

## **CRIMINAL CODE**

### **Criminal Association**

#### Article 328

(1) Whoever organises or directs a criminal association

shall be sentenced to imprisonment for a term of between six months and five years.

(2) Whoever participates in the association referred to in paragraph 1 of this Article but has not as yet committed any criminal offence for this association, or whoever carries out an act which in itself does not constitute a criminal offence but which he/she knows furthers the goal of a criminal association, or whoever financially or otherwise abets a criminal association

shall be sentenced to imprisonment for a term of up to three years.

(3) The perpetrator of a criminal offence referred to in paragraph 1 or 2 of this Article who by timely disclosure of a criminal association prevents the commission of any of the criminal offences set forth in paragraph 4 of this Article or a member of a criminal association who discloses a criminal association before committing, as its member or on its behalf, any of the criminal offences set forth in paragraph 4 of this Article may have his/her punishment remitted.

(4) A criminal association shall be made up of three or more persons acting in concert with the aim of committing one or more criminal offences that are punishable with imprisonment for a term longer than three years and shall not include an association randomly formed for the immediate commission of one criminal offence.

### **Committing a Criminal Offence as a Member of a Criminal Association**

#### Article 329

(1) Whoever, knowing about the goal of a criminal association or its criminal activities, commits a criminal offence as a member of such an association or incites another to commit a criminal offence as a member of such an association shall be sentenced:

1. to imprisonment for a term of between six months and five years in the case of a criminal offence for which a maximum penalty of three years is prescribed;

2. to imprisonment for a term of between one and ten years in the case of a criminal offence for which a maximum penalty of five years is prescribed;

3. to imprisonment for a term of between three and twelve years in the case of a criminal offence for which a maximum penalty of eight years is prescribed;

4. to imprisonment for a term of between three and fifteen years in the case of a criminal offence for which a maximum penalty of ten or twelve years is prescribed;

5. to imprisonment for a term of between five and twenty years in the case of a criminal offence for which a maximum penalty of fifteen years is prescribed;

6. to imprisonment for a term of at least ten years or to long-term imprisonment in the case of a criminal offence for which a maximum penalty of twenty years is prescribed.

(2) Whoever, knowing about the goal of a criminal association or its criminal activity, aids or abets another to commit a criminal offence as a member of such an association shall be imposed a sentence prescribed in paragraph 1 of this Article or may incur a less severe sentence.

(3) If the perpetrator referred to in paragraph 1 or 2 of this Article substantially contributes to the discovery of a criminal association, he/she may incur a less severe sentence.

### **Unlawful Entry into, Movement or Residence in the Republic of Croatia, other Member State of the European Union or the Shengen Agreement signatories**

#### Article 326

(1) Whoever enables or assists out of love of gain one or more persons to illegally enter, move or reside in the Republic of Croatia, other Member State of the European Union or the Shengen Agreement signatories

shall be sentenced to imprisonment for a term of one to eight years.

(2) If during the commission of the criminal offence referred to in paragraph 1 of this Article the life or limb of a person illegally entering, moving or residing in the Republic of Croatia, other Member State of the European Union or the Shengen Agreement signatories is put at risk, or the said person is treated in an inhumane or degrading manner, or the offence is committed by a public official in the performance of his/her official duties,

the perpetrator shall be sentenced to imprisonment for a term of between three to twelve years.

### **Unauthorised Manufacture of and Trade in Drugs**

#### Article 190

(1) Whoever manufactures or processes without authorisation substances declared by law to be drugs

shall be sentenced to imprisonment for a term of between six months to five years.

(2) Whoever manufactures, processes, transports, imports or exports, procures or possesses substances referred to in paragraph 1 of this Article, that are intended for unauthorised

sale or placing on the market in some other way, or offers them for sale without authorisation, or sells or transports them, or mediates in their sale or purchase, or markets them in some other way shall be sentenced to imprisonment for a term of between one and twelve years.

(3) Whoever offers for sale, sells or mediates in the sale of substances referred to in paragraph 1 of this Article to a person with severe mental disorder or a child, or does this in school or at another place providing education to children or at which children engage in sporting or social activities, or in its immediate proximity, or in a penal institution, or whoever in order to commit the offence referred to in paragraph 2 of this Article uses a child, or a public official who does this in relation to his/her function or public authority,

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

(4) Whoever organises a network of resellers or mediators to commit criminal offences referred to in paragraphs 2 and 3 of this Article

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

(5) Whoever by the criminal offence referred to in paragraph 2, 3 or 4 of this Article causes severe health damage of a larger number of persons or the death of a person to whom he/she sold the substance referred to in paragraph 1 of this Article or to whom the substance was sold through his/her mediation

shall be sentenced to imprisonment for a term of at least five years.

(6) Whoever produces, procures, transfers, exports or imports or possesses the equipment, material or substances which can be used in the production of substances referred to in paragraph 1 of this Article, which equipment, material or substances he/she knows are intended for their unauthorised production,

shall be sentenced to imprisonment for a term of between six months and five years.

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

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

(10) If the perpetrator of the criminal offence referred to in paragraph 1, 2, 3, 4 or 6 of this Article substantially contributes of his/her own free will to the discovery of the offence set out in this Article, the court may remit his/her punishment.

## **Enabling the Use of Drugs**

### **Article 191**

(1) Whoever induces another to use the substances referred to in Article 190, paragraph 1, of this Act or gives them to him/her for his/her or another person's use, or makes available to another a location in which to use them, or otherwise enables him/her to use them shall be sentenced to imprisonment for a term of between six months and five years.

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

the perpetrator shall be sentenced to imprisonment for a term of between one and ten years.

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

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

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

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

## **Unlawful Possession, Making and Procurement of Weapons and Explosive Devices**

### **Article 331**

(1) Whoever makes, procures, possesses, sells or in any other way procures for himself/herself or another, without authorisation, firearms, ammunition, explosive devices or their component or spare parts, which the citizens are prohibited, in the absence of prior authorisation, from procuring, selling or possessing

shall be sentenced to imprisonment for a term of up to three years.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever, makes for the purpose of sale, sells or acquires for other, without authorisation, firearms, ammunition or explosive devices or their component or spare parts which the citizens are prohibited, in the absence of prior authorisation, from procuring, selling or possessing.

(3) Whoever possesses, procures, makes, sells or exchanges, imports or exports, without authorisation, large quantities of firearms, ammunition, explosive devices or their component or spare parts

shall be sentenced to imprisonment for a term of between six months and five years.

4) The sentence referred to in paragraph 3 of this Article shall be imposed on whoever makes or improves, produces, procures, stocks, offers for sale, sells or purchases, mediates in the purchase or sale, possesses, transfers or transports chemical or biological weapons or other means of combat prohibited under international law.

(5) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever sells or exports weapons to a country in which children are used as mercenaries.

(6) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever possesses, procures, makes, sells or exchanges, without authorisation, the means required for making firearms, ammunition or explosive devices.

(7) Firearms, ammunition, explosive devices and their component or spare parts shall be seized.

## **Money Laundering**

### Article 265

(1) Whoever invests, takes over, converts, transfers or replaces a pecuniary advantage derived from criminal activity for the purpose of concealing or disguising its illicit origin

shall be sentenced to imprisonment for a term of between six months and five years.

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever conceals or disguises the true nature, source, location, disposition, movement, rights with respect to, or ownership of a pecuniary advantage derived by another from criminal activity.

(3) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever acquires, possesses or uses the pecuniary advantage derived by another from criminal activity.

(4) Whoever commits the offence referred to in paragraph 1 or 2 of this Article in financial or other dealings or where the perpetrator engages professionally in money laundering or the pecuniary advantage referred to in paragraph 1, 2 or 3 of this Article is of considerable value,

shall be sentenced to imprisonment for a term of between one and eight years.

(5) Whoever commits the offence referred to in paragraph 1, 2 or 4 of this Article through negligence with respect to the circumstance that the pecuniary advantage is derived from criminal activity

shall be sentenced to imprisonment for a term of up to three years.

(6) If the pecuniary advantage referred to in paragraphs 1 through 5 of this Article is derived from criminal activity carried out in a foreign country, the perpetrator shall be punished when the activity is a criminal offence also under the domestic law of the country where it is committed.

(7) The perpetrator referred to in paragraphs 1 through 5 of this Article who contributes of his/her own free will to the discovery of the criminal activity from which a pecuniary advantage has been derived may have his/her punishment remitted.

## **Terrorism**

### Article 97

(1) Whoever, with a view to seriously intimidating a population or compelling a government or an international organisation to do or to abstain from doing an act or seriously destabilising or destroying the fundamental constitutional, political, economic or social structures of a state or an international organisation, commits any of the following acts which can seriously harm a state or an international organisation:

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

(2) Whoever threatens to commit a criminal offence referred to in paragraph 1 of this Article shall be sentenced to imprisonment for a term of between six months and five years.

(3) If extensive destruction or the death of one or more persons has been caused by the criminal offence referred to in paragraph 1 of this Article, the perpetrator shall be sentenced to imprisonment for a term of at least five years.

(4) If, in the course of perpetrating the criminal offence referred to in paragraph 1 of this Article, the perpetrator intentionally kills one or more persons, he/she shall be sentenced to imprisonment for a term of at least ten years or to long-term imprisonment.

### **Financing of Terrorism**

#### Article 98

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

(2) The sentence referred to in paragraph 1 of this Article shall be imposed on whoever directly or indirectly provides or collects funds with the intention that they be used or in the knowledge that they will be used, in full or in part, by terrorists or terrorist associations.

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

### **Public Instigation of Terrorism**

#### Article 99

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

shall be sentenced to imprisonment for a term of between one and ten years.

## **Recruitment for Terrorism**

### **Article 100**

Whoever solicits another person to join a terrorist association for the purpose of contributing to the commission of a criminal offence referred to in Articles 97, 102, 137, Article 216, paragraphs 1 through 3, Articles 219, 223, 224, Articles 352 through 355 of this Act shall be sentenced to imprisonment for a term of between one and ten years.

## **Training for Terrorism**

### **Article 101**

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

## **Terrorist Association**

### **Article 102**

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

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

(2) Whoever becomes a member of the criminal association referred to in paragraph 1 of this Article or commits an act which he/she knows contributes to the achievement of the terrorist association's goal

shall be sentenced to imprisonment for a term of between one and eight years.

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



**Preparing Criminal Offences  
against Values Protected under International Law**

Article 103

Whoever prepares the commission of criminal offences referred to in Articles 88 through 91 and Article 97 through 102 of this Act shall be sentenced to imprisonment for a term of between six months and five years.