the same conditions if he had known the true state of affairs, shall be punished with a prison sentence of not more than one year or a fine of the fifth category.

Article 328

He who, with the intention of unlawfully benefiting himself or another, to the detriment of the insurer, sets fire or causes an explosion in any property insured against the risk of fire, or causes a vessel or aircraft that is insured or the goods on board or the cargo to be earned on it to be sunk, beached or wrecked, destroys, renders unusable or damages it, shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 328bis

Any person who, in order to establish, maintain or expand his own or another person's trade or business, commits any fraudulent act intended to deceive the public or a specific person, shall be guilty of unfair competition and shall be punished with a prison sentence of not more than one year or a category 5 fine if this may cause any harm to his or that other person's competitors.

Article 328ter

- 1 Any person who, other than a civil servant, employed in an employment relationship or acting as an agent, accepts or requests a gift, promise or service in connection with something he has done or neglected to do

or will do or neglect to do in violation of his duties in his position or in the execution of his mandate, shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

- 2 The same punishment shall be imposed on any person who, to a person who, other than a civil servant, is employed or acts as an agent, and who, in connection with what that person has done or neglected to do or will do or neglect to do in his position or in the execution of his mandate, makes a gift or promises or provides or offers a service of such a nature or under such circumstances that he must reasonably assume that that person is acting in breach of his duties.
- 3 Acting contrary to one's duties as referred to in the preceding paragraphs shall in any case include concealing from the employer or principal, in good faith, the acceptance or request of a gift, promise or service.
- 4 The same punishment shall be imposed on any person who, in anticipation of his employment or act as agent, if the employment or act as agent has followed, commits an act as described in the first paragraph, as well as any person who commits this act after his employment or act as agent.
- 5 The same punishment shall be imposed on any person who commits an act as described in the second paragraph against a person with the prospect of employment or acting as an agent, if this employment or acting as an agent has followed this employment or acting as an agent, as well as any person who commits this act against a person after that person's employment or acting as an agent.
- 6 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

Article 328quater

- 1 A prison sentence of not more than four years or a fine of the fifth category shall be imposed on any person who accepts a gift or a promise in connection with something he has done or failed to do or will do or fail to do in connection with a legal obligation incumbent upon him or the person he employs.
 - a. providing information regarding telecommunications to officials of the judiciary or police, or
 - b. cooperating in the tapping or recording of telecommunications.
- 2 The same punishment shall be imposed on anyone who makes a gift or a promise to another in connection with what that other person has done or failed to do or will do or fail to do in connection with a legal obligation incumbent on him or on the person employing him, as referred to in the first paragraph.

Article 329

A seller who defrauds the buyer shall be punished with imprisonment not exceeding one year or a fine of the fifth category:

- 1st. by the person who bought a certain designated object deliberately supplying something else in its place;
- 2°. with regard to the nature, quality or quantity of the goods supplied, by using devious devices.

Article 329bis

[Amendment(s) without an effective date. See the [list of changes](#) .]

The holder of a bill of lading who intentionally disposes of multiple copies thereof under onerous title for the benefit of different purchasers shall be punished with a prison sentence of not more than two years or a fine of the fifth category.

Article 330

- 1 Any person who sells, offers for sale or delivers food, drink or medicines knowing that they are adulterated and concealing the fact of the adulteration, shall be punished with a prison sentence of not more than three years or a fine in the fifth category.
- 2 Foodstuffs, beverages or medicines are adulterated when their value or usefulness is reduced by the addition of foreign substances.

Article 331

- 1 The contractor or master builder of any work, or the seller of building materials, who, in the execution of the work or the supply of the materials, commits any fraudulent act which may endanger the safety of persons or goods, or the security of the State in time of war, shall be punished with imprisonment of not more than six years or a fine of the fifth category.
- 2 The same penalty shall be imposed on any person who, having been charged with the supervision of the work or the supply of the materials, intentionally allows the fraudulent act.

Article 332

- 1 Any person who, in supplying supplies for the fleet or the army, commits any fraudulent act as a result of which the security of the State in time of war may be endangered, shall be punished with a prison sentence of not more than six years or a fine of the fifth category.

- 2** The same penalty shall be imposed on any person who, having the supervision over the delivery of the goods, intentionally allows the fraudulent act.

Article 333

He who, with the intention of unlawfully benefiting himself or another, destroys, moves, removes or renders unusable anything that serves to demarcate the boundaries of property, shall be punished with a prison sentence of not more than two years or a fine of the fifth category.

Article 334

He who, with the intention of unlawfully benefiting himself or another, causes the price of goods, funds or negotiable instruments to rise or fall by spreading a false message, shall be punished with a prison sentence of not more than two years or a fine of the fifth category.

Article 336

Any merchant, director, managing partner, or supervisory director of a legal entity or company who intentionally publishes an untrue statement or an untrue balance sheet, profit and loss account, income statement, or explanatory notes to any of those documents, or intentionally permits such publication, shall be punished with a prison sentence of not more than six years or a category five fine.

Article 337

1 He who deliberately:

- a. false, counterfeit or illegally manufactured trademarks,
- b. goods which themselves or their packaging are falsely marked with the trade name of another or with the trade mark to which another is entitled,
- c. goods which, in order to indicate origin, have been falsely marked with the name of a specific place, along with a false trade name,
- d. goods on which or on the packaging of which another's trade name or a trademark to which another person has rights has been imitated, even with a minor deviation, or
- e. goods or parts thereof which falsely resemble a design or model to which another person has rights, or which differ only in minor respects from it,

imports, transits or exports, sells, offers for sale, delivers, distributes or has in stock, is punishable by a prison sentence of not more than one year or a fine of the fifth category.

2 No criminal liability shall be imposed on anyone who has in stock any goods, parts thereof or brands as described in the first paragraph solely for personal use.

3 If the person guilty of committing the offence referred to in the first paragraph makes it his profession or carries out the commission of this offence as a business, he shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

4 If the commission of the offence referred to in the first paragraph is likely to result in common danger to persons or property, the offender shall be punished with a prison sentence of not more than four years or a fine of the fifth category.

Article 338

The provisions of [Article 316](#) shall apply to the crimes defined in this Title.

Article 339

1 In the event of conviction for any of the offences defined in this Title, the judge may order the publication of his judgment and the offender may be deprived of the exercise of the profession in which he committed the offence.

2 In the event of conviction for one of the offences referred to in [Articles 326](#) , [328](#) , [331](#) and [332](#) , deprivation of the rights referred to in [Article 28, paragraph 1, points 1°, 2° and 4°](#) may be pronounced.

Title XXVI. Prejudice to creditors or beneficiaries

Article 340

A person declared bankrupt shall be punished with a prison sentence of not more than two years or a fine of the fifth category, if before the commencement of bankruptcy he has incurred excessive expenditure, as a result of which one or more creditors have been prejudiced in their recovery possibilities.

Article 341

1 A person declared bankrupt shall be punished with imprisonment of not more than six years or a fine of the fifth category if, knowing that this will prejudice one or more creditors in their recovery possibilities:

- 1st.** has withdrawn or removed any property from the estate before or during the bankruptcy;

- 2°. before or during the bankruptcy, has unlawfully favored or is favoring one of its creditors in any way.
- 2 The same penalty shall be imposed on any person to whom the debt settlement scheme for natural persons has been declared applicable if he knows that this will prejudice the recovery possibilities of one or more creditors:
- 1st. before or during the application of the debt restructuring scheme, has withdrawn or withdraws any property from the estate;
- 2°. before or during the application of the debt restructuring scheme, has unlawfully favored or is favoring one of its creditors in any way.

Article 342

A director or supervisory director of a legal entity who, prior to the commencement of bankruptcy, if such bankruptcy has followed, has excessively consumed, spent or disposed of the legal entity's assets, or has cooperated with or consented to such, as a result of which one or more creditors have been prejudiced in their recovery options, shall be punished with a prison sentence of not more than two years or a category 5 fine.

Article 343

A director or commissioner of a legal entity who, knowing that this will prejudice the recovery of one or more of the legal entity's creditors, shall be punished with imprisonment of up to six years or a category 5 fine:

- 1st. before the commencement of bankruptcy, if this has followed, or during the bankruptcy has withdrawn or removed any property from the estate;
- 2°. before the commencement of bankruptcy, if any, the legal entity has consumed, spent or disposed of excessive assets, or has cooperated with or given permission for such;
- 3°. before the commencement of bankruptcy, if this has been followed, or during the bankruptcy, has in any way unlawfully favored or is favoring any of the creditors of the legal entity.

Article 344

- 1 A person who, in the event of the bankruptcy of another person, or prior to that if bankruptcy has followed, knowing that this will prejudice the recovery possibilities of one or more creditors, shall be punished with a prison sentence of not more than four years and six months or a fine of the fifth category:
- 1st. removes or has removed any property from the estate;
- 2°. unlawfully benefits or allows oneself to be benefited, or has unlawfully benefited or allowed oneself to be benefited.
- 2 The same penalty shall be imposed on any person who, in the event that the debt restructuring scheme for natural persons has been declared applicable to another person, or prior to that if the application is declared, knowing that this will prejudice the recovery possibilities of one or more creditors:
- 1st. removes or has removed any property from the estate;
- 2°. unlawfully benefits or allows himself to be benefited, or has unlawfully benefited or allowed himself to be benefited.

Article 344a

- 1 Any person declared bankrupt shall be punished with imprisonment not exceeding four years or a fine of the fifth category:
- 1st. if, upon request, he deliberately fails to immediately, in accordance with the statutory obligations incumbent upon him in this regard, provide the trustee with the administration kept and preserved in accordance with the statutory obligations and the pertaining books, documents and other data carriers in an undamaged form, if necessary with the aids to make the contents legible within a reasonable period of time;
- 2°. if, before or during the bankruptcy, he has deliberately failed to comply with the statutory obligations to maintain records and to retain the associated books, documents and other data carriers, as a result of which the settlement is hampered.
- 2 The director or commissioner of a legal entity shall be punished with the same penalty if:
- 1st. he, during the bankruptcy of the legal entity, upon request, intentionally fails to immediately, in accordance with the statutory obligations incumbent upon him in this regard, provide the trustee with the administration kept and preserved in accordance with the statutory obligations and the pertaining books, documents and other data carriers in an undamaged form, if necessary with the aids to make the contents legible within a reasonable period of time;
- 2°. he, during the bankruptcy of the legal entity, or before the bankruptcy if this followed, deliberately failed to comply with or ensure that the statutory obligations to maintain records and to retain the associated books,

documents and other data carriers were met, as a result of which the handling of the matter is hampered.

3 Any person to whom the debt settlement scheme for natural persons has been declared applicable shall be punished with a prison sentence of not more than four years or a fine of the fifth category, if:

1st. he, upon request, deliberately fails to immediately, in accordance with the legal obligations incumbent upon him in this regard, provide the administrator with the administration kept and preserved in accordance with the legal obligations and the pertaining books, documents and other data carriers in an undamaged form, if necessary with the aids to make the contents legible within a reasonable period of time;

2°. he has deliberately failed, before or during the application of the debt restructuring scheme, to comply with the statutory obligations to keep records and to retain the associated books, documents and other data carriers, as a result of which the debt restructuring is hampered.

Article 344b

1 Any person who has been declared bankrupt and who is to blame for the failure, before or during the bankruptcy, to comply with the statutory obligations to maintain records and to retain the relevant books, documents and other data carriers, as a result of which the settlement is hampered, shall be punished with a prison sentence of not more than one year or a fine of the fourth category.

2 The director or commissioner of a legal entity who is at fault for failing to comply with the statutory obligations to maintain records and retain the associated books, documents and other data carriers during the bankruptcy of the legal entity, or before the bankruptcy if the bankruptcy has followed, as a result of which the handling of the matter is hampered, shall be punished with a prison sentence of not more than one year or a fine of the fourth category.

3 Any person to whom the debt restructuring scheme for natural persons has been declared applicable shall be punished with a prison sentence of not more than one year or a fine of the fourth category, if it is due to his fault that, before or during the application of the debt restructuring scheme, the statutory obligations to keep records and to retain the associated books, documents and other data carriers have not been met, as a result of which the debt restructuring is hampered.

Article 345

1 A creditor who enters into a proposed judicial settlement as a result of an agreement either with the debtor or with a third party, in which he has stipulated special advantages, shall, if the settlement is accepted, be punished with a prison sentence of not more than one year or a fine of the fifth category.

2 An equal penalty shall be applied in the same case to the debtor or, if the debtor is a legal entity, to the director or commissioner who concludes such an agreement.

Article 347

1 The director or commissioner of a legal entity who, other than in the case of [Articles 342](#) and [343](#), has excessively consumed, spent or disposed of the legal entity's resources, or has cooperated or given permission for such disproportionately, as a result of which the legal entity suffers serious disadvantage and its continued existence is jeopardized, shall be punished with a prison sentence of not more than two years or a fine of the fifth category.

2 A director or supervisory director of a legal entity who, other than in the cases referred to in [Articles 342](#) and [343](#), excessively consumes, spends or alienates the legal entity's resources, or cooperates or consents to such, with the intention of benefiting himself or another, as a result of which the legal entity suffers serious disadvantage and its continued existence is jeopardised, shall be punished with a prison sentence of not more than four years or a category 5 fine.

Article 348

1 He who intentionally withdraws his own property or, on behalf of the person to whom it belongs, property not belonging to him from a pledge, a right of retention or a right of usufruct or use of another, shall be punished with a prison sentence of not more than one year and six months.

2 The same penalty shall be imposed on anyone who intentionally destroys, damages or renders unusable property subject to a pledge, a right of retention or a right of usufruct or use of another.

3 The provision of [Article 316](#) applies to these crimes.

Article 348a

1 For the purposes of this Title, the term 'director of a legal entity' also includes those who actually act as director of a legal entity.

2 For the application of the provisions of this Title, the term 'directors of a legal entity' shall also be understood to mean the directors of a general partnership and a limited partnership.

Article 349

- 1 If convicted of one of the offences described in this Title, the offender may be deprived of the right to exercise the profession in which he committed the offence.
- 2 If convicted of one of the offences referred to in Articles 341 , 343 and 344 , the offender may be deprived of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4° .
- 3 In the event of conviction for one of the offences described in Articles 340 to 345 , publication of the judicial decision may be ordered.

Title XXVII. Destruction or damage

Article 350

- 1 Any person who intentionally and unlawfully destroys, damages, renders unusable or removes any property belonging in whole or in part to another person shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 A person who intentionally and unlawfully kills, damages, renders unusable or removes an animal belonging in whole or in part to another person shall be punished with a prison sentence of not more than five years or a fine of the fifth category.

Article 350a

- 1 Any person who intentionally and unlawfully alters, deletes, renders unusable or inaccessible data stored, processed or transferred by means of an automated work or by means of telecommunications, or adds other data to it, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 Article 138b, second, third and fourth paragraphs , shall apply accordingly.
- 3 Any person who intentionally and unlawfully makes available or disseminates data intended to cause damage in an automated work shall be punished with a prison sentence of not more than four years or a fine of the fifth category.
- 4 A person who commits the act referred to in the third paragraph with the intention of limiting damage resulting from this data shall not be liable to punishment.

Article 350b

- 1 Any person who is to blame for the unlawful alteration, erasure, rendering unusable or inaccessible of data stored, processed or transmitted by means of an automated system or by means of telecommunications, or for the addition of other data to such data, shall, if this causes serious damage to such data, be liable to a term of imprisonment or detention of not more than one month or a fine of the second category.
- 2 Any person who is responsible for the unlawful making available or dissemination of data intended to cause damage in an automated work shall be punished with imprisonment or detention of not more than one month or a fine of the second category.

Article 350c

- 1 Any person who intentionally destroys, damages or renders unusable any automated work or any telecommunications work, causes a disruption to the operation or functioning of such a work, or thwarts a safety measure taken in relation to such a work, shall be punished with a prison sentence of not more than two years or a fine of the fourth category, if this results in the unlawful prevention or hindrance of the storage, processing or transfer of data or a disruption in a telecommunications network or in the performance of a telecommunications service.
- 2 Article 138b, second, third and fourth paragraphs , shall apply accordingly.

Article 350d

A person who, with the intention of thereby committing an offence as referred to in Article 350a, paragraph 1 , or 350c , shall be punished with a prison sentence of not more than two years or a fine of the fourth category :

- a. manufactures, receives, procures, transfers, sells, acquires, transports, imports, exports, distributes or otherwise makes available or possesses a technical device that is primarily adapted or designed for the commission of such a criminal offence, or
- b. manufactures, sells, acquires, imports, distributes or otherwise makes available or has in one's possession a computer password, access code or similar data that allows access to an automated work or part thereof.

Article 351

He who intentionally and unlawfully destroys, damages, renders unusable, disables or removes railway or electricity works, automated works or works for telecommunications, works serving as flood barriers, water discharges, gas or water pipelines or sewerage, insofar as these works are used for the public good, or goods or works for the purpose of national defence, shall be punished with a prison sentence of not more than three years or a fine of the fourth category.

Article 351bis

He who is to blame for any property or work referred to in the preceding article being destroyed, damaged, rendered unusable, disabled or removed, shall be punished with imprisonment of not more than one month or a fine of the second category.

Article 352

Any person who intentionally and unlawfully destroys, damages, renders unusable or incapacitates any building, vessel or its cargo, maritime installation or aircraft belonging in whole or in part to another, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 353

The provisions of [Article 316](#) shall apply to the crimes defined in this Title.

Article 354

If any of the crimes described in this title are committed with malice, or if there is reason to fear that the life of another person will be in danger as a result, the prison sentence may be increased by one third.

Article 354a

- 1 If any of the acts described in [Articles 350](#) , [350a](#) , [350c](#) , [351](#) , [352](#) and [354](#) is committed with the intention of preparing or facilitating a terrorist offence, the prison sentence imposed for the act shall be increased by one third.
- 2 If an act punishable under [Articles 350](#) , [350a](#) , [350c](#) , [351](#) , [352](#) or [354](#) is committed with a terrorist intent, the prison sentence imposed for the act shall be increased by half.

Article 354b

In the event of conviction for one of the offences described in [Articles 350](#) , [350a](#) , [350c](#) , [351](#) , [352](#) , [354](#) , committed with a terrorist intent, deprivation of the right referred to in [Article 28, paragraph 1, under 3°](#) , may be pronounced.

Title XXVIII. Official Crimes**Article 355**

The following shall be punished with imprisonment of not more than three years or a fine of the fourth category:

- 1st. who co-sign royal decrees, knowing that this violates the [Constitution](#) or other laws or general administrative measures;
- 2°. who implement royal decrees, knowing that these are not provided with the required countersignature of a minister or state secretary;
- 3°. who take decisions or give orders or enforce existing decisions or orders, knowing that this violates the [Constitution](#) or other laws or general administrative measures;
- 4°. who deliberately fail to implement the provisions of the [Constitution](#) or other laws or general administrative measures, insofar as such implementation falls within their duties due to the nature of the subject matter or has been expressly assigned to them.

Article 356

Ministers and State Secretaries who are responsible for gross negligence and who fail to carry out the implementation described in [Article 355, paragraph 4](#) , shall be punished with imprisonment of not more than six months or a fine of the third category.

Article 357

The commander of an armed force who refuses or deliberately fails to use the force under his command upon the lawful request of the competent civil authority shall be punished with imprisonment of not more than three years or a fine of the fourth category.

Article 358

- 1 Any official who deliberately calls upon the assistance of armed forces to prevent the enforcement of statutory provisions, lawful orders from public authorities, or judicial decisions or warrants shall be punished with imprisonment not exceeding six years or a category four fine.
- 2 If such execution is thereby prevented, the guilty party shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.

Article 359

Any civil servant or any other person charged with any public duty, whether continuously or temporarily, who intentionally embezzles money or negotiable instruments in his possession in the course of his duties, or allows it

to be taken or embezzled by another, or assists that other person as an accomplice in doing so, shall be punished with a prison sentence of not more than six years or a fine of the fifth category.

Article 360

Any civil servant or other person charged with any public service, whether permanently or temporarily, who intentionally falsely draws up or falsifies books or registers intended solely for the purpose of controlling administration, shall be punished with a prison sentence of not more than three years or a fine of the fifth category.

Article 361

- 1 Any civil servant or any other person, permanently or temporarily entrusted with any public duty, who intentionally embezzles, destroys, damages or renders unusable any matter intended to serve as evidence or conviction before the competent authority, any deeds, documents or registers which he has in his possession in the course of his duties, or allows such matter to be removed, destroyed, damaged or rendered unusable by another, or assists that other person as an accomplice in doing so, shall be punished with a prison sentence of not more than four years and six months or a fine of the fifth category.
- 2 Competent authority also includes: an international court that derives its jurisdiction from a treaty to which the Kingdom is a party.

Article 362

[Expired as of January 1, 2015]

Article 363

- 1 A civil servant shall be punished with imprisonment of not more than six years or a fine of the fifth category:
 - 1st. who accepts a gift or promise or a service, knowing or reasonably suspecting that it is made, granted or offered to him in order to induce him to do or refrain from doing something in his office;
 - 2°. who accepts a gift or promise or a service, knowing or reasonably suspecting that it is made, granted or offered to him as a result of or in connection with what he has done or failed to do in his current or previous employment;
 - 3°. who asks for a gift or promise or a service in order to persuade him to do or refrain from doing something in his ministry;
 - 4°. who requests a gift or promise or a service as a result of or in connection with something done or omitted by him in his current or previous ministry.
- 2 The same penalty shall be imposed on any person who, in anticipation of employment with a government employer, if employment with a government employer has followed, commits an act as described in the first paragraph, under 1° and 3°.
- 3 Any person who commits an act as described in the first paragraph in connection with his capacity as Minister, State Secretary, King's Commissioner, Provincial Executive Member, Mayor, Alderman or member of a general representative body shall be punished with a prison sentence of not more than eight years or a fine of the fifth category.
- 4 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

Article 364

- 1 A judge who accepts a gift, promise or service, knowing or reasonably suspecting that it is made, granted or offered to him in order to influence the decision of a case subject to his judgment, shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.
- 2 A judge who requests a gift, promise or service in order to induce him to influence the decision of a case before him shall be punished with a prison sentence of not more than nine years or a fine of the fifth category.
- 3 If the gift, promise or service is accepted knowing or reasonably suspecting that it is made, given or offered in order to obtain a conviction in a criminal case, the judge will be punished with a prison sentence of up to twelve years or a fine of the fifth category.
- 4 If the gift, promise or service is requested in order to induce him to obtain a conviction in a criminal case, the judge will be punished with a prison sentence of not more than twelve years or a fine of the fifth category.
- 5 If the act was committed for the benefit of a foreign power, the prison sentence imposed for the act shall be increased by one third.

Article 364a

- 1 For the purposes of Articles 358 to 361 , 363 , 365 to 371 and 376, persons employed in the public service of a foreign state or of an international organisation are treated as civil servants.
- 2 For the purposes of Article 363, under 2° and 4° , former civil servants are treated as civil servants.

- 3** For the purposes of Article 364, a judge shall be deemed to be the judge of a foreign state or of an international organisation.

Article 365

An official who, through abuse of authority, forces another person to do, refrain from doing, or tolerate something, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 366

Any civil servant who, in the exercise of his duties, demands or receives, as being due to himself, to another civil servant, or to any public treasury, or retains in a payment that which he knows is not due, shall be guilty of extortion and shall be punished with a prison sentence of not more than six years or a fine of the fifth category.

Article 367

- 1** The official who, charged with the custody of a person deprived of liberty by public authority or by virtue of a judicial decision or order, intentionally allows him to escape or frees him or assists in his freeing or self-freeing, shall be punished with a prison sentence of not more than three years or a fine of the fourth category.
- 2** If the escape, liberation or self-liberation is due to his fault, he shall be punished with imprisonment of not more than two months or a fine of the second category.

Article 368

- 1** The following shall be punishable by imprisonment of not more than three years or a fine of the fourth category:
- 1st.** the official charged with investigating criminal offences who deliberately fails to comply with a request to report an unlawful deprivation of liberty or deliberately fails to notify the higher authority thereof without delay;
- 2°.** the civil servant who, after having become aware in the exercise of his duties that a person has been unlawfully deprived of liberty, deliberately fails to inform without delay an official charged with investigating criminal offences.
- 2** The civil servant to whose fault any omission described in this Article is attributable shall be punished with imprisonment of not more than three months or a fine of the second category.

Article 369

[Expired as of January 1, 2020]

Article 370

- 1** The civil servant who, exceeding his authority or without observing the forms prescribed by law, enters the home or enclosed premises or grounds occupied by another, despite that person's actions, or, being there unlawfully, does not immediately leave at the request of or on behalf of the person entitled thereto, shall be punished with a prison sentence of not more than one year or a fine of the third category.
- 2** The same penalty shall be imposed on any official who, in the course of searching a place, exceeds his authority or disregards the forms prescribed by law, examines or seizes writings, books or other papers.

Article 371

- 1** Any official who, exceeding his authority, causes to be handed over or seizes a letter, postcard, item or parcel entrusted to any public transport institution, or a telegraphic message in the possession of a person charged with the operation of a telegraph facility used for the public good, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2** The same penalty shall be imposed on any civil servant who, exceeding his or her authority, obtains information from a person employed by a provider of a public telecommunications network or a public telecommunications service regarding any traffic that has taken place over that network or using that service.

Article 372

The official who has been granted the authority to use force by or pursuant to Article 7, first, eighth or ninth paragraph, of the Police Act 2012 or Article 6, first paragraph, of the Special Investigation Services Act and who is at fault for violating the provisions of his or her instructions on the use of force, shall be punished:

- 1st.** with imprisonment of not more than one year or a fine of the fourth category, if the act results in any bodily harm;
- 2°.** with imprisonment of not more than two years or a fine of the fourth category, if the act results in grievous bodily harm;
- 3°.** with imprisonment of not more than three years or a fine of the fourth category, if the act results in death.

Article 373

With regard to [Article 372](#), persons in the public service of a foreign state who perform their duties in the Netherlands in a manner permitted by international law and who have been granted the authority to use force shall be treated as equivalent to the officials referred to in that Article to those who have been granted the authority to use force by or pursuant to [Article 7, first, eighth or ninth paragraph](#), of the Police Act 2012 or Article 6, first paragraph, of the Special Investigation Services Act.

Article 374

[Expired as of September 1, 2006]

Article 374bis

[Expired as of September 1, 2006]

Article 375

[Expired as of September 1, 2006]

Article 376

A civil servant who intentionally participates, directly or indirectly, in contracts or deliveries over which he or she is wholly or partly entrusted with the management or supervision at the time of the act shall be punished with a prison sentence of not more than six months or a fine of the fifth category.

Article 377

Any official of the mint, other than the mint master, or any person employed by a guarantee institution as referred to in [Article 4 of the Guarantee Act 2019](#), who trades in precious metals or objects made thereof, or who intentionally participates in such trade, directly or indirectly, shall be punished with a prison sentence of not more than six months or a fine of the third category.

Article 378

Any person employed by an assay office as referred to in [Article 4 of the Assay Act 2019](#) who prints or traces a palladium, platinum, gold or silver object offered to that assay office, or who provides a description thereof to a person other than one who is officially authorised to claim it, shall be punished with a fine of the second category.

Article 379

- 1 A registrar who assists in the marriage ceremony of a person, knowing that the person is thereby entering into a double marriage, shall be punished with a prison sentence of not more than six years or a fine of the fourth category.
- 2 A registrar who assists in the solemnization of a person's marriage, knowing that there is any other legal impediment to this, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 380

- 1 In the event of conviction for one of the offences referred to in [Articles 355](#), [357](#) and [358](#), deprivation of the right referred to in [Article 28, paragraph 1, point 3°](#), may be pronounced.
- 2 In the event of conviction for one of the offences referred to in [Articles 359](#), [363](#), [364](#), [366](#) and [379, first paragraph](#), deprivation of the right referred to in [Article 28, first paragraph, point 4°](#), may be pronounced.

Title XXIX. Offences against shipping and aviation**Article 381**

- 1 If guilty of piracy, the following shall be punished:
 - 1st. with imprisonment not exceeding twelve years or a fine of the fifth category, he who serves as a skipper or serves on a vessel, knowing that it is intended or using it to commit acts of violence on the high seas against other vessels or against persons or property therein, without being authorized to do so by a belligerent Power or belonging to the navy of a recognized Power;
 - 2°. with imprisonment of not more than nine years or a fine of the fifth category, he who, being aware of this purpose or use, takes service as a crew member on such a vessel or voluntarily remains in service after having become aware of it.
- 2 Lack of authorization is deemed to be equivalent to exceeding authorization, as well as being provided with authorizations from powers at war with each other.
- 3 [Article 81](#) shall not apply.
- 4 The provisions of the preceding paragraphs regarding skippers and crew members apply mutatis mutandis to the captain and crew member of an aircraft, respectively. In the preceding paragraphs, "vessel" refers to aircraft, and "open sea" refers to the airspace above it.

Article 382

If the acts of violence described in Article 381 result in the death of one of the persons on board the attacked vessel or aircraft, the master or pilot in command of the aircraft and those who participated in the acts of violence shall be punished with imprisonment of not more than fifteen years or a fine of the fifth category.

Article 383

Any person who, for his own or another person's account, equips a vessel or aircraft for the purpose described in Article 381 shall be punished with a prison sentence of not more than twelve years or a fine of the fifth category.

Article 384

Any person who, for his own account or that of a third party, directly or indirectly cooperates in the leasing, chartering or insurance of a vessel or aircraft, knowing that it is for the purpose described in Article 381, shall be punished with a prison sentence of not more than eight years or a fine of the fifth category.

Article 385

He who deliberately brings a Dutch vessel into the possession of pirates will be punished:

- 1st.** if he is the skipper, with a prison sentence of not more than twelve years or a fine in the fifth category;
- 2°.** in all other cases with a prison sentence of not more than nine years or a category 5 fine.

Article 385a

- 1** Any person who, by force, threat of force or intimidation, takes or holds an aircraft in his possession, or causes it to deviate from its route, shall be punished with a prison sentence of not more than twelve years or a category 5 fine.
- 2** If two or more persons jointly or as a result of conspiracy commit the act, or if the act results in grievous bodily harm, or if the act is committed with the intention of unlawfully depriving a person of his liberty or keeping him deprived of his liberty, a prison sentence of not more than fifteen years or a fine of the fifth category shall be imposed.
- 3** If the act results in death, a sentence of life imprisonment or a temporary imprisonment of not more than thirty years or a fine of the fifth category shall be imposed.
- 4** The penalties provided for in the first paragraph shall apply to any person who commits the offences described in this paragraph in respect of a vessel, a maritime installation, a bus, a train or another means of public transport, or a truck carrying a dangerous load.

Article 385b

- 1** Any person who intentionally brings an explosive or otherwise common dangerous substance, or any other common dangerous object, on board an aircraft, or commits an act of violence against a person who is on board an aircraft in flight, shall be punished:
 - 1st.** with imprisonment of not more than nine years or a fine of the fifth category, if this is likely to endanger the safety of the aircraft;
 - 2°.** with imprisonment of not more than twelve years or a fine of the fifth category, if there is a risk of endangering the safety of the aircraft and the act results in serious bodily harm to another person;
 - 3°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if there is a risk of endangering the safety of the aircraft and the act results in the death of someone.
- 2** The penalties provided for in the first paragraph apply to any person who commits the offenses described in this paragraph with respect to a vessel or a maritime installation. In the first paragraph, danger to the safety of the aircraft also includes danger to the safe navigation of the vessel.

Article 385c

Any person who intentionally transmits information which he knows or has serious reason to suspect to be incorrect, if there is a risk of danger to an aircraft in flight or to the safe navigation of a vessel, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 385d

He who intentionally commits an act of violence against someone present at an airport will be punished:

- 1st.** with imprisonment of not more than nine years or a fine of the fifth category, if this results in danger of death or danger of serious bodily harm to others at the airport;
- 2°.** with imprisonment of not more than twelve years or a fine of the fifth category, if this results in danger of death or danger of serious bodily harm to others at the airport and the act results in serious bodily harm to another person;
- 3°.** with imprisonment of not more than fifteen years or a fine of the fifth category, if this results in danger to the lives of others at the airport and the act results in the death of someone.

Article 386

A person on board a Dutch ship who unlawfully takes possession of the ship shall be punished with a prison sentence of not more than six years or a category four fine.

Article 387

The skipper of a Dutch vessel who takes the vessel from the owner or shipping company and uses it for his own benefit is punishable by a prison sentence of up to seven years and six months or a category 5 fine.

Article 388

[Expired as of February 1, 2006]

Article 389

[Expired as of February 1, 2006]

Article 389bis

- 1 The skipper of a Dutch vessel who draws up a ship's declaration, the content of which he knows to be untrue, shall be punished with a prison sentence of up to four years or a fine of the fourth category.
- 2 Seamen who assist in the preparation of a ship's declaration, the content of which they know is untrue, will be punished with imprisonment of up to two years or a fine of the fourth category.

Article 389ter

He who, in compliance with the provision of the fourth paragraph of Article 194 , of the fifth paragraph of Article 784 , of the first paragraph under a to the third paragraph of Article 786 or of the fourth paragraph of Article 1303 of Book 8 of the Civil Code, submits a written statement the content of which he knows to be contrary to the truth, shall be punished with a prison sentence of not more than four years or a fine of the fourth category.

Article 390

The skipper of a Dutch vessel who deliberately avoids command of the vessel during a voyage shall, if such conduct endangers the safety of the passengers, the vessel, or the property on board, be punished with a prison sentence of not more than one year or a category three fine.

Article 395

- 1 The crew of a Dutch ship or sea fishing vessel who, while on board, in fact assaults the skipper, or the crew member who, while on board or in service, resists a superior in rank, uses violence or threats of violence against him, or deliberately deprives him of his freedom of action, shall be guilty of insubordination and shall be punished with a prison sentence of not more than two years or a fine of the fourth category.
- 2 The guilty will be punished:
 - 1st. with imprisonment of not more than three years or a fine of the fourth category, if the offence or the associated acts result in any bodily harm;
 - 2°. with imprisonment of not more than seven years and six months or a fine of the fifth category, if they result in grievous bodily harm;
 - 3°. with imprisonment of not more than twelve years or a fine of the fifth category, if they result in death.

Article 396

- 1 Insubordination committed by two or more persons acting together shall be punishable, as mutiny, by a prison sentence of not more than six years or a fine of the fourth category.
- 2 The guilty will be punished:
 - 1st. with imprisonment of not more than seven years and six months or a fine of the fifth category, if the crime committed by him or the acts committed by him in connection with it result in any bodily harm;
 - 2°. with imprisonment of not more than twelve years or a fine of the fifth category, if they result in grievous bodily harm;
 - 3°. with imprisonment of not more than fifteen years or a fine of the fifth category, if they result in death.

Article 397

Any person who, on board a Dutch ship or sea fishing vessel, incites mutiny on that ship or vessel, shall be punished with a prison sentence of not more than five years or a fine of the fourth category.

Article 400

- 1 The following shall be punishable by imprisonment of not more than six months or a fine of the third category:

- 1st.** the person on board a Dutch vessel who deliberately disobeys any order given by the skipper in the interest of safety on board;
 - 2°.** the passenger on a Dutch vessel who, knowing that the skipper has been deprived of his freedom of action, does not come to his assistance to the best of his ability;
 - 3°.** the person on board a Dutch vessel who, being aware of an intention to commit insubordination, deliberately fails to notify the skipper thereof in a timely manner;
 - 4°.** a person on board a Dutch vessel, other than a crew member, who deliberately disobeys any order given by the skipper for the purpose of maintaining order and discipline on board.
- 2** The provision referred to under 3° does not apply if the insubordination has not been followed.

Article 401

The prison sentences provided for in Articles 386 , 395-397 and 400 may be increased by one third if the person guilty of one of the offences described in those Articles is a ship's officer.

Article 402

The master of a Dutch ship who, with the intention of unlawfully benefiting himself or another or to conceal such benefit, either sells the ship, or withdraws money from the ship, the ship's furnishings or the ship's stores, or sells or pledges goods on board the ship or goods from the ship's stores, or charges for concealed damages or expenses, or fails to ensure that the required logbooks are kept on board in accordance with statutory regulations, or fails to ensure the preservation of the ship's papers when abandoning the ship, shall be punished with a prison sentence of not more than six years or a fine of the fourth category.

Article 403

The skipper of a Dutch vessel who, with the intention of unlawfully benefiting himself or another or concealing such benefit, changes course, shall be punished with a prison sentence of not more than three years or a fine of the fourth category.

Article 405

- 1** The skipper of a Dutch vessel who, without necessity and without the prior knowledge of the owner or the shipping company, commits or tolerates acts knowing that these may expose the vessel or the goods on board to arrest, detention or confiscation, shall be punished with a prison sentence of not more than one year or a fine of the third category.
- 2** A passenger who, without necessity and without the prior knowledge of the skipper, commits similar acts with similar knowledge, shall be punished with a prison sentence of not more than nine months or a fine of the third category.

Article 406

The skipper of a Dutch vessel who deliberately, without necessity, fails to provide a passenger with what he is obliged to provide, shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 407

The skipper of a Dutch vessel who intentionally throws goods without necessity or in violation of any legal provision shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 408

Any person who intentionally and unlawfully destroys, damages or renders unusable any property on board a vessel shall be punished with a prison sentence of not more than two years or a fine of the fourth category.

Article 409

A skipper who, on the basis of legal rules applicable to the Netherlands, flies the flag of the Kingdom, knowing that he is not entitled to do so, shall be punished with a prison sentence of not more than one year or a fine of the third category.

Article 410

The skipper who deliberately, by displaying any distinguishing mark on his vessel, gives the impression that it is a Dutch warship, or a pilot vessel operating in Dutch waters or sea inlets, shall be punished with a prison sentence of not more than three months or a fine of the second category.

Article 411

Any person who, without necessity, acts as skipper, helmsman or engineer on a Dutch vessel, knowing that he is not authorised to do so under statutory provisions, shall be punished with a prison sentence of not more than six months or a fine of the third category.

Article 412

The master of a Dutch vessel who, without valid reason, refuses to comply with a legal demand to take on board an accused or convicted person and the documents relating to his case, shall be punished with a prison sentence of not more than three months or a fine of the second category.

Article 413

- 1 The master of a Dutch vessel who deliberately allows an accused or convicted person whom he has taken on board in response to a lawful demand to escape or frees him, or who assists in his freeing or self-freeing, shall be punished with a prison sentence of not more than three years or a fine of the fourth category.
- 2 If the escape, liberation or self-liberation is due to his fault, he shall be punished with imprisonment of not more than two months or a fine of the second category.

Article 414

The skipper who deliberately fails to comply with the obligation to provide assistance under the first paragraph of Article 358a or Article 785 of the Commercial Code shall be punished with a prison sentence of not more than three years or a fine of the fourth category.

Article 415

In the event of conviction for one of the offences referred to in Articles 381-387, 402 and 403, deprivation of the rights referred to in Article 28, paragraph 1, under 1°, 2° and 4° may be pronounced.

Article 415a

If an offence, punishable under any of Articles 385a through 385d, has been committed with a terrorist intent, the prison sentence provided for in that Article shall be increased by half and, if the offence is punishable by a prison sentence of not more than fifteen years, a life sentence or a prison sentence of not more than thirty years shall be imposed.

Article 415b

- 1 Conspiracy to commit the crimes described in Articles 385a, 385b and 385d with a terrorist intent is punishable by a prison sentence of not more than ten years or a category five fine.
- 2 Article 96, paragraph 2, shall apply mutatis mutandis.

Article 415c

In the event of conviction for one of the offences described in Articles 385a to 385d, committed with a terrorist intent, as well as for conviction for one of the offences described in Article 415b, deprivation of the right referred to in Article 28, paragraph 1, under 3°, may be pronounced.

Title XXX. Beneficiary**Article 416**

- 1 Anyone guilty of incitement to fraud shall be punished with imprisonment of not more than four years or a fine of the fifth category:
 - a. he who acquires, possesses or transfers property, or establishes or transfers a personal right to or a property right in property, while at the time of acquiring or possessing the property or establishing the right he knew that it was property obtained through criminal offence;
 - b. he who, intentionally, for the purpose of profit, possesses or transfers property obtained through crime, or transfers a personal right to or a property right in property obtained through crime.
- 2 The same punishment shall be imposed on anyone who intentionally benefits from the proceeds of any property obtained through crime.

Article 417

He who makes a habit of committing incitement to receiving stolen goods shall be punished with a prison sentence of not more than six years or a fine of the fifth category.

Article 417a

- 1 Anyone guilty of receiving stolen goods shall be punished with imprisonment not exceeding one year or a fine in the fifth category:
 - a. he who acquires, possesses or transfers property, or establishes or transfers a personal right to or a property right in property, while at the time of acquiring or possessing the property or establishing the right he should reasonably have suspected that it involved property obtained through criminal offence;

- b. he who, for the purpose of profit, has or transfers property or transfers a personal right to or a property right in property, while he should reasonably suspect that the property in question was obtained through crime.
- 2 The same penalty shall be imposed on anyone who profits from the proceeds of any property while he has reasonable grounds to suspect that the property in question was obtained through crime.

Article 417ter

In the event of conviction for one of the offences referred to in Articles 416-417a, the offender may be deprived of the rights referred to in Article 28, paragraph 1, points 1°, 2° and 4°, and may be disqualified from exercising the profession in which he committed the offence.

Article 418

Any person who publishes any writing or any image of a criminal nature shall be punished with imprisonment or detention of not more than one year or a fine of the third category, if:

- 1st. the perpetrator is neither known nor disclosed upon the first request of the examining magistrate;
- 2°. the publisher knew or should have expected that the perpetrator would not be liable to prosecution or would be established outside the Kingdom in Europe at the time of publication.

Article 419

Any person who prints any writing or any image of a criminal nature shall be punished with imprisonment or detention not exceeding one year or a fine of the third category, if:

- 1st. the person by whose order the document was printed is neither known nor disclosed upon the first notice of the examining magistrate;
- 2°. the printer knew or should have expected that the person at whose behest the piece was printed would not be liable to prosecution or would be resident outside the Kingdom in Europe at the time of publication.

Article 420

If the nature of the writing or image constitutes a criminal offence prosecutable only on complaint, the publisher or printer may, in the cases referred to in the two preceding articles, only be prosecuted on complaint by the person against whom the offence was committed.

Title XXXA. Money laundering**Article 420bis**

- 1 Anyone guilty of money laundering shall be punished with imprisonment of up to six years or a fine of the fifth category:
 - a. he who conceals or disguises the true nature, origin, location, alienation or movement of an object, or conceals or disguises who the rightful owner of an object is or who has it in his possession, while he knows that the object originates – directly or indirectly – from any crime;
 - b. he who acquires, possesses, transfers or converts an object or uses an object while he knows that the object is – directly or indirectly – derived from a crime.
- 2 Objects are understood to mean all things and all property rights.

Article 420bis.1

Money laundering that consists solely of acquiring or possessing an object directly derived from any criminal offence is punishable as simple money laundering with a prison sentence of up to six months or a fine of the fourth category.

Article 420ter

- 1 Anyone who makes a habit of money laundering shall be punished with a prison sentence of not more than eight years or a fine in the fifth category.
- 2 The same penalty shall be imposed on anyone who is guilty of money laundering in the exercise of his profession or business.

Article 420quater

- 1 Anyone guilty of money laundering shall be punished with imprisonment of not more than two years or a fine of the fifth category:
 - a. he who conceals or disguises the true nature, origin, location, alienation or movement of an object, or conceals or disguises who the rightful owner of an object is or who has it in his possession, while he should reasonably suspect that the object originates – directly or indirectly – from any crime;
 - b. he who acquires, possesses, transfers or converts an object or uses an object while he has reasonable grounds to suspect that the object is – directly or indirectly – derived from any crime.

2 Objects are understood to mean all things and all property rights.

Article 420quater.1

Money laundering that consists solely of acquiring or possessing an object directly derived from any criminal offence is punishable as simple money laundering with a prison sentence of not more than three months or a fine in the fourth category.

Article 420quinquies

In the event of conviction for one of the offences referred to in Articles 420a to 420c.1, the offender may be ordered to be deprived of the rights referred to in Article 28, paragraph 1, under 1°, 2° and 4°, and may be deprived of the exercise of the profession in which he committed the offence.

Title XXXI. Financing of terrorism

Article 421

[Amendment(s) without an effective date. See the list of changes .]

- 1** If you are guilty of financing terrorism, you will be punished with a prison sentence of up to eight years or a category 5 fine:
- a.** he who intentionally provides himself or another with means or information or intentionally collects, acquires, possesses or provides to another objects which serve, in whole or in part, directly or indirectly, to provide financial support for the commission of a terrorist offence or an offence in preparation or facilitation of a terrorist offence;
 - b.** he who intentionally provides himself or another with means or information, or intentionally collects, acquires, possesses or provides to another objects, which serve wholly or partly, directly or indirectly, to provide financial support for the commission of one of the offences described in:
 - Articles 117 to 117b and Article 285, if the offence is directed against an internationally protected person or his protected property;
 - Articles 79 and 80 of the Nuclear Energy Act, Articles 161quater, 173a and 284a and Articles 140, 157, 225, 310 to 312, 317, 318, 321, 322 and 326, if the act concerns intentional unlawful conduct with regard to nuclear material;
 - Articles 162, 162a, 166, 168, 282a, 352, 385a to 385d;
 - Articles 92 to 96, 108, 115, 121 to 123, 140, 157, 161, 161bis, 161sexies, 164, 170, 172, 287, 288 and 289, if the offences are committed by intentionally and unlawfully discharging or detonating an explosive or other object, or by releasing, spreading or impacting an object, as a result of which there is a risk of danger to life, a risk of serious bodily harm to another person, or significant material damage.

2 Objects are understood to mean all things and all property rights.

Article 422

[Expired as of February 1, 2006]

Article 423

[Expired as of February 1, 2006]

Book Three. Offenses

Title I. Offences concerning the general safety of persons and goods

Article 424

- 1** Any person who, on or along a public road or in any place accessible to the public, commits any act of disorder against persons or property which may cause danger or harm, shall be guilty of public disorder and shall be punished with a fine of the first category.
- 2** If, at the time of the commission of the offence, no year has yet elapsed since a previous conviction of the offender for a similar offence became final, imprisonment of not more than three days or a fine of the first category may be imposed.

Article 425

The following shall be punishable by imprisonment of not more than six months or a fine of the third category:

- 1st.** he who does not restrain an animal under his care when it attacks a person or an animal;
- 2°.** he who does not take sufficient care to keep a dangerous animal under his care harmless.

Article 426

- 1** He who, while in a state of intoxication, either obstructs traffic or disturbs the peace in public, or threatens the safety of another, or performs any act which requires special caution or precautions to prevent danger to the life or health of others, shall be punished with imprisonment of not more than six days or a fine of the first category.

- 2** If, at the time of the commission of the offence, no year has yet elapsed since a previous conviction of the offender for a similar offence or the offence described in [Article 430b](#) has become final, he shall be punished with imprisonment of not more than two weeks or a fine of the second category.

Article 426bis

He who unlawfully obstructs another in his freedom of movement on a public road or who, together with one or more others, continues to impose himself on another against that other's expressly stated will or continues to follow that other person in a disruptive manner, shall be punished with imprisonment of not more than one month or a fine of the second category.

Article 426ter

Any person who unlawfully obstructs a care provider in his freedom of movement during the exercise of his profession or who, together with one or more others, continues to impose himself on him against his expressly stated will or continues to follow him in a disruptive manner, shall be punished with imprisonment of not more than three months or a fine of the third category.

Article 427

The following shall be punished with a fine of the first category:

- 1st.** the owner or user who does not take the necessary precautions for the safety of passers-by with regard to entrances to or openings of vaults, cellars, underground rooms and spaces where these lead onto the public road;
- 2°.** he who does not ensure that an excavation or digging carried out by him or on his behalf on a public road, or an object placed on the public road by him or on his behalf, is properly illuminated and provided with the usual signs;
- 3°.** he who, when performing an action on or near a public road, does not take the necessary measures to warn passers-by of possible danger;
- 4°.** he who places something on or against, or throws or pours anything out of a building, in such a way that someone using the public road may suffer harm as a result thereof;
- 5°.** he who leaves a riding, draught or burden animal on a public road without having taken the necessary precautions to prevent damage;
- 6°.** he who, without permission from the competent authority, blocks any public land or waterway or obstructs traffic thereon.

Article 428

Any person who, without the permission of the mayor or, in the case of a situation referred to in [Article 39 of the Safety Regions Act](#), the chairman of the safety region or the official designated by him, sets fire to one or more of his own immovable properties, shall be punished with a fine of the first category.

Article 429

The following shall be punishable by imprisonment of not more than fourteen days or a fine of the second category:

- 1st.** he who discharges a firearm, sets off fireworks or builds, feeds or maintains a fire at such a close distance from buildings or goods that this could create a fire hazard;
- 2°.** he who, other than in cases permitted by or pursuant to the [Aviation Act](#), launches a balloon to which flammable substances are attached;
- 3°.** he who, through a lack of due care or precaution, creates a risk of forest, heath, marram, grass or peat fires;
- 4°.** he who unlawfully introduces any substance into surface waters which may cause harm in connection with the use normally made of those waters;
- 5°.** he who flies a kite or has it in the air on a line that is wholly or partly located within a distance of five hundred metres from an overhead high-voltage electric power line;
- 6°.** he who behaves in such a way that a danger to air traffic is caused or may be caused or that air traffic is hindered or may be hindered.

Article 429a

- 1** Any person who brings or attempts to bring into an institution, an institution or a department thereof to which the [Penitentiary Principles Act](#), the [Principles Act on the Care of Persons Placed at the Disposal of the Institution](#) or the [Principles Act on Juvenile Detention Centres](#) applies, objects the possession of which is prohibited within that institution, an institution or department, shall be punished with imprisonment of not more than six months or a fine of the third category.
- 2** The same penalty shall be imposed on anyone who does not bring or attempts to bring objects into an institution, facility or department as referred to in the first paragraph in accordance with the applicable

rules.

Title II. Offences against public order

Article 429bis

[Expired as of March 1, 2014]

Article 429ter

Anyone who publicly and intrusively sexually approaches another person by means of comments, gestures, sounds or touches in a manner that can be considered frightening, humiliating, offensive or degrading, will be punished with imprisonment of not more than three months or a fine of the third category.

Article 429quater

- 1** Any person who, in the exercise of an office, profession or business, discriminates against persons on the grounds of their race, religion, belief, gender or sexual orientation shall be punished with imprisonment of not more than two months or a fine of the third category.
- 2** The same penalty shall be imposed on any person whose action or omission in the exercise of an office, profession or business, without reasonable grounds, has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social or cultural fields or in any other area of social life, with respect to persons with disabilities.

Article 429quinquies

Any person who, without being authorised to do so, is in a prohibited place shall be punished with imprisonment of not more than six months or a fine of the third category.

Article 429sexies

[Expired as of October 1, 2010]

Article 430

Any person who, without the permission of the competent authority, makes a survey, a drawing or a description of any military work, or makes it public, shall be punished with imprisonment of not more than two months or a fine of the third category.

Article 430a

Any person who is unclothed outside a place designated by the municipal council as suitable for nude public recreation, in or near a place intended for public traffic that is not suitable for nude recreation, will be punished with a fine of the first category.

Article 430b

Any person who is found in a visible state of intoxication on a public road shall be punished with imprisonment of not more than twelve days or a fine of the first category.

Article 431

Anyone who causes a noise or disturbance to the neighbours that may disturb the night's rest shall be punished with a fine of the first category.

Article 435

The following shall be punishable by a fine of the second category:

- 1st.** he who, without being entitled to do so, bears a Dutch noble title or wears a Dutch order insignia;
- 2°.** he who, without the King's permission where required, accepts a foreign order, title, rank or dignity;
- 3°.** he who, without being entitled to do so, bears the title of lawyer or bailiff, or a title or degree within the meaning of the Higher Education and Scientific Research Act ;
- 4°.** any person who, when asked by the competent authority to provide his identifying personal data, provides a false name, first name, date of birth, place of birth, address at which he is registered as a resident in the Municipal Personal Records Database or gives his place of residence or domicile.

Article 435a

Any person who publicly wears or displays articles of clothing or conspicuous insignia which express a particular political aspiration shall be punished with imprisonment of not more than twelve days or a fine of the second category.

Article 435b

- 1 He who, without being authorized to do so, uses words, expressions or distinctive signs that indicate or could give the impression that his actions have been promoted or enjoys support or recognition from the state, by Aruba, Curaçao, Sint Maarten or a foreign power or by an international organization, shall be punished with imprisonment of not more than one month or a fine of the second category.
- 2 [Editor's note: Expired.]
- 3 In the event of a conviction for the offence described in the first paragraph, publication of the judicial decision may be ordered.

Article 435c

Any person who, without being authorized to do so, uses the red cross symbol or the words "Red Cross" or "Geneva Cross," or any signs or words deemed equivalent thereto by the laws and customs of war, or any signs or words which are an imitation thereof, shall be punished with imprisonment of not more than one month or a fine of the second category.

Article 435d

Anyone who uses the coat of arms of the Swiss Confederation or a symbol that is an imitation thereof shall be punished with imprisonment of not more than one month or a fine of the second category:

- 1st. either as a trade mark or trademark or as part of such a mark;
- 2°. either for a purpose contrary to fair dealing;
- 3°. either under circumstances that could offend Swiss national sentiment.

Article 435e

Any person who, other than in a closed circle, through a telephone system used for the public benefit or partly for the public benefit, offers goods or services for payment, thereby indicating or giving the impression that the proceeds are intended in whole or in part for a charitable or idealistic purpose, shall be punished with a fine of the third category.

Article 435f

[Expired as of January 1, 2005]

Article 436

- 1 Any person who, not being admitted to practice a profession for which the law requires admission, practices that profession without necessity, shall be punished with a fine of the second category.
- 2 Any person who, having been admitted to practice a profession for which the law requires admission, unnecessarily exceeds the limits of his authority in the practice of that profession, shall be punished with a fine of the second category.
- 3 If, at the time of the commission of the offence, two years have not yet elapsed since a previous conviction of the offender for a similar offence became final, in the case of the first paragraph, imprisonment of not more than two months or a fine of the third category may be imposed, or in the case of the second paragraph, imprisonment of not more than one month or a fine of the third category may be imposed.

Article 437

- 1 A trader designated by general administrative measure who, in the exercise of his profession or business:
 - a. does not keep a record of all used or unregulated goods that he has acquired or has in his possession, in accordance with the rules to be established by general administrative measure,
 - b. acquires a used or irregular good from someone without that person having provided his identifying personal data or without having recorded that data in his records,
 - c. fails to make his administration available for inspection upon first request to an official as referred to in Article 552 of the Code of Criminal Procedure ,
 - d. fails to hand over any used or irregular property that he has acquired or has in his possession for inspection at the first request of an official as referred to in subsection c and to show the official where this property is registered in his administration,
 - e. acquires or possesses property that has been taken from the rightful owner by or on behalf of the police with a clear written description as being a crime or has been reported as lost,
 - f. to a written instruction issued to him by an official, as referred to in subparagraph c , to keep or deposit in custody for a period specified therein, not exceeding fourteen days, any property in his possession, or to fail to comply with an instruction given to him in that instruction, or
 - g. fails to provide truthfully, within the period specified in the request, the information requested of him by a written demand from an official as referred to in subparagraph c , *regarding goods acquired by him or in his possession*.
- 2 The same penalty shall be imposed on the person acting on behalf of the trader referred to in the first paragraph who commits an act as described in this paragraph under a to g ;

- 3 The guilty party may be disqualified from exercising the profession in which he committed the offence.
- 4 Unregulated goods are goods which, by reason of their nature or design, their origin or the condition in which they are in, cannot be regarded as goods in general circulation.

Article 437bis

- 1 A trader who has been designated by general administrative order pursuant to Article 437 and who, in the exercise of his profession or business:
 - a. acquires property from a minor, or
 - b. acquires property from a person whom he knows or has reasonable grounds to suspect has been admitted to a penal institution, a state institution for child protection or a psychiatric hospital.
- 2 The same penalty shall be imposed on any person acting on behalf of the trader referred to in the first paragraph who commits an act as described in this paragraph under *a* and *b*.
- 3 The guilty party may be disqualified from exercising the profession in which he committed the offence.

Article 437ter

- 1 A trader designated by general administrative measure pursuant to Article 437 who violates a bylaw issued and promulgated by the council of a municipality to combat receiving stolen goods shall be punished with imprisonment of not more than three months or a fine of the third category.
- 2 The same penalty shall be imposed on anyone who makes a profession or habit of buying up property without first notifying the mayor or an official designated by the mayor in writing.

Article 437quater

Any person who violates any provision for the prevention of the risk of promoting crime, established by general administrative measure with regard to traffic on certain water areas to be designated therein, shall be punished with imprisonment of not more than three months or a fine of the third category.

Article 438

- 1 Any person who makes a profession of providing overnight accommodation to persons shall be punished with imprisonment of not more than one month or a fine of the second category if he:
 - 1st. fails to produce, without delay upon arrival of the person who will spend the night in the establishment maintained by him, a valid travel document or an identity document as referred to in Article 1 of the Identification Obligation Act ;
 - 2nd. fails to keep a continuous register or fails to enter or cause to be entered therein without delay upon the arrival of that person his name, place of residence and the date of arrival, and to keep or cause to be entered therein a record of the nature of the document produced and, on departure, the date of departure;
 - 3rd. fails to show that register upon request to the mayor or to the official designated by him.
- 2 The same penalty shall be imposed on the similar negligence of any person who makes it his profession or habit to make available to adults any land, including any inland harbour or any inland waterway equipped for mooring pleasure craft, with or without associated facilities, for the purpose of staying overnight or for placing or keeping camping equipment, or for that purpose makes available any structure, other than a facility as referred to in the first paragraph.
- 3 The foregoing does not apply to overnight accommodation provided to co-travelling spouses, minor children or to travelling groups.

Article 439

- 1 The following shall be punishable by imprisonment of not more than one month or a fine of the second category:
 - 1st. he who buys, exchanges, accepts as a gift, takes in pledge, uses or stores goods belonging to the clothing, equipment or armament of a soldier below the rank of officer, or sells, exchanges, gives as a gift, in pledge, uses or stores such goods for a soldier below the rank of officer, without written permission issued by or on behalf of the commanding officer;
 - 2°. he who, making a habit of purchasing such goods, fails to comply with the regulations issued by general administrative measure concerning the register to be kept thereof.
- 2 If, at the time of the commission of the offence, two years have not yet elapsed since a previous conviction of the offender for one of these offences became final, the penalty of imprisonment may be doubled.

Article 440

Any person who manufactures, receives, obtains, stocks, transports, imports, transits or exports printed matter or other objects in a form that makes them resemble coins or banknotes, coinage, palladium, platinum, gold or silver objects provided with legal marks, postage stamps or travel documents, identity documents as referred to in Article

1 of the Identification Act or other identity documents issued by a service or organisation of vital or national importance or Dutch identity cards, shall be punished with a fine of the second category.

Article 441

Any person who discloses to another person, or publicly makes known, the content or purport of anything received by means of a radio receiving device under his control or used by him and which he has reasonable grounds to suspect is not intended for him or her, shall be punished with imprisonment of not more than three months or a fine of the third category, if he has reasonable grounds to suspect that open disclosure of the content or purport will follow and such disclosure follows.

Article 441a

He who openly or by distributing any writing without being asked indicates an object as being available or in his possession and thereby draws attention to its suitability as a technical aid for the secret listening, tapping or recording of conversations, telecommunications or other data transmission by an automated system or as part of such a system, shall be punished with imprisonment of not more than two months or a fine of the third category.

Article 441b

Any person who, using a technical device installed for that purpose, the presence of which has not been clearly indicated, unlawfully produces an image of a person present in a place accessible to the public, shall be punished with imprisonment of not more than two months or a fine of the third category.

Article 442

The following shall be punishable by imprisonment of not more than three months or a fine of the third category:

- 1st.** he who, having obtained a suspension of payments, performs on his own authority acts for which the cooperation of administrators is required by law;
- 2°.** the director or commissioner of a legal entity that has been granted a suspension of payments, who performs acts on his own authority for which the cooperation of administrators is required by law.

Article 442a

Any person who, without prior written permission from the Child Protection Board, takes in as a foster child a child under the age of six months who is not under the guardianship of a legal entity, shall be punished with imprisonment of not more than three weeks or a fine of the second category.

Title III. Offences against public authority

Article 443

Anyone who violates a general police regulation issued and promulgated in exceptional circumstances by the mayor, the chairman of the security region, or the King's Commissioner in the province pursuant to the Municipal Act, will be punished with imprisonment of up to three months or a category two fine.

Article 444

Any person who, having been legally summoned as a witness, expert or interpreter, unlawfully fails to appear shall be punished with a fine of the first category.

Article 445

Any person who, in the cases of minors, or of persons to be placed under guardianship or under guardianship, or of persons admitted to a psychiatric hospital, as a blood relative, in-law, spouse, guardian or curator, when summoned to be heard by the court, does not appear in person or, where this is permitted, through an authorised representative, without a valid reason for recusal, shall be punished with a fine of the first category.

Article 446

Any person who, when there is a danger to the general safety of persons or property, or when a criminal offence is discovered in the act, refuses the assistance requested of him by the public authorities and which he is capable of providing without exposing himself to immediate danger, shall be punished with a fine of the first category.

Article 446a

Any person who,

- 1st.** after he has exercised a power as referred to in Article 539 b, first paragraph, of the Code of Criminal Procedure, or
- 2°.** after a suspect in custody or a seized object has been handed over to him outside the jurisdiction of a court, or
- 3°.** after he has arrested a person outside the jurisdiction of a court by order of the public prosecutor,

fails to inform a competent public prosecutor without delay and in the fastest possible manner of the information referred to in Article 539b, second and third paragraphs, of the Code of Criminal Procedure , or fails to attempt to obtain instructions from the public prosecutor as referred to in the third paragraph of that Article as soon as possible.

Article 447

Any person who unlawfully tears off, makes illegible or damages an announcement made in public by the competent authority shall be punished with a fine of the first category.

Article 447a

The following shall be punishable by a fine of the second category:

- 1st.** he who fails to comply, or fails to comply properly, with any obligation imposed in Article 195 of Book 8 of the Civil Code in conjunction with Articles 192 and 178, third paragraph, of Book 8 of the Civil Code, or imposed in Articles 785 and 786 of Book 8 of the Civil Code in conjunction with Articles 782 and 178, third paragraph, in addition to Article 771 of Book 8 of that Code, or in the general administrative measures referred to in Articles 231 and 841 of Book 8 of the Civil Code;
- 2°.** any person who removes, alters or obscures or makes invisible the brand, name or identifying marks on a registered ship, as prescribed in the general administrative measure referred to under 1°, in a manner other than that permitted under that general administrative measure;
- 3°.** he who fails to comply, or fails to comply properly, with the obligation imposed in Article 1304, paragraph 2, of Book 8 of the Civil Code, or with any obligation imposed in a general administrative measure issued pursuant to Article 1321 of Book 8 of the Civil Code.

Article 447b

Any person who fails to surrender immediately, upon being ordered orally by an official authorised to do so, or within fourteen days of being notified in person by registered letter, a travel document, an identity document as referred to in Article 1 of the Identification Obligation Act or another identity document issued by a service or organisation of vital or national importance which he or she possesses and of which he or she is not the holder, or which must be surrendered pursuant to a statutory provision, shall be liable to a category two fine.

Article 447c

Any person who, other than by forgery, provides the person by whom or through whose intervention any provision or allowance is granted with information which he knows or should reasonably suspect is not in accordance with the truth, shall, if such information is relevant to the determination of his or another person's right to that provision or allowance, or to the amount or duration of such provision or allowance, be punished with imprisonment of not more than six months or a fine of the third category.

Article 447d

Any person who, in violation of an obligation imposed on him by or pursuant to a statutory provision, fails to provide the required information in a timely manner shall, if such information is important for determining his or another person's right to a benefit or allowance, or for the amount or duration of such a benefit or allowance, be punished with imprisonment of not more than six months or a fine of the third category.

Article 447e

Any person who fails to comply with the obligation to present an identity document for inspection or to cooperate in the taking of one or more fingerprints, imposed on him pursuant to the Identification Obligation Act , the Code of Criminal Procedure , the Criminal Code, the Extradition Act, the Extradition Act , the Transfer and Enforcement of Criminal Sentences Act , the Penitentiary Principles Act , the Principles Act on Persons Placed at the Compulsory Care , the Principles Act on Juvenile Detention Centres , the Compulsory Mental Health Care Act or the Care and Compulsion of Psychogeriatric and Intellectually Handicapped Clients Act , shall be punished with a fine of the second category.

Title IV. Offences concerning civil status

Article 448

Any person who fails to comply with a statutory obligation to report to the registrar for the registers of births or deaths shall be punished with a fine of the first category.

Article 449

- 1** The minister of religion who, before the parties have informed him that their marriage has been solemnized before the registrar, performs any religious ceremony in connection therewith, shall be punished with a fine of the second category.
- 2** If, at the time of the commission of the offence, less than two years have elapsed since a previous conviction of the offender for a similar offence became final, imprisonment of not more than six months or a

fine of the third category may be imposed.

Title V. Offence concerning persons in need of assistance

Article 450

Any person who, witnessing an immediate danger to the life of another, fails to provide or give that other person the assistance which he can provide or give him without reasonably fearing danger to himself or others, shall, if the death of the person in need of help follows, be punished with imprisonment of not more than three months or a fine of the second category.

Title VI. Offences concerning morals

[Expired as of July 1, 2024]

Article 453

[Expired as of July 1, 2024]

Title VII. Offences concerning the field police

Article 458

Any person who, without being authorised to do so, allows his non-flying poultry to roam in gardens or on any land that has been sown, planted or covered with plants, shall be punished with a fine of the first category.

Article 459

Any person who, without being authorised to do so, allows cattle to roam in gardens, coppices or meadows, on any pasture or hayfield, or on any land that has been sown, planted or planted, or that has been prepared for sowing, planting or planting, shall be punished with a fine of the first category.

Article 460

Any person who, without being authorised to do so, is on any land that has been sown, planted or cultivated, or that has been prepared for sowing, planting or cultivation, or during the months of May to October inclusive on any pasture or hayfield, shall be punished with a fine of the first category.

Article 461

Any person who, without being entitled to do so, is on another person's land to which access has been apparently prohibited by the rightful owner, or who allows cattle to roam there, shall be punished with a fine of the first category.

Title VIII. Offences against the Office

Article 462

Any official authorized to issue copies or extracts of judgments who issues such a copy or extract before the judgment has been properly signed shall be punished with a fine of the first category.

Article 463

Any civil servant who, without permission from the competent authority, makes a copy or extract of confidential government documents or makes them public, shall be punished with imprisonment of not more than two months or a fine of the second category.

Article 464

The head of an institution intended for the confinement of convicts, pre-trial detainees or hostages, or of a state institution for child protection or psychiatric hospital, who admits or detains a person in the institution or hospital without having produced an order from the competent authority or a court ruling, or who fails to make the required entry in his registers of this admission and of the order or ruling on the basis of which it occurs, shall be punished with imprisonment of not more than one month or a fine of the second category.

Article 465

A registrar who fails to obtain, before solemnizing a marriage, the evidence or declarations required by any statutory provision shall be punishable by a category 2 fine.

Article 466

Any registrar who contravenes any statutory provision concerning civil status registers or certificates, or concerning the formalities preceding or solemnizing a marriage, shall be punished with a category 1 fine.

Article 467

A registrar who fails to record a deed in the registers shall be punished with a fine of the second category.

Article 468

The following shall be punished with a fine of the first category:

- 1st. the registrar who fails to provide the competent authority with the information required of him by any legal provision;
- 2°. the civil servant who fails to provide the registrar with the information required of him by any legal provision.

Article 468a

For the purposes of Articles 466-468, a registrar shall mean any person charged with the maintenance of a civil status register pursuant to any statutory provision.

Title IX. Shipping Offences

Article 469

[Expired as of August 20, 2013]

Article 470

The skipper who does not have on board all the ship's papers, books, documents or other data carriers required by or pursuant to statutory provisions, will be punished with a fine of the first category.

Article 470a

[Expired as of August 20, 2013]

Article 471

1 The following shall be punishable by a fine of the second category:

- 1st. the skipper of a Dutch vessel who does not ensure that the logbooks required by law are kept on board his vessel in accordance with legal regulations or does not produce those logbooks when required by law;
 - 2°. the master of a Dutch vessel who does not keep the register of criminal offences referred to in Article 539u of the Code of Criminal Procedure in accordance with statutory provisions or does not produce it when required by law ;
 - 3°. the shipowner, bareboat charterer or owner of a Dutch ship who acts contrary to Article 19 of the Nationality of Seagoing Vessels Act ;
 - 4°. the captain of a Dutch ship who acts contrary to Article 20 of the Nationality of Seagoing Vessels Act ;
 - 5°. the owner, bareboat charterer, accountant, or skipper of a Dutch vessel who refuses to provide interested parties, upon request, with access to or, upon payment of costs, with a copy of the logbooks kept on board the vessel.
- 2 If, at the time of the commission of the offence, two years have not yet elapsed since a previous conviction of the offender for one of these offences became final, imprisonment of not more than two months or a fine of the second category may be imposed.

Article 471a

Any person who violates the provisions of Article 539u of the Code of Criminal Procedure shall be punished with imprisonment of not more than three months or a fine of the second category.

Article 472

The skipper of a Dutch vessel who fails to comply with his legal obligation regarding the registration and notification of births or deaths occurring during a sea voyage shall be punished with a category 1 fine.

Article 474

The skipper who fails to comply with the obligations referred to in the second paragraph of Article 358a or Article 785 of the Commercial Code shall be punished with imprisonment of not more than three months or a fine of the second category.

Article 475

[Expired as of July 1, 2025]

Article 476

[Expired as of August 20, 2013]

General final provision

Article 479

The entry into force of this Code shall be further regulated by law.

Original closing form and signature

We command and order that this Act be published in the *Government Gazette* , and that all Ministerial Departments, Authorities, Boards, and Officials whom it may concern shall see to its strict implementation.

Given at The Hague, 3 March 1881

WILLEM.
The Minister of Justice,

AEJ MODDERMAN.

Issued on the fifth of March 1881.
The Minister of Justice,

AEJ MODDERMAN.