

## **GENERAL PART**

### **Chapter one**

## **GENERAL PROVISIONS**

### **Lawfulness in the determination of crimes and prescribing criminal sanctions**

#### **Article 1**

Nobody can be imposed a sentence or some other criminal sanction for an act, which prior to its commission was not determined by law or an international agreement ratified in accordance with the Constitution of the Republic of Macedonia to be a crime and for which no sentence was prescribed by law.

### **Basis and limits of criminal-legal coercion**

#### **Article 2**

The protection of human freedoms and rights and of other basic values, and the application of criminal-legal coercion, when within an extent being necessary to prevent socially harmful activities, represent the basis and limit for determination of the crimes and the prescribing criminal sanctions.

### **Obligatory application of a mitigative criminal law**

#### **Article 3**

(1) The law in force at the time when a crime was committed shall be applied upon the person who has committed the crime.

(2) If the law has changed once or several times after the crime was committed, the more mitigative law shall be applied to the offender.

(3) If this law prescribes a new alternative measure, a safety measure or an educational measure, it can be applied only if it corresponds to a previously prescribed measure and if it is not less favorable for the offender.

### **Criminal sanction**

#### **Article 4**

Criminal sanctions shall be: punishments, alternative measures, safety measures and educational measures.

### **Limitations in the enforcement of criminal sanctions**

## **Article 5**

An offender can be deprived or limited in certain rights in the enforcement of a criminal sanction only to the extent which corresponds to the nature and contents of such sanction, and only in a manner that provides respect of the offender's personality and his human dignity.

## **Applicability of the General Part**

### **Article 6**

The provisions of the General Part of this Law shall be applicable to all crimes determined by the laws of the Republic of Macedonia.

## **Application of the Criminal Code against juveniles and younger adults**

### **Article 6-a**

(1) The Criminal Code shall not be applied against a juvenile who at the time of committing the act, anticipated by law to be a crime, has not turned the age of fourteen.

(2) The provisions of this Code shall be applied against juveniles and younger adults for crimes anticipated by law or by international agreements ratified in accordance with the Constitution of the Republic of Macedonia, unless otherwise determined by law.

## **Chapter two**

# **CRIME AND CRIMINAL LIABILITY**

# **1. GENERAL PROVISIONS ON CRIME AND CRIMINAL LIABILITY**

## **Crime**

### **Article 7**

Crime shall be considered an unlawful act which is determined by law to be a crime, and whose characteristics are determined by law.

## **Act of minor significance**

### **Article 8**

(1) An act shall not be considered a crime even though it contains characteristics of a crime, when it is an act of minor significance, due to the lack or insignificance of the harmful consequences and the low level of criminal liability of the offender.

(2) The provision referred to in paragraph 1 may be applied to a crime for which a law prescribes a fine or an imprisonment sentence of up to three years.

## **Self-defense**

### **Article 9**

(1) An act shall not be considered criminal, should it be committed in self-defense.

(2) Self-defense shall be the defense, necessary for the offender to avert a simultaneous unlawful attack upon himself or upon another.

(3) The offender who has exceeded the limits of self-defense may be punished more leniently, and if the exceeding was done due to a strong irritation or fear caused by the attack, he may be acquitted from sentence.

## **Extreme necessity**

### **Article 10**

(1) An act shall not be considered criminal, if committed in extreme necessity.

(2) Extreme necessity shall exist when the crime is committed in order for the offender to avert from him or from another a simultaneous obvious danger, which could not be averted in some other way and hereby the perpetrated evil is not greater than the threatening evil.

(3) An offender who himself caused danger by negligence, or who has exceeded the limits of extreme necessity, may be punished more leniently, and if the exceeding was committed under especially alleviating circumstances – it is possible for the offender to be acquitted from sentence.

(4) Extreme necessity does not exist if the offender was obliged to expose himself to danger.

## **Criminal liability**

### **Article 11**

(1) A offender, who is considered accountable and who has committed a premeditated crime or crime due to negligence and who was aware or was obliged and could have been aware for the prohibition of the activity, shall bear criminal liability.

(2) The offender shall bear criminal liability for a crime committed out of negligence only when this is so determined by the law.

## **Mental competence**

### **Article 12**

(1) An offender, shall not be considered mentally competent, if when committing the crime he could not understand the significance of his act or could not control his actions due to permanent or temporary mental illness, temporary mental disorder or retarded mental development, or other especially severe mental impediments (mental incompetence).

(2) The offender of a crime whose ability to understand the significance of his action and the ability to control his actions was significantly decreased as a result of the condition as referred to in paragraph 1, may be sentenced more leniently (significantly decreased mental competence).

(3) Criminally liable shall be the offender of a crime who under the influence of alcohol, drugs or in any other manner shall reach a condition of incapability to understand the significance of his act or control his actions, in case if prior to such condition the act was premeditated or negligence was present in regard to the crime, while for such crime the law envisages criminal liability for negligence as well.

## **Premeditation**

### **Article 13**

Premeditated crime shall be considered when the offender is aware of his act and wanted its commission or when the offender was aware that due to its commission or non-commission harmful consequence may appear as a result and yet he approved its occurrence.

## **Negligence**

### **Article 14**

A crime committed due to negligence shall be considered when the offender was aware that the commission or non-commission of the crime may result in harmful consequence, but has lightheartedly considered that he might prevent it or it may not occur or was not aware of the possibility for resulting in harmful consequence, although due to the circumstances and according to the personal characteristics he might have been aware of that possibility.

## **Responsibility for a more severe consequence**

### **Article 15**

When the crime resulted in more severe consequence, for which the law prescribes a more serious sentence, such sentence may be pronounced if the offender acted out of negligence in relation to this consequence.

## **Misconception in fact**

#### **Article 16**

(1) The offender shall not be criminally liable, when at the time the crime was committed, he was not aware of some of its characteristics as determined by law or if he has wrongly considered that there are conditions according to which, if they had truly existed, such act would be allowed.

(2) If the offender was deceived due to negligence, he shall be criminally liable for a crime committed out of negligence in case the law determines criminal liability for such act as well.

#### **Legal misconception**

#### **Article 17**

(1) The offender of a crime shall not be criminally liable for an act if due to justified reasons he did not know and he could not have known that this act is prohibited.

(2) If the offender could have known that such act is prohibited, he may be sentenced more leniently.

## **2. Preparation and attempt of a crime**

#### **Preparation**

#### **Article 18**

(1) He who shall premeditatively prepare the commission of a crime, shall be sentenced only when explicitly so determined by law.

(2) The preparation of a crime may be determined by law as a special crime, or a law may prescribe punishment for preparing certain crime.

(3) When the law prescribes punishment for the preparation of a certain crime, the preparation may consist of procurement or adaptation of means for the perpetration of a crime, of removing obstacles for committing the crime, of concluding agreements, planning or organizing together with other offenders of a crime, as well as of other activities that create conditions for direct commission of the crime, and which do not represent an action of perpetration.

#### **Attempt**

#### **Article 19**

(1) Whosoever premeditatively initiates committing of a crime, and fails to complete it, shall be sentenced for an attempted crime which according to a law may be pronounced a sentence - imprisonment of five years or more, and for another attempted crime only when the law explicitly prescribes sentenced of an attempt as well.

(2) The offender shall be sentenced for an attempt within the limits of the sentence prescribed for the crime, and possibly sentenced more leniently.

### **Incongruous attempt**

#### **Article 20**

The offender who attempts to commit a crime with incongruous means or towards an incongruous object may be acquitted from sentence.

### **Voluntary cancellation**

#### **Article 21**

(1) An offender, who was preparing or who attempted to commit a crime, but who voluntarily canceled its commission may be acquitted from sentence.

(2) The offender has canceled the preparation of the activity when he has ceased any further preparations or has prevented or seriously insisted to prevent the commencement of the commission of the crime.

(3) In case of voluntary cancellation, the offender shall be sentenced for those activities that represent some other independent crime.

## **3. Accomplice in a crime**

### **Co-offending**

#### **Article 22**

If two or more persons, by participating in an act of committing or by any other significant contribution towards the committing of the crime, jointly commit a crime, each one of them shall be sentenced with the proper sentence prescribed for such crime.

### **Instigation**

#### **Article 23**

(1) Whosoever premeditatively instigates another to committing a crime, shall be punished as if he had perpetrated the crime himself.

(2) Whosoever premeditatively instigates another to commit a crime, for which a sentence of five years of imprisonment or a more severe sentence could be pronounced according to a law, and there is not even an attempt of this crime, shall be punished as for an attempted crime.

### **Assistance**

#### **Article 24**

(1) Whosoever premeditatively assist in the perpetration of a crime shall be punished as if he had committed the crime himself, but he may be punished more leniently.

(2) Assistance to perpetrating a crime shall be especially considered: giving advice or instructions how to commit a crime, making available to the offender means for committing the crime, removal of obstacles for committing the crime, as well as promising in advance to cover the criminal act of the offender, of the means of committing the crime, the traces of the crime or the items obtained through a crime.

#### **Limits of criminal liability and punishability of the accomplices**

#### **Article 25**

(1) The co-offender shall be criminally responsible within the limits of his premeditation or negligence, and the instigator and assistant - within the limits of their premeditation.

(2) The co-offender, instigator or assistant that voluntarily prevented or has seriously tried to prevent the commission of a crime, may be acquitted from punishment. This is also applicable in the case of preparation of a crime, regardless whether it is determined by law as a special crime, or whether the law prescribes sentence for the preparation of certain crime (Article 18 paragraph 2).

(3) Personal relations, characteristics and circumstances due to which the law excludes criminal liability, or it permits acquittal from punishment, a more mitigative or a more severe punishment, may be taken into consideration only for that offender, co-offender, instigator or assistant where such relations, characteristics and circumstances exist.

## **4. SPECIAL PROVISIONS ON CRIMINAL LIABILITY FOR CRIMES COMMITTED THROUGH THE MASS MEDIA**

#### **Criminal liability of Chief Editor**

#### **Article 26**

(1) The Chief Editor, i.e. respectively the substituting person at the time of publishing the information, shall be criminally liable for crimes committed through a newspaper or some other periodical publication, through radio, television or through film news, if:

- 1) the author remains unknown until the conclusion of the main hearing before the court of first instance;
- 2) the information is published without the author's consent and

3) at the time of publishing the information actual or legal obstacles existed for the persecution of the author, which continue to last.

(2) The Chief Editor, i.e. respectively the substituting person, shall not be criminally liable if for justified reasons he did not know about one of the circumstances listed in items 1, 2 and 3 of paragraph 1.

### **Criminal liability of the publisher, printer and producer**

#### **Article 27**

(1) When the circumstances referred to in Article 26 exist, criminal liability shall be borne by:

1) the publisher - for a crime committed through a non-periodically printed publication, and if there is no publisher or if actual or legal obstacles exist for his persecution - the printer who knew about it and

2) the producer - for a crime committed through a record, a tape, a film for public or private presentation, slides, phonograms, video and audio means or similar communication means intended for a wider circle of people.

(2) If the publisher, printer or producer is a legal entity or a state body, criminal liability shall be borne by the person responsible for the publication, printing or production.

### **Criminal liability of the importer and the distributor of the public information means**

#### **Article 27-a**

(1) If the crime has been committed through the mass media which is issued, printed, produced or broadcast abroad, and is distributed within the country under the terms referred to in Article 26, the importer or the distributor of that material shall be criminally liable.

(2) If the importer or the distributor is a legal entity or a state body, the responsible or official person at the legal entity or the state body shall be criminally liable.

### **Application of the general provisions on criminal liability**

#### **Article 28**

The provisions on criminal liability for the persons referred to in Articles 26, 27 and 27-a shall apply only if these persons are not criminally liable according to the general provisions on criminal liability within this Code.

## **5. CRIMINAL LIABILITY OF A LEGAL ENTITY**

### **Conditions for criminal liability of a legal entity**

#### **Article 28-a**

(1) In the cases determined by law, the legal entity shall be liable for the crime committed by a responsible person within the legal entity, on behalf, for the account and for the benefit of the legal entity.

(2) The legal entity shall be liable as well for a crime committed by its employee or by a representative of the legal entity, wherefore a significant property benefit has been acquired or significant damage has been caused to another, if:

1) the execution of a conclusion, order or other decision or approval of a governing body, managing body or supervising body is considered commission of a crime or

2) the commission of the crime resulted from omitting the obligatory supervision of the governing body, managing body or supervising body or

3) the governing body, managing body or supervising body has not prevented the crime, or has concealed it or has not reported it before initiating a criminal procedure against the offender.

(3) Under the conditions of paragraphs (1) and (2) of this Article, criminally liable shall be all the legal entities with the exception of the state.

(4) The units of the local self-government shall be only liable for crimes committed apart from their public authorizations.

(5) Under the conditions of paragraphs (1) and (2) of this Article, foreign legal entity shall be criminally liable if the crime has been committed on the territory of the Republic of Macedonia, regardless whether it has its own head or branch office performing the activity on its territory.

#### **Liability limits of the legal entity**

##### **Article 28-b**

(1) The liability of the legal entity does not exclude the criminal liability of the natural person as offender of the crime.

(2) Under the conditions of Article 28-a paragraphs (1) and (2) of this Article, the legal entity shall be liable for a crime even when there are factual or legal obstacles for determining the criminal liability of the natural person as offender of the crime.

(3) If the crime is committed out of negligence, the legal entity shall be liable under the conditions of Article 28-a of this Code, unless a law anticipated sentencing for a crime committed out of negligence (Article 11 paragraph 2).

#### **Liability in case of bankruptcy and change of the legal entity's status**

##### **Article 28-c**

(1) The legal entity in bankruptcy shall be liable under the conditions of Article 28-a of this Code for the crime committed before adopting a determination on opening a bankruptcy procedure, if

the crime has acquired it a significant property benefit or has caused another a significant damage.

(2) If merging, joining, dividing or other status change in accordance with a law wherefore the legal entity loses its status occurs before the completion of the criminal procedure against the referred legal entity, the criminal procedure shall continue against its legal successor or successors.

## **6. MANNER, TIME AND PLACE OF COMMISSION OF A CRIME**

### **Manner of commission of a crime**

#### **Article 29**

(1) A crime can be committed by act or omission.

(2) A crime can be committed by omission only when the offender omitted the act that he was legally bound to commit, and the omission has equal significance as causing the consequence of the crime by its commission.

### **Time of commission of a crime**

#### **Article 30**

A crime is committed at the time when the offender acted, or was obliged to act, regardless when the consequence appeared.

### **Place of commission of a crime**

#### **Article 31**

(1) A crime is committed both at the place where the offender acted or was obliged to act, as well as at the place where the consequence appeared.

(2) The preparation and the attempt of a crime shall be considered committed both at the place where the offender acted, as well as at the place where according to his intent the consequence should have or could have appeared.

(3) The activity of the accomplice shall be committed at the location where the activity was transferred to the offender or co-offender, as well as at the place where the accomplice has worked or was obliged to work.

### **Chapter three**

# SENTENCES

## 1. PURPOSE OF THE SENTENCE, TYPES OF SENTENCES AND CONDITIONS FOR THEIR IMPOSING

### Purpose of the sentence

#### Article 32

Besides the serving justice, the purpose of the sentence is:

- 1) to prevent the offender from committing crimes and his correction and
- 2) educational influence on others, so as not to perform crimes.

### Types of sentences

#### Article 33

(1) The criminally liable offenders can be imposed the following sentences for the crimes they have committed:

- 1) imprisonment;
- 2) fine;
- 3) a prohibition from performing profession, activity or duty;
- 4) a prohibition from operating a motor vehicle and
- 4) expulsion of a foreigner from the country.

(2) The imprisonment can be imposed only as a main sentence.

(3) The fine can be imposed as a main sentence or as a secondary sentence together with the imprisonment or with the probation sentence with a predetermined imprisonment.

(4) If for one crime the law prescribes an imprisonment or a fine, only one of them can be imposed as a main sentence, unless a law prescribes that both sentences can be imposed.

(5) In addition to the main sentence, one or more secondary sentences may be imposed, should their imposing be envisaged by law. A law may prescribe, as well, obligatory imposing of secondary sentence.

(6) The sentence - prohibition from performing profession, activity or duty, may be imposed only as a secondary sentence in addition to the imprisonment sentence or to a probation sentence with a predetermined imprisonment.

(7) The sentences - prohibitions from operating a motor vehicle and expulsion of foreign persons from the country, may be imposed if the offender is sentenced to imprisonment or a fine, probation or a court reprimand.

(8) The sentence - ban from operating a motor vehicle, may be imposed as the only sentence to the offender for a negligence act for which a fine or an imprisonment of up to one year have been prescribed , and if the offender committed the crime under particularly alleviating circumstances.

## **Lawfulness in imposing a sentence**

### **Article 34**

(1) The offender shall be imposed a sentence prescribed for the committed crime, and a sentence more lenient from the one prescribed can only be pronounced under the conditions envisaged by this Code.

(2) For crimes committed from self-interest, a fine may be imposed as secondary sentence even if it is not prescribed by law, or when it is prescribed by law that the offender shall be sentenced to imprisonment or shall be fined, and the court shall pronounce an imprisonment as the main sentence.

## **Imprisonment**

### **Article 35**

(1) Imprisonment cannot be shorter than 30 days, or longer than 15 years. For the crimes for which the law prescribes a life imprisonment, imprisonment of up to 20 years may be imposed.

(2) If a sentence of 15 years of imprisonment is prescribed for a premeditated crime, a sentence of life imprisonment may be prescribed for severe forms of this crime.

(3) The sentence of life imprisonment may not be prescribed as the only main sentence.

(4) The sentence of life imprisonment may not be pronounced for an offender who at the time the crime was committed has not turned the age of 21 years.

(5) Imprisonment shall be pronounced with full years and months, and up to six months, also with full days.

(6) When imprisonment is prescribed for crimes without appointing a minimal measure, and when the maximum measure is not longer than three years, it is compulsory to also impose a fine besides the imprisonment.

(7) The imprisonment shall be served within facilities for serving punishment, specified by law.

## **Probationary discharge**

## **Article 36**

(1) The convicted may be released from serving imprisonment under the condition that until the expiration of the period for which the sentence was pronounced he does not commit a new crime, if he has corrected himself so that it is justifiably expected for the offender to behave well in freedom and particularly that he would not commit crimes. During the evaluation whether the convicted shall be released on probation, one shall consider his conduct during the serving of the imprisonment, fulfillment of the assignments in line with his work ability and other circumstances which show that the aim of the punishment has been achieved.

(2) The convicted, having served half of the imprisonment, can be released on probation.

(3) As an exception, a convicted who has served one third of an imprisonment may also be released on probation, under the conditions referred to in paragraph 1, and if special circumstances concerning the personality of the convicted evidently show that the aim of the sentence has been achieved.

(4) The convicted, sentenced to life imprisonment cannot be released on probation before he serves at least 15 years of the imprisonment.

(5) For the one released on probation, the court may impose a protective supervision, comprised of special measures of assistance, care, supervision or protection specified by the social body.

(6) A juvenile may be released on probation from serving a sentence in juvenile prison if he has served one third of the sentence, but not earlier than one year of the duration of the imprisonment, and if grounds exist to expect that according to the results achieved in correction and reeducation, he would behave well in freedom, continue his education and work, and would not commit crimes in the future. During the probation, the court may determine a measure of intensified supervision.

## **Revoking probationary discharge**

### **Article 37**

(1) The court shall revoke the probationary discharge if during the time the convicted is under probation he commits one or more crimes for which has been sentenced to imprisonment or to juvenile imprisonment longer than two years.

(2) The court may revoke the probationary discharge if the person on probation commits one or more crimes for which an imprisonment or juvenile imprisonment of up to two years has been pronounced or if after two written warnings from the competitive body, fails to fulfill the obligations from the protective supervision (Article 36 paragraph 5). In the assessment whether it shall revoke the probation, the court shall especially take into consideration the similarity of the committed crimes, their significance, the motives of their commission, and other circumstances that point to the justification for revoking the probation.

(3) When the court revokes the probationary discharge, it shall impose a sentence by applying the provisions referred to in Articles 44 and 46, paragraph 2, taking the previously imposed sentence as already confirmed. The part of the punishment that the convicted has already served according to the previous sentence shall be calculated into the new sentence, and the time passed on probation shall not be considered.

(4) The provisions referred to in paragraphs 1, 2 and 3 shall be applied also when the person on probation is tried for a crime committed prior to being released on probation.

(5) If the person on probationary discharge is sentenced to imprisonment or to a juvenile imprisonment of up to two years, and the court does not revoke the probation, the probation shall be extended for the time which the convicted has passed in serving the imprisonment, respectively the juvenile imprisonment.

## **Fine**

### **Article 38**

(1) The fine shall be imposed as daily fines, whereas the number of the daily fines may not be less than five or more than 360 daily fines.

(2) The court shall specify the number of daily fines in accordance with the general rules for specifying the fine.

(3) The court shall determine the level of the daily fine considering the material and personal circumstances of the offender, starting, as a rule, from the net daily income the offender makes or might make, as well as the family and other obligations of the offender and his property at the time of adopting the court decision. The lowest amount of a daily fine shall be one Euro in Denar counter-value, and the highest amount shall be Euro 5.000 in Denar counter-value.

(4) The court decision shall contain the amount of the fine obtained by multiplying the number of daily fines by the specified amount of a single daily fine.

(5) For the purposes of determining the amount of the daily fine, the court may ask for reports from banks, financial and other institutions, state bodies and legal entities that shall be obliged to submit the requested reports and cannot call up on the principle of a trade or any other secret.

(6) In case when a fine is imposed as a secondary punishment in addition to an imprisonment, the court shall determine the financial amount, without applying the provisions stipulated in paragraphs 1 to 5. The fine, if applied as a secondary fine, cannot be less than Euro 20 in Denar counter-value, nor more than Euro 5.000 in Denar counter-value.

## **Collection of a fine**

### **Article 38-a**

(1) The verdict shall specify the deadline for payment of the fine, which may not be shorter than 15 days or longer than three months, but in justified cases the court may permit the convicted to pay the fine even in installments, yet the deadline of the payment shall not exceed two years. If the offender is foreigner, the court shall decide the fine to be paid without any delay, or secure its payment in another way.

(2) If the convicted fails to pay the fine within the specified time period, the court may specify a different time period or if it assesses that the convicted does not want to pay the fine, order a coercive enforcement in a procedure specified by law. If the provision of a new time period, which may not be longer than three months, or the forced collection prove unsuccessful, the court may act as follows: for each daily fine determine one day imprisonment or, when the fine is imposed as secondary, for each started Euro 20 in Denar counter-value one day imprisonment, which may not be longer than six months.

(3) If the convicted pays only a part of the fine, the rest will proportionally be transformed into imprisonment time, and if the convicted pays the remainder of the fine, the imprisonment shall be terminated.

(4) After the death of the convicted the fine shall not be enforced.

### **Prohibition to perform profession, activity or duty**

#### **Article 38-b**

(1) The court may prohibit the offender, sentenced to imprisonment or probation stipulating imprisonment, from performing a certain profession or activity, duties or works related to acquiring, disposal, use, management and handling of property or related to keeping of that property, if the offender has abused his profession, activity or duty in order to commit a crime and if, based on the nature of the committed crime and the circumstances for the crime, one may expect that such activity will be abused by the offender for further commission of a crime.

(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.

(3) In the cases determined by law it can be prescribed mandatory imposing of the prohibition together with the imprisonment sentence, in duration of at least six months.

(4) The court shall determine the duration of the prohibition referred in paragraph (1), which may not be shorter than one or longer than ten years, as of the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be calculation in the duration of the prohibition.

(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

## **Prohibition to operate a motor vehicle**

### **Article 38-c**

- (1) The offender of a crime which jeopardizes public traffic may be banned by the court from operating a motor vehicle of a certain type and category, if the court finds that the circumstances under which the crime was committed or any previous violations of the traffic rules, suggest that the offender may again commit such crime.
- (2) When passing the sentence referred to in paragraph 1, the court must arrange seizure of the driving license from the offender or prohibit any future issuance of driving license to the offender for the time of duration of the prohibition.
- (3) The court shall pass the sentence referred to in paragraph 1, if the crime has been committed in a state of insobriety.
- (4) The court shall determine the duration of the prohibition, which cannot be shorter than three months or longer than five years, counting from the day of the legal validity of the decision, whereas the time spent in imprisonment shall not be counted within the duration of the prohibition. If the offender of the crime is a professional driver the duration of the ban cannot be shorter than one year or longer than ten years.
- (5) If the sentence referred to in paragraph 1 is imposed against a person that has a foreign driving license for operating a motor vehicle, the sentence shall prohibit the offender from operating a motor vehicle on the territory of the Republic of Macedonia.
- (6) When sentencing on probation, the court may determine that the probation will be revoked if the offender violates the prohibition to operate a motor vehicle.
- (7) When imposing a sentence – prohibition to operate a motor vehicle as the only sentence, the court shall specify a fine or an imprisonment sentence which shall be performed should the offender violate the prohibition.

## **Expulsion of a foreigner from the country**

### **Article 38-d**

- (1) The court may sentence a non-resident of the Republic of Macedonia to expulsion from the country, in case if it assesses that the nature of the act, the motives of the offender and the circumstances of the crime point to undesired further stay of the offender in the country.
- (2) The sentence referred to in paragraph 1 may last from one to ten years or forever and commences as of the day of the expulsion of the offender from the territory of the Republic of Macedonia.
- (3) The sentence stipulated in paragraph 1 may not be passed against an offender who enjoys protection in accordance with ratified international agreement.

## **Substituting an imposed imprisonment with a fine**

**Article 38-e**

*Annulled* [2](#)

# **2. METING OUT A SENTENCE**

## **General rules to mete out a sentence**

**Article 39**

(1) The court shall mete out a sentence to the offender within the limits prescribed for that crime by law, bearing in mind the criminal liability of the offender, the gravity of the crime and the purposes of the punishment.

(2) Hereby, the court shall consider all the circumstances affecting the decrease or increase of the sentence (alleviating or aggravating circumstances), and especially: the level of criminal liability, the motives for the perpetrated crime, the extent of jeopardizing or damage to the protected goods, the circumstances under which the crime was committed, the contribution of the victim in commission of the crime, the previous life of the offender, his personal circumstances and his behavior after the committed crime, as well as other circumstances that concern the personality of the offender.

(3) When the court metes out the sentence it shall especially consider the total effect of the sentence to the offender, its consequences to the personality and needs of re-socialization of the offender.

(4) When the court metes out the sentence to the offender for the recidive crime, it shall especially consider whether the previous crime is of the same kind as the new crime, whether the crimes were committed with the same motives and how much time passed since the previous sentence, respectively since the served or forgiven sentence.

(5) When the court metes out the sentence it shall especially consider whether the crime has been committed against a person or group of persons or property, directly or indirectly, because of his or their national and social background, political and religious belief, material and social condition, sex, race or color of the skin.

(6) When meting out a fine, the court shall also consider the property state of the offender, herewith considering his other incomes, his property and his family obligations.

## **Sentence mitigation**

**Article 40**

The court may mete out a sentence for the offender below the limit prescribed by law or apply a more lenient form of sentence when:

- 1) the law foresees that the offender can be punished more leniently or
- 2) it concludes that especially alleviating circumstances exist which point to fulfilling the purpose by a more lenient sentence as well.

### **Limits of mitigation of the sentence**

#### **Article 41**

(1) When circumstances exist for mitigation of the sentence referred to in Article 40, the court shall mitigate the sentence within these limits, if:

- 1) if the smallest prescribed sentence measure for the crime is imprisonment in a duration of ten years or longer, the sentence may be mitigated to five years of imprisonment,
- 2) if the smallest prescribed measure is imprisonment in duration of eight or more years, the sentence may be mitigated for up to four years of imprisonment,
- 3) if the smallest prescribed measure for the crime is imprisonment with a duration of five years or longer, the sentence may be mitigated up to three years of imprisonment,
- 4) if the smallest prescribed measure for the crime is imprisonment in duration of four years or longer, the sentence may be mitigated up to two years of imprisonment,
- 5) if the smallest prescribed measure for the crime is imprisonment with a duration of three years or longer, the sentence may be mitigated up to one year of imprisonment,
- 6) if the smallest prescribed measure for the crime is imprisonment with a duration of one year or longer, the punishment may be mitigated up to three months of imprisonment,
- 7) if the smallest prescribed measure for the crime is imprisonment of less than one year, the punishment may be mitigated up to 30 days of imprisonment,
- 8) if the prescribed sentence for the crime is imprisonment of up to three years, by designating the smallest measure, a fine may be pronounced instead of the imprisonment and
- 9) if a fine is prescribed for the crime, by designating the smallest measure, the sentence may be mitigated to the general legal maximum.

(2) In deciding to what extent to mitigate the sentence according to the rules referred to in paragraph 1, the court shall especially consider the smallest and the greatest sentence measure prescribed for the crime.

### **Acquittal from a sentence**

#### **Article 42**

(1) The court may acquit the offender from a sentence only when the law foresees this explicitly.

(2) When the court is authorized to acquit the offender from a sentence, it may mitigate the sentence without the limitations prescribed for the mitigation of a sentence or to specify a secondary sentence stipulating a prohibition from operating a motor vehicle or expulsion of a foreign person from the country.

### **Special grounds for acquittal from sentence**

#### **Article 43**

The court may acquit from sentence an offender who committed a crime from negligence, when the consequences of the crime strike the offender so severely that the sentencing in this case would not fit the purpose of the sentence.

#### **Acquittal due to removal of the harmful consequences of the crime**

##### **Article 43-a**

For the crime, for which the law prescribes a fine or an imprisonment of up to three years, which crime has been committed under particularly alleviating circumstances, and if the damaged party agrees, the court may acquit the offender which will return the gain taken away from the damaged party, will indemnify the damage done to the damaged party, or will in some other way repair the harmful consequences from the criminal activity.

#### **Concurrence of crimes**

##### **Article 44**

(1) If the offender, by one or more actions, has committed several crimes being tried for simultaneously, the court shall prior to that determine the sentences for each crime separately, and further on pronounce a single sentence only.

(2) The single sentence shall be pronounced by the court according to the following rules:

1) if it determines life imprisonment for some crime in concurrence, it shall pronounce only this punishment,

2) if it has determined imprisonment for crimes in concurrence, the single punishment must be greater than each individual sentence but it may not reach the sum of the determined sentences, nor may it exceed 15 years of imprisonment,

3) if up to three years of imprisonment are prescribed for all the crimes in concurrence, the single punishment may not be greater than eight years of imprisonment,

4) if it has determined only fines for crimes in concurrence, it shall increase the highest determined fine, not exceeding the sum of the determined fines or 600 day fines, in case when the fine is the main sentence, i.e. Euro 10.000 in Denar counter-value when determined as secondary fines. If a fine in day fines has been determined for a crime in concurrence, yet for another crime it has been determined in financial amount, the financial amount shall be turned into a day fine and the single sentence shall not exceed the sum of the determined day fines or 360 day fines,

5) if it has determined imprisonment for some crimes in concurrence and fines for other crimes, it shall pronounce one imprisonment and one fine, according to the provisions referred to in points 2, 3 and 4 of this paragraph,

6) a secondary punishment shall be pronounced by the court if it has been determined even for a single crime in concurrence, and if it has determined several fines, it shall pronounce a single fine according to the provisions referred to in point 4 of this paragraph and

7) if the court has determined imprisonment and juvenile imprisonment for crimes in

concurrency, it shall pronounce imprisonment as the single sentence by applying the rules envisaged in points 1, 2 and 3 of this paragraph.

### **Crime in continuation**

#### **Article 45**

(1) The offender, who shall premeditatively commit two or more time-related actions, representing multiple commission of the same crime, using the same permanent relation, same occasions or other similar circumstances, shall be imposed by the court a single sentence within the scope of the sentence prescribed for such crime.

(2) The offender, who under the conditions referred to in paragraph 1 shall perform two or more time-related actions representing commission of same crimes, shall be imposed by the court sentence within the scope of the sentence prescribed for the gravest crime.

(3) If the offender by performing the activities stipulated in paragraphs 1 and 2 achieves a total consequence pertaining to a graver crime, the offender shall be sentenced properly as prescribes for such crime.

(4) The provisions referred to in paragraph 1 and 2 shall not apply to activities performed upon filing the charges.

### **Meting out a sentence for a sentenced person**

#### **Article 46**

(1) If the sentenced person is tried for a crime committed before serving the punishment from a previous sentence, or for a crime committed during the serving of imprisonment or juvenile imprisonment, the court shall pronounce a single punishment for all the crimes, by applying the provisions referred to in Article 44, taking the earlier pronounced punishment as already confirmed. The punishment or a part of the punishment that the convicted has already served shall be calculated in the pronounced imprisonment.

(2) For a crime committed during the serving of imprisonment or of juvenile imprisonment, the court shall sentence the offender to a punishment, regardless of the earlier pronounced punishment, if by applying the provisions referred to in Article 44 the purpose of the punishment would not be achieved, considering the duration of the part of the earlier pronounced measure that has not yet been served.

(3) The offender who commits a crime during the serving of the imprisonment or of juvenile imprisonment, for which the law prescribes a fine or imprisonment of up to one year, shall be sentenced disciplinary punishment.

### **Reckoning of detention and earlier punishment**

#### **Article 47**

(1) The time passed in detention, as well as every arrest in connection with a crime, is reckoned in the pronounced imprisonment, juvenile imprisonment or in a fine.

(2) Imprisonment or a fine which already served by the convicted, i.e. respectively paid for a misdemeanor, shall be reckoned in the punishment imposed for a crime with characteristics including the misdemeanor's features.

(3) Each reckoning shall be equal to one day detention, a day of arrest, a day of imprisonment and one day fine or Euro 20 in Denar counter-value.

## **Chapter four**

# **ALTERNATIVE MEASURES**

## **1. Purpose and types of alternative measures**

### **Purpose of the alternative measures**

#### **Article 48**

The purpose of the alternative measures is not to sentence a principle offender for a less grave crime when that is not absolutely necessary due to criminal and legal protection and when it may be expected that the purpose of the punishment may be achieved by a warning with a threat of punishment (probation), only a warning (court reprimand) or measures of assistance and supervision of the behavior of the released offender.

### **Types of alternative measures**

#### **Article 48-a**

The following alternative measures may be applied to offenders of crimes:

- 1) probation;
- 2) probation with protective supervision;
- 3) probationary suspension of the criminal procedure;
- 4) community service;
- 5) court reprimand and
- 6) house arrest.

## **2. Conditional conviction**

### **Conditional postponement of the execution of the sentence**

#### **Article 49**

(1) With a conditional conviction the court shall determine the offender a sentence and simultaneously determine that such sentence shall not be enforced if the convicted within the time period determined by the court, which cannot be less than one or more than five years (control period), does not commit another crime.

(2) Within the conditional conviction, the court may determine that the sentence shall be enforced also if the convicted does not repay the property benefit gained by the commission of the crime, if he does not compensate the damage caused by the crime, or if he does not fulfill the other obligations anticipated by the criminal-legal provisions. The time frame for fulfilling these obligations shall be determined by the court within the framework of the determined control period.

(3) The security measures, pronounced with the conditional conviction, shall be executive.

### **Terms for pronouncing a conditional conviction**

#### **Article 50**

(1) A conditional conviction may be pronounced when the offender is determined a sentence imprisonment of up to two years or a fine.

(2) A conditional conviction may be pronounced also when a sentence of imprisonment has been determined with duration of up to two years or a fine, by applying the provisions for sentence mitigation (Articles 40, 41 and 42 paragraph 2).

(3) In the decision making process whether a conditional conviction shall be pronounced, considering the purpose of the conditional conviction, the court shall especially take into consideration the offender's personality, his previous life, his behavior after the committed crime, the extent of criminal liability, and other circumstances under which the crime was committed.

(4) If a sentence of both imprisonment and a fine were determined for the offender, a conditional conviction may be pronounced for both punishments, or just for the punishment of imprisonment.

### **Revoking a conditional conviction due to a new crime**

#### **Article 51**

(1) The court shall revoke the conditional conviction if during the control period, the convicted commits one or more crimes for which a sentence of imprisonment of two years or longer has been pronounced.

(2) If during the control period the convicted commits one or more crimes for which an imprisonment sentence is pronounced for less than two years or a fine, the court after it evaluates all the circumstances concerning the committed crimes and the offender, and especially the relation between the perpetrated crimes, their significance and the motives why they were committed, it shall decide whether it shall revoke the conditional conviction. Hereby, the court is

bound by a ban on pronouncing a conditional conviction, if the offender is to be sentenced to more than two years of imprisonment for the crimes determined in the conditional conviction and for the new crimes (Article 50, paragraph 1).

(3) If it revokes the conditional conviction, and by applying the provisions referred to in Article 44, the court shall pronounce a single sentence, both for the previously committed and new crime, taking the sentence from the revoked conditional conviction as confirmed.

(4) If it does not revoke the conditional conviction, the court may pronounce a conditional conviction or sentence for the new committed crime. If the court finds that it should pronounce a conditional conviction for the new crime, also, by applying the provisions referred to in Article 44 it shall determine a single sentence, both for the previously committed and the new crime, and it shall determine a new control period which cannot be shorter than one and longer than five years, counting from the day the new verdict comes into effect. For the offender who is sentenced to imprisonment for a new crime, the time served for this sentence shall be reckoned within the control period determined with the conditional conviction for the previous crime.

### **Revoking a conditional conviction due to a earlier committed crime**

#### **Article 52**

(1) The court shall revoke the conditional conviction if it determines, upon its pronouncement, that the convicted has committed a crime prior to being conditionally convicted, and if it evaluates that there would be no grounds to pronounce a conditional conviction have that crime been known. In that case, the provisions referred to in Article 51, paragraph 3 shall be applied.

(2) If the court does not revoke the conditional conviction, it shall apply the provisions referred to in Article 51, paragraph 4.

### **Revoking a conditional conviction because of non-realization of certain obligations**

#### **Article 53**

If the conditional conviction determines that the convicted should realize some obligation as referred to in Article 49, paragraph 2, and he does not fulfill this obligation within the time frame determined in the verdict, the court may, within the control period, extend the time frame for fulfillment of the obligation, or it may revoke the conditional conviction and pronounce the sentence that was determined by the conditional conviction. If the court determines that the convicted, for justified reasons, cannot fulfill the set obligation, the court shall acquit him from fulfillment of that obligation, or it shall substitute it with some other appropriate obligation, anticipated by law.

### **Time frames for revoking a conditional conviction**

#### **Article 54**

(1) The conditional conviction may be revoked during the control period. If the convicted at that time commits a crime, which calls for revoking of the conditional conviction, and it was determined by the verdict only after the control period, the conditional conviction may be revoked at the latest within one year from the day the control period expired.

(2) If the convicted does not fulfill some of the obligations referred to in Article 49, paragraph 2, within the determined time frame, the court may decide, at the latest within one year from the day the control period expired, that the sentence determined in the conditional conviction should be executed.

## **3. Conditional condition with protective supervision**

### **Conditions for determining protective supervision**

#### **Article 55**

(1) The court shall determine protective supervision when it finds that the conditional conviction shall not have sufficient influence upon the offender not to commit new crimes again and the circumstances connected with the offender's personality or his environment justifies the expectation that the purpose of the conditional conviction shall be achieved if measures of help, care, supervision or protection are determined.

(2) The court shall determine the duration of the protective supervision to a certain time during the control period.

### **Obligations in protective supervision**

#### **Article 56**

(1) When the court pronounces protective supervision, it may determine one or more of the following obligations for the convicted:

- 1) training, specialization and pre-qualification, so that the convicted may retain the job position he already has, or to create preconditions for employment,
- 2) acceptance of an employment which corresponds to the capabilities and affinity of the convicted,
- 3) visiting a program for work with convicts for crimes committed by family violence,
- 4) execution of the obligations for supporting a family, raising children and other family obligations,
- 5) enabling insight and counseling in regard with the allocation and spending of salary income and other revenues which he earns,
- 6) not visiting certain types of premises or other places where alcoholic drinks are served and there is gambling,
- 7) prohibition to use alcoholic drinks, narcotics or other similar psychotropic substances,
- 8) using the free time according to the opinion of the social service body,

9) avoiding and not socializing with persons that have a negative influence upon the convicted and

10) submitting to medical treatment or social rehabilitation in appropriate specialized institutions.

(2) When it selects the type of obligation, the court shall take into consideration first of all the offender's personality, his health condition and psychological characteristics, the age, the financial and family conditions, the circumstances under which he committed the crime, the offender's conduct after the crime was committed, the motives for committing the crime, and other circumstances regarding the offender's personality, which are of significance for the selection of the type of obligation, taking care not to damage the human dignity, nor to cause unnecessary difficulties in his re-education.

(3) During the time of conditional postponing of the execution of the determined sentence, the court may substitute the determined obligation with some other one, or it may revoke it, upon the proposal from the social security body or from the convicted person.

### **Agency for conducting the protective supervision**

#### **Article 57**

(1) Help and care, supervision and protection in the execution of the obligation by the offender shall be performed by the social service body and proper counseling body.

(2) The social service body and the proper counseling body shall be obliged:

1) to stimulate and to help the convicted, with practical advice, to fulfill the obligation determined by the court, to understand the meaning of the conditional conviction with the protective supervision, in order to achieve its aims and

2) to occasionally inform the court about the state of fulfilling the determined obligation.

### **Consequences from non-fulfillment of the determined obligation**

#### **Article 58**

(1) If the conditionally convicted person fails to fulfill the determined obligations, the court may reprimand him to fulfill the determined obligation or substitute it with another.

(2) If the convicted continues to fail to fulfill the determined obligation, the court may extend the duration of the protective supervision or revoke the conditional conviction, within the time of the control period.

(3) If more than six months pass after the decision, with which the protective supervision was determined, comes into effect and yet the supervision has not started, the court shall decide again about the need for its execution.

## **4. Conditional cessation of the criminal procedure**

### **Conditions for cessation**

#### **Article 58-a**

- (1) For a crime for which the law prescribes a fine or an imprisonment sentence of up to one year, the court may decide, after questioning and hearing the defendant and hearing and the consent of the damaged party, to cease the procedure, provided that the offender will not perform another crime within the time period of the cessation of the procedure.
- (2) The procedure may, by a court decision, be suspended for a time period of at most one year. The time period for cessation is not included in the time period for barring the criminal prosecution.
- (3) If the offender, within the control period does not commit a new crime and if, within this time period, a previously committed crime is not revealed, the procedure shall be terminated.
- (4) When deciding to apply this measure, the court shall particularly take into account the expressed repentance and apology of the offender, removal of the consequences of the crime and compensation of damages caused by the crime.

## **5. Community service**

### **Conditions for pronouncing community service measure**

#### **Article 58-b**

- (1) For the criminal activities for which the law prescribes a fine or an imprisonment sentence of up to three years, the court may, after the offender agrees, impose the community service measure, should the crime be committed under alleviating conditions and the offender has not been previously convicted.
- (2) The measure shall be imposed for a time period from 40 to 240 hours during which the defendant must work without any compensation in a state body, public enterprise, public institution or a humanitarian organization, during state holidays, Saturdays and Sundays and not less than five hours per week, during a period of at most 12 months. If health or justifiable personal or family reasons exist, the court may extend the execution of the measure for at most six months.
- (3) If the court pronounces a fine of up to 90 day fines or Euro 1.800 in Denar counter-value or imprisonment of at most three months, it may simultaneously decide, on the request of the convicted, in exchange of the community service sentence, whereas on day of the imprisonment,

day fine of Euro 20 in Denar counter-value, may be exchanged for three hours of community service and the total hours shall not exceed 240 hours. When deciding to exchange the sentence with the community service measure the court will take into account the gravity of the crime, the level of criminal liability, the previous non-conviction of the offender and any compensation of the damages or removal of other harmful consequences of the crime.

(4) The court shall supervise the fulfillment of the obligations of the convicted person, in accordance with a procedure specified by law.

(5) If the convicted person fails to fulfill or inappropriately fulfils his obligations, the court shall send him a written warning, and if he/she continues to behave so, the court may decide to increase the number of hours or if there are justifiable reasons to extend the time period for the measure for at most up to three months, or replace the remainder of the measure with a fine or an imprisonment sentence so that every three hours of community service will be replaced with one day of imprisonment or one day fine. When deciding to replace the measure with a fine or imprisonment, the court shall be guided by the gravity of the crime, the level of criminal responsibility and the attitude of the convicted person towards the imposed community service measure.

(6) If the convicted person fails to perform the community work, imposed in exchange of the fine or the imprisonment sentence (paragraph 3), the court shall adopt a decision stipulating the enforcement of the pronounced sentence. The work obligations that the offender has fulfilled shall be counted in the total sentence, and every three hours of community service shall be counted as one day fine or one day of imprisonment or Euro 20 in Denar counter-value.

## **6. Court admonition**

### **Conditions for imposing a court admonition**

#### **Article 59**

(1) A court admonition may be imposed for crimes for which a sentence imprisonment of up to one year or a fine are prescribed, and which were committed under such alleviating circumstances which make it especially petty.

(2) For certain crimes and under conditions anticipated by law, a court admonition may be imposed also when an imprisonment of up to three years is prescribed.

(3) The court may impose a court admonition for several crimes, committed in concurrence, if the conditions referred to in paragraphs 1 and 2 exist for every one of these crimes.

(4) When deciding whether to impose a court admonition, and considering the aim of the court admonition, the court shall especially take into consideration the offender's personality, his previous life, his behavior after the committed crime, the extent of criminal liability and other circumstances under which the crime was committed.

# 7. House arrest

## Conditions for imposing house arrest

### Article 59-a

(1) If the offender of the crime for which the law prescribes a fine or an imprisonment of up to one year is old and weary, severely ill or pregnant women, the court may sentence him to imprisonment and at the same time, it may decide, with his consent to serve the sentence in house arrest.

(2) The court may replace the imprisonment sentence with house arrest if there are conditions, involving modern electronic and telecommunications devices, to control the enforcement of the house arrest, whereby the convicted person is banned from leaving his home

(3) The court shall supervise the enforcement of the house arrest, and it may determine undertaking of certain supervision measures by the police in the place where the home of the convicted person is located, obliging it to report its enforcement on regular basis.

(4) If the convicted person violates the prohibition and leaves the house, the court may decide that the convicted person should serve the replaced sentence in full, within an institution for serving imprisonment.

## Chapter five

# SAFETY MEASURES

## Purpose of the safety measures

### Article 60

The purpose of the safety measures shall be to remove situations or conditions that may influence the offender to commit crimes in the future.

## Types of safety measures

### Article 61

Offenders may be imposed the following safety measures:

- 1) compulsory psychiatric treatment and custody in a health institution;
- 2) compulsory psychiatric treatment in freedom and
- 3) compulsory treatment of alcoholics and drug addicts.

## Imposing a safety measure

## **Article 62**

(1) The court may impose one or more safety measures for the offender, when conditions anticipated by this Code exist for their imposing.

(2) Compulsory psychiatric treatment and custody in a health institution, and compulsory psychiatric treatment in freedom, shall be imposed independently for a mentally incompetent offender of a crime.

(3) In the decision imposing the measures referred to in paragraph 2, the court may temporarily prohibit the offender from performing his profession, activity or duty, or temporarily prohibit the offender from operating a motor vehicle, which prohibitions shall last for the whole duration of the imposed measures. The court shall submit its decision to the competent body or legal entity where the offender is employed, to the registry court or to the body competent for supervising the enforcement of the prohibition to operate a motor vehicle.

(4) The offender whose accountability has been significantly diminished shall be required to undergo an obligatory psychiatric treatment and custody in a health institution as well as an obligatory psychiatric treatment in freedom, if the offender has been sentenced to imprisonment, conditional conviction determining imprisonment or conditional conviction with protective supervision.

(5) The offender may be required to undergo an obligatory treatment for alcoholics and drug-addicts, if the offender has been imposed sentence, conditional conviction, conditional conviction with protective supervision, court admonition or sentence acquittal.

## **Compulsory psychiatric treatment and custody in a health institution**

### **Article 63**

(1) The court shall impose a compulsory psychiatric treatment and custody in a health institution to the offender who committed a crime in state of mental incompetence or of significantly decreased mental competence, if it determines that due to such state the offender may commit crime again and that for the removal of this danger, it is necessary to treat him and put him under custody in such an institution.

(2) The court shall terminate the measure referred to in item 1 when it determines that the need for treatment and custody of the offender in a health institution has ceased.

(3) For the offender who has committed a crime in a state of significantly decreased mental competence and who is sentenced to imprisonment, the time passed in a health institution is calculated in the time of duration of the pronounced sentence. If this time is shorter than the duration of the pronounced sentence, the court may determine to send the convicted to serve out the remainder of the sentence, or to release him on probation, regardless of the conditions prescribed in Article 36. When deciding on releasing on probation, the court shall especially consider the success of the treatment of the convicted, his health condition, the time passed in the health institution, and the remainder of the sentence which the convicted has not served.

(4) The court shall review the need for treatment and custody of the offender in a health institution every year.

### **Compulsory psychiatric treatment in freedom**

#### **Article 64**

(1) The court shall sentence the offender who has committed a crime in the state of mental incompetence or significantly decreased mental competence to compulsory psychiatric treatment in freedom, if it determines that due to this state, he could commit a crime again, while his treatment in freedom is sufficient for removing this danger.

(2) The measure referred to in paragraph 1 may be pronounced against a mentally incompetent offender or offender whose mental competence has been significantly decreased for whom a compulsory psychiatric treatment and custody in a health institution was determined, when based on the results of the treatment, the court finds that it is not necessary any more for him to be under custody and to be treated in a health institution, but only in freedom.

(3) Under the conditions referred to in paragraph 1, the court may also pronounce a compulsory psychiatric treatment in freedom against an offender whose mental competence is significantly decreased and who has been released on probation based on Article 63 paragraph 3.

(4) Compulsory psychiatric treatment in freedom when applied to an offender whose mental competence has been significantly decreased cannot last longer than two years.

(5) For an offender whose mental competence has been significantly decreased and has been sentenced to imprisonment, the time spent undergoing an obligatory psychiatric treatment in freedom shall be considered as part of the imprisonment sentence.

(6) If in the cases referred to in paragraphs 1, 2 and 3 the offender does not submit himself to treatment in freedom, or if he self-willingly abandons the treatment, or if the conditions for pronouncing the measure referred to in Article 63 have been acquired, the court may substitute it with this measure.

### **Compulsory treatment of alcoholics and drug addicts**

#### **Article 65**

(1) The court may pronounce compulsory treatment for an offender because of addiction to continuous use of alcoholic drinks, narcotics and other psychotropic substances, in case it threatens that due to this addiction the offender may again commit crimes.

(2) The measure referred to in paragraph 1 shall be enforced in an institution for serving sentences or in a health or other specialized institution. The time spent in such an institution is considered within the sentence.

(3) When pronouncing a conditional conviction, the court may impose the offender treatment in freedom, if the offender agrees to submit to such treatment. If the offender does not submit to treatment in freedom without any justified reason, or if he abandons the treatment self-willingly, the court may determine to revoke the conditional conviction or to impose the execution of the measure of compulsory treatment of alcoholics or drug addicts in a health or other specialized institution.

(4) If this measure is pronounced with a sentence, except imprisonment sentence, or conditional conviction, conditional conviction with protective supervision, a court admonition or an acquittal from conditional conviction, it may last a maximum of two years.

### **Prohibition to perform profession, activity or duty**

**Article 66**

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### **Prohibition to operate a motor vehicle**

**Article 67**

*Deleted*

### **Seizure of objects**

**Article 68**

*Deleted*

### **Expulsion of foreigner from the country**

**Article 69**

*Deleted*

## **Chapter six [4](#)**

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# **1. GENERAL RULES FOR EDUCATIONAL MEASURES AND FOR SENTENCING JUVENILES**

## **Application of the special criminal and legal provisions to juveniles**

**Article 70**

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### **Exclusion of criminal sanctions against children**

**Article 71**

*Deleted*

### **Criminal sanctions against juveniles**

**Article 72**

*Deleted*

### **Purpose of the educational measures, the sentence and the alternative measure**

**Article 73**

*Deleted*

## **2. Educational measures**

### **Types of educational measures**

**Article 74**

*Deleted*

### **Selecting an educational measure**

**Article 75**

*Deleted*

### **Reprimand**

**Article 76**

*Deleted*

### **Sending to a juveniles' disciplinary center**

**Article 77**

*Deleted*

## **Measures of intensified supervision by the parents, by the adoptive parent or the guardian**

**Article 78**

*Deleted*

## **Intensified supervision in other family**

**Article 79**

*Deleted*

## **Intensified supervision by the social service body**

**Article 80**

*Deleted*

## **Special obligations towards the measure of intensified supervision**

**Article 81**

*Deleted*

## **Sending to an educational institution**

**Article 82**

*Deleted*

## **Sending to an educational-corrective institution**

**Article 83**

*Deleted*

## **Stopping the execution and changing the decision for educational measures**

**Article 84**

*Deleted*

## **Re-deciding on educational measures**

**Article 85**

*Deleted*

# 3. Sentencing juveniles

## Sentencing older juveniles

Article 86

*Deleted*

## Juvenile imprisonment

Article 87

*Deleted*

## Meting out the juvenile imprisonment sentence

Article 88

*Deleted*

## Pronouncing educational measures and juvenile imprisonment for crimes in concurrence

Article 89

*Deleted*

## Effect of the sentence upon the educational measures

Article 90

*Deleted*

## Barring of the enforcement of the juvenile imprisonment sentence

Article 91

*Deleted*

# 4. Application of the alternative measures

## Conditional cessation of the criminal procedure and community work

Article 91-a

*Deleted*

## **5. Application of safety measures against juveniles**

**Conditions for pronouncing**

**Article 92**

*Deleted*

## **6. PRONOUNCING CRIMINAL SANCTIONS TO ADULTS FOR CRIMES COMMITTED AS JUVENILES**

**Pronouncing criminal sanctions to adults who have committed crimes as juveniles**

**Article 93**

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**Pronouncing educational measures to younger adults**

**Article 94**

*Deleted*

## **7. RECORDS OF THE EDUCATIONAL MEASURES AND THE EFFECT OF THE EDUCATIONAL MEASURES AND THE JUVENILE IMPRISONMENT SENTENCE**

**Records of the imposed educational measures**

**Article 95**

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**Effect of the educational measures and the juvenile imprisonment sentence**

## **Article 96**

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## **Chapter six-a**

# **SENTENCING A LEGAL ENTITY**

## **Main sentence**

### **Article 96-a**

(1) A fine shall be imposed as main sentence for crimes of legal entities.

(2) The fine shall be imposed in an amount that cannot be less than 100.000 Denars nor more than 30 million Denars.

(3) For crimes committed out of covetousness, as well as from crimes wherefore benefit is acquired or damage to greater extent is caused, a fine double the amount of the maximum of this fine can be imposed or in proportion with the amount of the caused damage, i.e. acquired benefit, but at most up to ten times their amount.

## **Secondary sentences**

### **Article 96-b**

Under the conditions determined by this Code, the court, as soon as it assesses that the legal entity has abused its activity and that there is risk for it to repeat the crime in the future, it can impose one or more of the following secondary sentences:

- 1) prohibition to obtain a permit, license, concession, authorization or other right determined by separate law;
- 2) prohibition to participate in procedure for open calls, awarding public procurement agreements and agreements for public and private partnership;
- 3) prohibition to founding new legal entities;
- 4) prohibition to use subventions and other favorable loans;
- 5) prohibition to use the funds from the Budget of the Republic of Macedonia for financing political parties;
- 6) revoking of a permit, license, concession, authorization or other right determined by separate law;
- 7) temporary prohibition to perform certain activity;
- 8) permanent prohibition to perform certain activity and
- 9) termination of the legal entity.

## **Conditions for imposing secondary sentences**

### **Article 96-c**

(1) If it assesses that imposing of one or more secondary sentences corresponds to the gravity of the committed crime and by that the legal entity will be prevented to commit such crimes in the future, the court can impose the sentences referred to in Article 96-b items 1 through 5 of this Code, in addition to the fine.

(2) The court shall determine the duration of the sentences referred to in paragraph (1) of this Article which cannot be shorter than one, or longer than five years.

(3) If the circumstances of the crime results in abuse of the given permit, license, concession, authorization or other right for its commission, the court shall impose revoking of the permit, license, concession, authorization or other right determined with separate law in addition to the fine.

(4) If during the performance of the activity of the legal entity, a crime has been committed wherefore a fine or imprisonment sentence up to three years has been prescribed for the natural person, and from the manner of committing the act comes a risk of repeated commission of such or similar act, the court shall impose temporary prohibition for performing certain activity in duration of one to three years, in addition to the fine.

(5) If a crime wherefore an imprisonment sentence of at least three years is prescribed for the natural person, and from the manner of committing the act comes a risk of repeated commission of such or similar crime, the court shall impose permanent prohibition for performing certain activity from among the activities performed by the legal entity, in addition to the fine.

(6) The court shall impose the sentence referred to in paragraph (5) of this Article also when a crime is committed after previous legally valid verdict wherefore the legal entity has been imposed temporary prohibition for performing activity.

(7) If a crime has been committed wherefore an imprisonment sentence of minimum five years is imposed against the natural person, and from the manner of committing the act comes a risk of repeated commission of such or similar crime, the court shall impose a sentence termination of the legal entity, in addition to the fine.

(8) The court shall impose a sentence referred to in paragraph (7) of this Article also when a crime is committed after previous legally valid verdict wherefore the legal entity has been imposed permanent prohibition for performing certain activity.

(9) The sentence temporary or permanent prohibition to perform certain activity and termination of the legal entity cannot be imposed to a legal entity founded by law, as well as to a political party.

(10) Based on a legally valid verdict wherefore a sentence termination of the legal entity has been imposed, the court shall with a law initiate a liquidation procedure of the legal entity in a period of 30 days as of the day of the legal validity of the verdict.

### **Entry and obliteration of sentences**

#### **Article 96-d**

(1) The main and secondary sentences referred to in Articles 96-a and 96-b of this Code shall be entered in electronic form in the Register of Sentences for committed crimes of legal entities kept in the Central Register of the Republic of Macedonia.

(2) The main sentence of Article 96-a of this Code shall be obliterated, *ex officio*, from the referred Register after three years from the day of the enforced or time-barred sentence.

(3) The secondary sentences of Article 96-b items 1 through 6 of this Code shall be obliterated, *ex officio*, from the referred Register after the expiry of the time wherefore they have been imposed.

(4) Providing data from the Central Register shall be performed in accordance with Article 106 of this Code.

#### **Public announcing of a legally valid court verdict**

##### **Article 96-e**

(1) On a request of the damaged party, the court can decide, burdened on the convicted person, to announce the imposed legally valid court decision or its part in the "Official Gazette of the Republic of Macedonia" and in two daily newspapers, one of which is in the language of the communities not being majority in the Republic of Macedonia.

(2) On a request of the legal entity acquitted from the charges or against which the procedure is terminated with a legally valid court decision, the court shall decide, on burden of the Court Budget to publish the verdict or part of it in the "Official Gazette of the Republic of Macedonia" and in two daily newspapers, one of which in the language of the communities not being majority in the Republic of Macedonia.

#### **Meting out a sentence**

##### **Article 96-f**

(1) When meting out the sentence the court shall consider the balance sheet and the income statement of the legal entity, the type of activity, the nature and the gravity of the committed crime.

(2) If the court determines a fine for two or more crimes in concurrence, the single sentence cannot be as high as the sum of the individually specified sentences, nor can it exceed the legal maximum of the sentence prescribed for the legal entity.

#### **Calculating a fine**

##### **Article 96-g**

(1) For crimes wherefore a fine or an imprisonment sentence of up to three years is prescribed, the legal entity shall be fined with 500.000 Denars or, if the crime has been committed out of covetousness or a damage has been caused to greater extent, at most double the amount of the caused damage or acquired benefit.

(2) For crimes wherefore an imprisonment sentence of at least three years is prescribed, the legal entity shall be fined with at most one million Denars, or if the crime has been committed out of covetousness or a damage has been caused to a greater extent, at most five times the amount of the caused damage or acquired benefit.

(3) For crimes wherefore an imprisonment sentence of at least five years has been prescribed, the legal entity shall be fined with at least one million Denars or, if the crime has been committed out of covetousness or a damage has been caused to a greater extent, up to ten times the amount of the caused damage or acquired benefit.

### **Imposing a more mitigative fine**

#### **Article 96-h**

The court can impose the legal entity a more mitigative fine from the one prescribed in Article 96-f of this Code, if:

- 1) the Code anticipates more mitigative sentencing;
- 2) the Code anticipates the possibility for sentence acquittal, yet the court does not acquit the legal entity from a sentence and
- 3) it assesses that there are particularly alleviating circumstances and that the aim of the sentencing will be achieved as well with a more mitigative sentence.

### **Limits for imposing a more mitigative fine**

#### **Article 96-i**

(1) When the conditions for imposing a more mitigative fine than the one referred to in Article 96-g of this Code, the court shall impose a more mitigative sentence within the following limits:

- 1) for a crime wherefore the legal entity can be imposed a fine of 500.000 Denars or double the amount of the benefit or the damage, a more mitigative fine of 100.000 can be imposed;
- 2) for a crime wherefore the legal entity can be imposed a fine of one million Denars or up to five times the amount, a more mitigative fine of up to 200.000 Denars can be imposed or double the amount of the benefit or the damage and
- 3) for a crime wherefore the legal entity can be imposed a fine of at least one million Denars or up to ten times the amount of the benefit or the damage, a more mitigative fine of up to 300.000 Denars or up to five times the amount of the benefit or the damage can be imposed.

(2) If the court is authorized to acquit the legal entity from a sentence, it can impose a more mitigative sentence regardless of the limits referred to in paragraph (1) of this Article, up to the lowest amount of the fine.

### **Acquittal from a fine**

#### **Article 96-j**

The legal entity can be acquitted from a fine if the responsible person within the legal entity, the governing, managing or supervising body, voluntarily report the offender of the crime, after it has been committed, or if they return the property benefit or remove the harmful consequences from the crime, or in any other manner they compensate for the harmful consequences of the crime.

#### **Enforcement of a fine**

##### **Article 96-k**

(1) If the convicted legal entity fails to pay the fine within a time period determined by the court, which cannot be less than 15 nor more than 30 days as of the day the verdict becomes legally valid, it shall be coercively enforced.

(2) If the fine cannot be enforced from the property of the legal entity, because the legal entity has no such property or has ceased to exist before the enforcement of the fine, the fine shall be enforced from its legal successor, and if there is no legal successor from the property of the founder or the founders of the legal entity, in proportion to their invested shares, i.e. in the cases determined by law at a trade company from the property of the stockholders, i.e. partners, in proportion to their shares.

(3) The fine for foreign legal entities shall be enforced from property confiscated in the Republic of Macedonia or by applying an international agreement ratified in accordance with the Constitution of the Republic of Macedonia from the property abroad.

#### **Conditional postponement of enforcement of a fine**

##### **Article 96-l**

(1) The court can appoint conditional postponement of enforcement of a fine or sentences that consist of prohibitions or revoking of permit, license, concession, authorization or other right determined by separate law in a period of one to three years when a crime, wherefore a fine or imprisonment sentence of up to three years is prescribed, has been committed, should the legal entity ensure enforcement of a fine in case of revoking the conditional conviction.

(2) The conditional conviction shall be revoked if within the control period another crime has been committed, or if an earlier committed crime by the legal entity is revealed or if the legal entity in the determined time period by the court does not ensure enforcement of the fine.

(3) The conditional conviction can be revoked during the control period, and if the legal entity during that period commits another crime being confirmed by a verdict after the expiry of the control period, the conditional conviction can be revoked at latest within a period of one year as of the day the control period has expired.

#### **Confiscation of property and property benefit and seizing objects**

#### **Article 96-m**

(1) For confiscation of property and property benefit obtained with a crime by the legal entity, the provisions of Articles 97 through 100 of this Code shall be properly applied.

(2) If no property or property benefit can be confiscated from the legal entity since it has ceased to exist before the confiscation, the legal successor, i.e. successors, and in case there are no legal successors, the founder or the founders of the legal entity, i.e. the stockholders or partners in a trade company in the cases determined by law shall jointly oblige to pay the monetary amount that corresponds to the acquired property benefit.

(3) The provisions of Article 101-a of this Code shall be properly applied to seizing objects from the legal entity.

#### **Special provisions on time-barring of criminal prosecution and time-barring of enforcement of the sentence**

#### **Article 96-n**

(1) Criminal prosecution of a legal entity cannot be initiated after:

- 1) three years from the commission of the crime wherefore a fine or imprisonment sentence of up to three years has been prescribed;
- 2) five years from the commission of the crime wherefore an imprisonment sentence of more than three years has been prescribed and
- 3) ten years from the commission of the crime wherefore an imprisonment sentence of more than five years has been prescribed.

(2) Time-barring of enforcement of a fine or sentence - revoking of permit, license, concession, authorization or other right determined with a separate law shall start after three years from the day the verdict imposing them has become legally valid.

(3) Time-barring of enforcement of sentences consisting of prohibitions shall start after the expiry of the time period wherefore they have been pronounced.

(4) In regard to the termination and the course of the time-barring of the criminal prosecution and the course and the termination of the time-barring of the enforcement of the fine and the secondary sentences, the provisions of Articles 107 through 112 of this Code shall be applied.

#### **Chapter seven**

## **CONFISCATION OF PROPERTY AND PROPERTY BENEFIT AND SEIZURE OF OBJECTS**

# **1. Confiscation of property and property benefit**

## **Grounds for confiscation**

### **Article 97**

- (1) No one may retain the indirect or direct property benefit obtained through a crime.
- (2) The property benefit referred to in paragraph 1 shall be confiscated with the court decision determining the commission of the crime, under the conditions envisaged by this Code.
- (3) The decision to confiscate shall be adopted by the court in a procedure specified by law also in the case when, due to factual or legal reasons, it is impossible to conduct the criminal procedure against the offender of the crime.
- (4) In accordance with the conditions specified in a ratified international agreement, the confiscated property may be returned to another country.

## **Confiscation of direct property benefit**

### **Article 97-a**

Beside the indirect property benefit, the direct property benefit consisted of the following shall be confiscated from the offender:

- 1) the property in which the benefit obtained with the crime has been transformed or turned into;
- 2) the property obtained from legal sources, in case if the benefit obtained from the crime is completely or partially mixed with such property, up to the assessed value of the mixed benefit obtained by the crime and
- 3) the income or other benefit resulting from the benefit obtained with a crime, from a property wherefore the benefit obtained from a crime is transformed or turned into, or from a property where the benefit obtained from the crime is mixed, up to the assessed amount of the mixed benefit obtained with the crime.

## **Manner of confiscating**

### **Article 98**

- (1) The indirect and direct property benefit obtained with a crime and consisting of money, movables or immovables of certain value, as well as any other ownership, property or active, material or non-material rights shall be confiscated from the offender, and if their confiscation is not possible other property corresponding to the value of the obtained benefit shall be confiscated from the offender.

(2) The indirect and direct property benefit shall be as well confiscated from third parties wherefore it has been obtained by committing the crime.

(3) The property benefit referred to in paragraph (1) shall be as well confiscated from members of the offender's family to whom it has been transferred, should it be obvious that they have not provided any compensation corresponding to the value of the obtained property benefit, or from third parties unless they prove that they have given counter-compensation for the object or the property which corresponds the value of the obtained property benefit.

(4) The objects declared as cultural heritage and natural rarities, as well as those to which the damaged party is personally attached, shall be confiscated from third parties, regardless of whether these objects have been transferred to the third parties with or without an appropriate compensation.

(5) The confiscated goods are returned to the damaged party, and if there is no damaged party, they become the state property.

(6) If during the criminal procedure, the damaged person is adjudged a property and legal claim, the court shall pronounce confiscation of property benefit in case if this exceeds the amount of this claim.

## **Enlarged confiscation**

### **Article 98-a**

(1) The property obtained in the time period, determined by the court according to the case's circumstances which shall not be longer than five years before the commission of the crime, prior to the conviction, when based on all the circumstances the court is well asserted that the property exceeds the legal incomes of the offender and originates from such crime, shall be confiscated from the offender of a crime committed within a criminal association wherefore a property benefit for which an imprisonment sentence of at least four years is prescribed, as well as a crime in relation with the terrorism referred to in Article 313, 394-a, 394-b, 394-c and 419 of this Code for which an imprisonment sentence of minimum five years or more has been prescribed or which is related to a money laundering crime wherefore an imprisonment sentence of at least four years is prescribed.

(2) The property referred to in paragraph (1) of this Article shall be as well confiscated from third parties for which it has been obtained by committing the crime.

(3) The property referred to in paragraph (1) of this Article shall be as well confiscated from members of the offender's family to which it has been transferred should it be obvious that they have not provided counter-compensation corresponding to its value, or from third parties unless they prove that they have provided counter-compensation for the object or the property, corresponding to their value.

## **Protection of the damaged party**

### **Article 99**

(1) The damaged party who has been referred to a litigation in the criminal procedure in regard to his property and legal claim, may demand to settle this from the confiscated value, if the litigation is initiated within six months after the day the decision with which he was referred to a litigation comes into effect, and if within three months from the day of coming into effect of the decision with which his claim was determined, he claims the settling of the confiscated value.

(2) The damaged person who has not reported a legal and property claim in the criminal procedure, may demand the settling from the confiscated value if he has started a litigation for determining his claim within a time frame of three months as of the day he finds out about the sentence with which the property benefit is confiscated, and at the latest within two years after the decision for confiscating the property benefit comes into effect, and if within three months from the day the decision with which his claim was determined comes into effect he requests the settling of the confiscated value.

### **Confiscating from a legal entity**

#### **Article 100**

If a legal entity acquires property benefit from the crime of the offender, this benefit shall be confiscated from it.

## **2. SEIZURE OF OBJECTS**

### **Conditions for seizure of objects**

#### **Article 100-a**

(1) Nobody can keep or adopt the objects that have occurred through a commission of a crime.

(2) Objects that were intended or have been used to commit a crime shall be confiscated from the offender, regardless of whether they belong to the offender or to a third party, if this is required by the interest of general safety, health of the people or moral reasons.

(3) The objects used or intended to be used to commit a crime may be confiscated if there is a threat that they may be used to commit another crime. Objects, which are the property of a third party, shall not be confiscated, except if the third party knew, could have known and was obliged to know that these objects have been used or were intended to be used to commit a crime.

(4) The court shall adopt a decision to confiscate the objects within the framework of a procedure specified by law in the case when, due to factual or legal obstacles, it is impossible to conduct the criminal procedure with respect to the offender of the crime.

(5) The application of this measure does not interfere with the right of third parties to compensation of damages from the offender of the crime.

(6) Under the conditions stipulated in ratified international agreements, the objects may be returned to another country.

## **Chapter eight**

# **LEGAL CONSEQUENCES OF THE SENTENCE**

## **Effectuating of legal consequences from the sentence**

### **Article 101**

(1) The legal consequences from the sentence, which are connected to the sentences determined for certain crimes, may apply only when the offender of the crime is sentenced to imprisonment.

(2) Legal consequences may be anticipated only by law.

## **Start and duration of legal consequences from the sentence**

### **Article 102**

(1) The legal consequences from the sentence shall become effective as of the day the sentence becomes legally valid.

(2) The legal consequences from the sentence, which consist of prohibition to acquire certain rights, shall last at the most ten years from the day the punishment was served, pardoned or time barred.

(3) The legal consequences from the sentence shall cease with the obliteration of the sentence.

## **Chapter nine**

# **REHABILITATION**

## **Rehabilitation**

### **Article 103**

(1) The rehabilitation of the convicted person may become effective by force of law (legal rehabilitation), or based on a court decision (court rehabilitation).

(2) Rehabilitation shall refer to a pre-term cessation of the sentences involving prohibitions and the sentence expulsion of foreign persons from the country and legal consequences from the sentence, and obliteration of the sentence from the criminal records.

(3) The rehabilitated person shall be considered not to be sentenced, and the data about the obliterated sentence is not given to anybody.

(4) The rehabilitation shall leave the right of third persons, based on the sentence, intact.

## **Legal rehabilitation**

### **Article 104**

(1) The sentence of a pronounced alternative measure except conditional conviction and a conviction which acquits the offender from the sentence shall be obliterated from the criminal records, should the convicted within one year of the day the court decision became legally effective not commit another crime.

(2) The conditional conviction shall be obliterated from the criminal records one year after the control period passes, and if during that period the convicted does not commit another crime.

(3) The sentence to a fine and the sentence involving a prohibition to operate a motor vehicle, imposed as the single sentence shall be obliterated from the criminal records after three years pass from the day the punishment is served, time barred or pardoned, and if during this time the convicted does not commit a new crime.

(4) The sentences to imprisonment of up to three years shall be obliterated from the criminal records after five years pass from the day the punishment is served, time barred or pardoned, and if during this time the convicted does not commit a new crime.

(5) Several sentences to a single person may be obliterated from the criminal records only at the same time, and if conditions exist for obliterating each one of these sentences.

## **Court rehabilitation**

### **Article 105**

(1) After three years expire from the day the punishment is served, time barred or pardoned, the court may determine the legal consequences from the sentence, concerning the prohibition of acquiring certain rights, to cease.

(2) After two years from the day of the application of the sentence involving a temporary prohibition to perform a specific activity of the legal entity, the court may decide to terminate the prohibition.

(3) After two years from the day of the application of the sentences: prohibition to obtain a permit, license, concession, authorization or other right determined by separate law, the prohibition for participation in open call procedures, awarding agreements for public procurement and agreements for public and private partnership, prohibition for establishing new legal entities or prohibition to use subventions of other favorable loans, the court can decide to terminate the prohibitions before the expiry of the time period they have been imposed.

(4) After three years expire from the day of implementation of the sentences prohibition to perform a profession, an activity or a duty, and prohibition to drive a motor vehicle and temporary expulsion of a foreign person from the country, as well as the sentence permanent prohibition to perform activity of the legal person, the court may decide on their termination.

(5) When deciding about rehabilitation, the court shall take into consideration the behavior of the convicted after the sentence, the circumstance whether he has compensated the damage, whether he has returned the property benefit, as well as other circumstances of significance of this decision.

(6) Upon the request from the convicted, the court may determine to obliterate from the criminal records the imprisonment: of more than three years and up to five years, within a period of five years; more than five years and up to ten years, within a period of ten years; more than ten years and up to 15 years, within a period of 15 years, more than 20 years, within 20 years, from the day the punishment is served, time barred or pardoned, and if during this time the convicted does not commit another crime. When deciding on the obliteration of the sentence, the court shall take into consideration the conduct of the convicted after serving the sentence, the nature of the crime and the other circumstances which may be of importance to the assessment of the justification for obliteration of the sentence.

## **Criminal records**

### **Article 106**

(1) The criminal records shall be kept by the Court of First Instance, competent according to the birthplace of the convicted.

(2) For persons born abroad, or those with unknown birthplace, as well as legal entities, the criminal records shall be kept by the court which is determined by law, unless this Code appoints another body for keeping the criminal records.

(3) The data from the criminal records may be given to the court and to the public prosecutor's office, in regard with a criminal procedure conducted against the previously convicted person, and to the competent bodies that participate in the procedure for granting an amnesty or a pardon.

(4) Data from the criminal records may also be given upon clarified request to state bodies, legal entities and natural persons, if certain legal consequences from the conviction or sentences involving prohibitions are still in effect, or if there is a justified interest for this, based on the law.

(5) No one has the right to demand from the citizens to submit proof of whether they have or they have not been convicted.

(6) Upon their request, the citizens may be given data about whether they have or have not been convicted, only if they need this data because for the purpose of exercising their rights abroad.

## **Article 106-a [5](#)**

### **Special register**

(1) Data on the legally valid court decision for pronounced safety measure shall be submitted by the court to the state administration body competent for issues in the field of health, for the purpose of entry in the health records, as well as to the state administration body competent for issues in the field of labor and social policy, for the purpose of entry in a special register.

(2) The court shall also submit data to the state administration body competent for issues in the field of labor and social policy for persons sentenced by a legally valid verdict for crimes against the gender freedom and morality and for the crime referred to in Article 418-d of this Code against juveniles, for which a specific register is being kept.

(3) The data referred to in paragraphs (1) and (2) of this Article may be exclusively used for the purpose of protection of the health of the persons being pronounced safety measures or for the purpose of protection of the juveniles' rights, under the conditions and according to a procedure determined by law.

## **Chapter ten**

# **TIME BARRING**

### **Barring of criminal prosecution**

#### **Article 107**

(1) Unless otherwise determined by this Code, criminal prosecution may not be undertaken when the following expires:

- 1) 30 years from the commission of the crime, for which according to the law, a life imprisonment may be pronounced,
- 2) 20 years from the commission of the crime, for which according to the law, imprisonment of more than ten years may be pronounced,
- 3) ten years from the commission of the crime, for which according to the law, imprisonment of more than five years may be pronounced,
- 4) five years from the commission of the crime, for which according to the law, imprisonment of more than three years may be pronounced,
- 5) three years from the commission of the crime, for which according to the law, imprisonment of more than one year may be pronounced and
- 6) two years from the commission of the crime, for which according to the law, imprisonment of one year or a fine may be pronounced.

(2) If several sentences are prescribed for a crime, the time barring is determined according to the most severe prescribed sentence.

### **Course and cessation of the time barring of the criminal prosecution**

#### **Article 108**

- (1) The time barring of the criminal prosecution starts on the day of commission of the crime.
- (2) The time-barring term does not run at the time when, according to the law, the prosecution may not commence or continue.
- (3) The time-barring shall be interrupted by each process action undertaken in order to prosecute the offender due to the committed crime.
- (4) The time barring shall also be interrupted when the offender, at the time while the time barring is still going on, commits an equally grave or graver crime.
- (5) For each interruption, the time-barring term commences to run again from the beginning.
- (6) The time barring of the criminal prosecution comes into effect in any case when twice the time requested according to a law for time barring of criminal prosecution elapses.

#### **Time barring of the enforcement of a sentence**

#### **Article 109**

Unless otherwise determined by this Code, the pronounced sentence may not be enforced when the following has elapsed:

- 1) 30 years from a life imprisonment;
- 2) 20 years from imprisonment of more than ten years;
- 3) ten years from imprisonment of more than five years;
- 4) five years from imprisonment of more than three years;
- 5) three years from imprisonment of more than one year and
- 6) two years from imprisonment of up to one year, or to a fine.

#### **Barring of enforcement of secondary punishments and safety measures, alternative measures, confiscation of property and seizing of objects**

#### **Article 110**

- (1) The barring of the enforcement of a fine as a secondary sentence becomes effective after two years from the day the verdict ordering that sentence has become legally valid.
- (2) The barring of the enforcement of the safety measures - compulsory psychiatric treatment and custody in a health institution, unconfined psychiatric treatment and compulsory treatment of alcoholics and drug-addicts, shall become effective after five years as of the day the decision imposing those measures becomes legally valid.
- (3) The time barring of the enforcement of the sentence involving prohibition to perform a profession, activity or duty, the prohibition to operate a motor vehicle and the temporary

expulsion of a foreign person from the country, becomes effective upon expiration of the time period stipulated in those sentences.

(4) Barring of the alternative measures involving a community work and house arrest shall become effective after two years as of the day the verdict ordering those measures becomes legally valid.

(5) The enforcement of the special measures involving confiscation of property and seizure of objects does not reach a time-barred status.

### **Course and cessation of the time barring of the enforcement of the sentence**

#### **Article 111**

(1) The barring of the enforcement of the sentence starts on the day the verdict comes into effect, and if the conditional conviction has been revoked, from the day when the decision on revoking becomes legally valid.

(2) The time-barring term does not run when according to the law, the sentence cannot be enforced.

(3) The barring shall be interrupted for each activity undertaken by the competent body, for the purpose of enforcing a sentence.

(4) For each interruption, the time-barring term commences to run from the beginning.

(5) The enforcement of the sentence shall reach time-barred status in any case when twice the time necessary for time barring of the sentence enforcement, in accordance with law, elapses.

(6) The provisions referred to in paragraphs 2 to 5, shall be respectively applied to the barring of the enforcement of the safety and alternative measures.

### **Non-barring of the crimes of genocide and war crimes**

#### **Article 112**

The criminal prosecution and the enforcement of the sentence do not reach the time-bared status for the crimes envisaged in Articles 403 to 407-b and 416-a, as well as for crimes for which non-barring is anticipated within the ratified international conventions.

## **Chapter eleven**

# **AMNESTY AND PARDON**

## **Amnesty**

#### **Article 113**

Persons included in an act of amnesty shall be awarded acquittal from prosecution, or full or partial acquittal from enforcement of the sentence, the pronounced sentence is substituted with a mitigated sentence, they are prescribed obliteration of the sentence, or a certain legal consequence from the sentence is revoked.

#### **Pardon**

#### **Article 114**

(1) With the pardon of an individually named person, he is awarded acquittal from prosecution, or full or partial acquittal from enforcement of the sentence, the pronounced sentence is substituted with a mitigated sentence, or with a alternative measures, or he is prescribed obliteration or revoke of the sentence, or a certain legal consequence from the verdict or the sentence is determined to a shorter duration.

(2) The pardon may determine the revoking or a shorter duration of the following sentences - prohibition to perform a profession, an activity or a duty, prohibition to operate a motor vehicle for offenders whose profession is a driver and expulsion of a foreigner from the country.

#### **Effect of the amnesty and pardon on the rights of third persons**

#### **Article 115**

The awarding of an amnesty or a pardon leaves the right of third persons intact.

### **Chapter twelve**

## **APPLICATION OF THE CRIMINAL LEGISLATURE ACCORDING TO THE PLACE OF COMMISSION OF THE CRIME**

### **Application of the criminal legislature to anyone who commits a crime on the territory of the Republic of Macedonia**

#### **Article 116**

(1) The criminal legislature shall be applicable to anyone who commits a crime on the territory of the Republic of Macedonia.

(2) The criminal legislature shall also be applicable to anyone who commits a crime on a domestic ship, regardless of the location of the ship at the time of commission of the crime.

(3) The criminal legislature shall also be applicable to anyone who commits a crime in a domestic civil aircraft during flight, or on a domestic military aircraft, regardless of the location of the aircraft during the commission of the crime.

### **Application of the criminal legislature to certain crimes committed abroad**

#### **Article 117**

The criminal legislature is applicable to whosoever commits a crime referred to in Article 268 of this Code abroad, if the forgery concerns domestic currency and as referred to in Articles 305 through 326, 357 through 359-a and 403 through 422 of this Code.

### **Application of the criminal legislature to a citizen of the Republic of Macedonia who commits a crime abroad**

#### **Article 118**

The criminal legislature shall also be applicable to a citizen of the Republic of Macedonia when he commits a crime abroad, except for the crimes listed in Article 117, if he finds himself on the territory of the Republic of Macedonia or is extradited.

### **Application of the criminal legislature to a foreigner who commits a crime abroad**

#### **Article 119**

(1) The criminal legislature shall also be applicable to a foreigner who commits a crime outside the territory of the Republic of Macedonia but directed against her or against her citizen, also when this does not concern the crimes listed in Article 117, if he finds himself on the territory of the Republic of Macedonia or is extradited.

(2) The criminal legislature shall also be applicable to a foreigner who commits a crime abroad, against a foreign country or a foreigner, who according to that legislature may be sentenced to five years of imprisonment or to a more severe punishment, in case he finds himself on the territory of the Republic of Macedonia, and is not extradited to the foreign country. Unless otherwise determined by this Code, in such a case the court may not pronounce a more severe punishment than the one prescribed by law of the country of commission of the crime.

### **Special conditions for prosecution**

#### **Article 120**

(1) If in the cases referred to in Article 116, the criminal procedure is initiated or completed in a foreign country, the prosecution in the Republic of Macedonia shall be initiated only after obtaining approval from the Public Prosecutor of the Republic of Macedonia.

(2) In the cases referred to in Articles 118 and 119, no prosecution shall be initiated if:

1) the offender has served out the punishment to which he was sentenced abroad,

2) a safety measure involving imprisonment has been applied with regard to the offender abroad,  
3) the offender was acquitted abroad with a sentence that has become legally valid, or the sentence has reached time-barred status or was pardoned and  
4) according to the foreign law a crime is prosecuted upon request from the damaged party and no such request was submitted.

(3) In the cases referred to in Articles 118 and 119, prosecution shall be initiated only when the crime is punishable according to the law of the country in which the crime was committed. When in the cases referred to in Article 118 and Article 119, paragraph 1, there is no sentence for the committed crime according to the law in the country of commission, prosecution may be initiated only after approval from the Public Prosecutor of the Republic of Macedonia.

(4) Only after approval from the Public Prosecutor of the Republic of Macedonia may prosecution be initiated in the Republic of Macedonia in the cases referred to in Article 119, paragraph 2, regardless of the law of the country where the crime was committed, if this concerns a crime which, at the time it was committed, was considered to be a crime according to the general legal principles, recognized by the international community.

(5) In the cases referred to in Article 116, the prosecution of a foreigner may be handed over to a foreign country, under the condition of reciprocity.

### **Reckoning custody and a sentence served abroad**

#### **Article 121**

The custody, the arrest during the extradition procedure, as well as the sentence or the safety measure involving imprisonment which the offender served according to a sentence by a foreign court, shall be reckoned in the sentence which shall be pronounced by the domestic court for the same crime, and if the sentences are not of the same kind, the reckoning shall be done according to the assessment of the court.

### **Application of the provisions of this Code on the criminal sanctions pronounced abroad**

#### **Article 121-a**

When, based on an international agreement, the criminal sanction pronounced abroad, shall be enforced in the Republic of Macedonia, the provisions stipulated in this Code regarding probationary discharge, rehabilitation, time-barring, amnesty and pardon shall be applied accordingly.

## **Chapter thirteen**

# **MEANING OF THE TERMS IN THIS CODE**

#### **Article 122**

(1) Criminal legislature of the Republic of Macedonia shall refer to the provisions of this Criminal Code and the provisions contained in the other laws.

(2) The territory of the Republic of Macedonia shall refer to the territory on dry land, the water surfaces inside its borders, as well as the airspace above them.

(3) The term military person shall refer to: military officers-officers and non-commissioned officers, professional soldiers, soldiers serving their military term, cadets of the Military Academy, persons in professional training and educating the officers and non-commissioned officer, military obligor from the reserve composition of the Army of the Republic of Macedonia while they are called to execute rights and obligations in the field of defense regarding the performance of their military duty and civil persons on duty in the Army of the Republic of Macedonia.

(4) An official person, when designated as an offender of a crime, shall be considered:

- a) The President of the Republic of Macedonia, the appointed ambassadors and other representatives of the Republic of Macedonia abroad and persons appointed by the President of the Republic of Macedonia, an elected or appointed official in and from the Parliament of the Republic of Macedonia, in the Government of the Republic of Macedonia, in the state administration bodies, in the courts, in the Public Prosecutor's Office, the Judicial Council of the Republic of Macedonia, the Council of Public Prosecutors of the Republic of Macedonia and in other bodies and organizations which perform certain professional, administrative or other activities within the framework of the rights and duties of the Republic, in the local self-government units, as well as persons who permanently or temporarily perform an official duty in these bodies and organizations,
- b) a civil servant performing professional, normative-legal, executive, administrative-supervisory activities and administrative activities in accordance with the Constitution and a law.
- c) an authorized person within a legal entity which by law or by some other enacted regulation based on a law is entrusted with performing public duties, when the duty is performed within the framework of those authorities, as well as an authorized person for representation of associations, foundations, unions and organizational types of foreign organizations, sports associations and other legal entities in the field of sports,
- d) a person performing certain official duties, based on the authorization given by law or by some other enacted regulations based on a law,
- e) a military person, when considering crimes in which an official person is pointed out as the offender and
- f) a representative of a foreign country or an international organization in the Republic of Macedonia.

(5) A foreign official person, when designated as an offender of a crime, is considered to be the person who, in a foreign country, international organization or public institution performs some of the functions or duties stipulated in paragraph (4) points a) through e).

(6) A legal entity shall refer to: the Republic of Macedonia, units of the local self-government, political parties, public enterprises, trade companies, institutions, associations, foundations, unions and organizational types of foreign organizations, sports associations and other legal

entities in the field of sports, funds, financial organizations, and other organizations specified by law and registered as legal entities and other associations and organizations being recognized the capacity of a legal entity. A foreign legal entity shall refer to: a public enterprise, institution, fund, bank, trade company or any other form of organization in accordance with the laws of a foreign country pertaining to the performance of economic, financial, banking, trade, service or other activities, with head office in another country or a branch office in the Republic of Macedonia or founded as an international association, fund, bank or institution.

(7) A responsible person within a legal entity shall be considered to be a person within the legal entity, who considering his function or based on special authorization in the legal entity, is entrusted with a certain circle of matters which concern the execution of legal regulations, or regulations adopted on the basis of a law or a general act of the legal entity in the management, use and disposition of property, the management of the production or some other business venture, or other economic process and their supervision. An official person shall also be considered to be a responsible person, when this concerns crimes where a responsible person is found to be the offender, while the crimes are not foreseen in the chapter on crimes against official duty, i.e. crimes by an official person foreseen in some other chapter of this Code. When this Code specifically stipulates, a responsible person shall also be considered the person who performs a special function or an authorization or is entrusted to independent performance of certain operations within a foreign legal entity, as well as the person who is a representative of the foreign legal entity within the Republic of Macedonia.

(8) When an official or responsible person is pointed out as the offender, all the persons listed in paragraphs 4, 5, and 7 may be offenders of these crimes unless the legal features of the particular crime suggest that the offender can be only one of these persons.

(9) A person performing works of public interests shall be considered to be the person who performs functions, duties or works of public, i.e. general interest, such as: teacher, tutor, physician, social worker, journalist, notary, lawyer, or any other person who performs these works independently or within a legal entity which performs activities of public i.e. general interest, in accordance with a law.

(10) Elections and voting shall refer to the elections for representatives of the citizens in the Assembly of the Republic of Macedonia and in the local self-government, for President of the Republic of Macedonia, and the declaration of the citizens at a referendum.

(11) A document shall refer to any object that is suitable or designated to serve as proof of a fact that is of value for the legal relations. A public document shall be a document issued by a competent body, organization, or a person performing works of public interest based on a law or another regulation based on a law.

(12) Money shall be funds for paying cash, in denomination or in electronic money, which based on a law are used in the Republic of Macedonia or in a foreign country.

(13) Marks of value shall also refer to foreign marks of value.

(14) Securities shall refer to: shares, bonds or other securities which are transacted on the basis of law of the Republic of Macedonia, in the Republic of Macedonia or in a foreign country.

(15) Pay cards shall refer to any type of payment funds issued by banks or other financial institutions containing electronic data on persons and electronically generated numbers enabling performance of any type of financial transactions.

(16) Income from a punishable act shall be any property or benefit obtained by direct or indirect commission of a punishable act, as well as income from a punishable act committed abroad, under a condition that at the time when it was committed it has been anticipated as punishable act, as well according to the laws of the country where it has been committed and in accordance with the laws in the Republic of Macedonia.

(17) A movable object shall refer to any produced or collected energy which provides light, heat or movement, as well as the telephone impulse and other means of transfer of voice, picture or text, over a certain distance or computer services.

(18) A force shall also refer to the use of hypnosis and dazzling substances for the purpose of bringing a person, against his will into a state of unconsciousness or to incapacitate him to offer resistance.

(19) A social service body shall refer to the centers for social work and other institutions performing social activity.

(20) A motor vehicle shall be considered any vehicle of transportation with a motor engine, in land, water and air traffic.

(21) Family violence shall refer to abuse, rude insults, safety threats, inflicting physical injuries, sexual or other mental and physical violence which causes a feeling of insecurity, threat or fear towards a spouse, parents or children or other persons who live in a marriage or unwed partnership or other joint household, as well as towards a former spouse or persons who have a child together or are have close personal relations.

(22) A crime victim shall refer to any person who has suffered damage, including physical or mental injuries, emotional suffering, material loss or other injury or threat of his basic freedoms and rights as a consequence of a committed crime. A child – crime victim shall refer to a juvenile, younger than the age of 18.

(23) Several persons shall refer to at least three or more persons.

(24) Child pornography shall refer to pornographic material visually displaying obvious sexual intercourse with a juvenile or obvious sexual intercourse with an elder person resembling a juvenile or displaying the juvenile or the elder person resembling a juvenile in obvious sexual position, or realistic pictures displaying obvious sexual intercourse with a juvenile or displaying the juvenile or the elder person resembling a juvenile in obvious sexual position.

(25) Family shall be considered the spouse, unwed partner, children, parents, brothers and sisters and other relatives with whom the persons shares the family union.

(26) Computer system shall refer to any type of device or group of inter-related devices out of which one or several perform automatic procession of data, in line with a certain program.

(27) Computer data shall refer to presenting facts, information or concepts in format suitable for procession via a computer system, including program favorable for putting the computer system in function.

(28) A group, gang or other criminal association or an organization shall refer to at least three persons forming an association for the purpose of committing crimes, including the organizer of the association.

(29) Court, judge and court procedure shall also refer to an international court whose competence is recognized by the Republic of Macedonia, the judge and procedure before that court.

(30) Drunkenness shall refer to a state of alcohol in the blood exceeding 1.5 gram per one thousand (‰).

(31) An explosive or other deadly device shall refer to any type of weapon or explosive or flammable device, which can cause death, physical injury or significant material damage, through physical injury, emitting and spreading harmful chemical materials, biological agents, toxic and similar substances, or radiation of radioactive materials, as well as any weapon or device created for that purpose.

(32) Public place shall refer to buildings, parts of buildings, yards, premises where any commercial, cultural, official, educational, recreational and other activity is performed, as well as public roads, open spaces, water surfaces and other places open and accessible to an unlimited number of people.

(33) A smaller property benefit, value or damage shall refer to a benefit, value or damage that corresponds to the amount of the officially announced average one-half monthly salary in the economy of the Republic of Macedonia, at the time when the crime was committed.

(34) A greater property benefit, value or damage shall refer to benefit, value or damage that corresponds to the amount of five average monthly salaries in the Republic of Macedonia, at the time when the crime was committed.

(35) A significant property benefit, value or damage shall refer to benefit, value or damage that corresponds to the amount of 50 average monthly salaries in the Republic of Macedonia, at the time when the crime was committed.

(36) A benefit, value or damage of a large scale shall refer to benefit, value or damage that corresponds to the amount of 250 average monthly salaries in the Republic of Macedonia, at the time when the crime was committed.

(37) A net daily income shall refer to a net allowance in the form of a salary or other allowances in addition to the salary pertaining to the working relation, as well as other net incomes from the performance of activities, property and property rights. The net daily income shall be obtained after deducting the taxes or other liabilities specified by law. If the court cannot determine the net daily income in this way or if the determination of the net income would cause a significant delay in the procedure, the net daily income shall be calculated on the basis of the daily earnings according to the average salary in the Republic for the last three months before reaching a verdict.

(38) Property shall include money or other payment instruments, securities, deposits, other ownership of any type, both material or non-material, movable or immovable, other rights over objects, claims, as well as public documents and legal documents for ownership and assets in written or electronic form or instruments proving the right to ownership or interest in such property.

(39) Objects shall include movable and immovable objects being completely or partially used or should have been used or have resulted from a commission of a crime.

## **SPECIAL PART**

### **Chapter fourteen**

## **CRIMES AGAINST LIFE AND BODY**

### **Murder**

#### **Article 123**

(1) Whosoever deprives another of life shall be sentenced to at least five years of imprisonment.

(2) Imprisonment of at least ten years or life imprisonment shall be ordered to whosoever:

- 1) deprives another of life in a cruel or treacherous manner,
- 2) deprives another of life by committing family violence,
- 3) deprives another of life and hereby, premeditatively endanger the life of another person,
- 4) deprives another of life for self-interest, because of committing or covering up another crime, for ruthless revenge or for other low motives,
- 5) deprives another of life on order,
- 6) deprives a female person of life, yet being aware of her pregnancy or the fact that she is underage and
- 7) deprives the life of a judge, public prosecutor or lawyer, while performing their function, i.e. duty or an official or military person, while they are performing activities of public or state security, or on duty guarding the public order, catching the offender of a crime, or guarding a person under arrest.

(3) Imprisonment of at least ten years or life imprisonment shall be ordered to whosoever premeditatively deprives of life two or more persons, not being tried for previously, unless those

are such crimes as referred to in Article 9 paragraph (3), Article 10 paragraph (3) and Articles 124, 125 and 127.

### **Murder out of noble motives**

#### **Article 124**

Whosoever murders another out of noble motives, shall be sentenced to imprisonment from six months to five years.

### **Manslaughter**

#### **Article 125**

Whosoever shall cause death to another person by committing manslaughter, brought against his will into a state of strong irritation by attack or by severe insults or as a consequence of family violence by the killed, shall be sentenced to imprisonment of one to five years.

### **Negligent manslaughter**

#### **Article 126**

Whosoever shall cause death to another person out of negligence shall be sentenced to imprisonment of six months to five years.

### **Murder of a child at birth**

#### **Article 127**

(1) A mother who shall cause death of her child during labor or immediately after the birth, in a state of mental disorder caused by the birth, shall be sentenced to imprisonment of three months to three years.

(2) The attempt is punishable.

### **Instigation to suicide and assistance in suicide**

#### **Article 128**

(1) Whosoever instigates another to suicide or assists another in committing a suicide being executed shall be sentenced to imprisonment of three months to three years.

(2) If the crime referred to in paragraph 1 is committed against a juvenile who turned 14 years of age or against a person who is in a state of significantly decreased accountability, the offender shall be sentenced to imprisonment of one to ten years.

(3) If the crime referred to in paragraph 1 is committed against a juvenile who has not turned 14 years of age yet, or against a non-accountable person, the offender shall be sentenced in line with Article 123.

(4) Whosoever acts in cruel and inhuman manner towards another person in subordinate or dependent position, and who due to such action commits a suicide, possible to be attributed to the negligence of the offender, shall be sentenced to imprisonment of six months to five years.

(5) If because of the crimes referred to in paragraphs 1 to 4 the suicide was only attempted, the court may punish the offender more leniently.

## **Unlawful abortion**

### **Article 129**

(1) Whosoever, opposite to the regulations on abortion, commits, initiates the commission of or assists the abortion shall be sentenced to imprisonment of three months to three years.

(2) Whosoever is engaged in the crime referred to in paragraph 1 shall be sentenced to imprisonment of one to five years.

(3) Whosoever, without the consent of the pregnant woman, commits or initiates the commission of the abortion, shall be sentenced to imprisonment of one to five years.

(4) If the crime referred to in paragraphs 1, 2 and 3, causes a major deterioration of the health condition or death of the pregnant woman, the offender shall be sentenced for the crime referred to in paragraph 1 with imprisonment of six months to five years, and for the crime referred to in paragraphs 2 and 3, with imprisonment of at least one year.

## **Bodily injury**

### **Article 130**

(1) Whosoever causes bodily injury or health deterioration to another, shall be fined or sentenced to imprisonment of up to three years.

(2) Whosoever commits the crime referred to in paragraph 1 while committing family violence shall be sentenced to imprisonment of six months to three years.

(3) The court may impose the offender of the crime referred to in paragraph 1 a court admonition if, he was provoked with especially insulting or rude behavior by the damaged person.

(4) The prosecution for the crime referred to in paragraph 1 shall be undertaken upon a private complaint, and for the one referred to in paragraph 2 upon a proposal.

## **Severe bodily injury**

### **Article 131**

(1) Whosoever causes severe bodily injury or health deterioration to another shall be sentenced to imprisonment of six months to five years.

(2) Whosoever commits the crime referred to in paragraph 1 while committing family violence shall be sentenced to imprisonment of one to five years.

(3) Whosoever causes a severe bodily injury or health deterioration to another, and because of that the life of the injured person is brought into danger, or a vital part of the body or some important organ is destroyed, or is damaged permanently or to a significant extent, or a permanent disability for work is caused, in general or for the work for which he is trained, his health is damaged permanently or gravely, or he becomes disfigured, shall be sentenced to imprisonment of one to ten years.

(4) If because of the severe bodily injury referred to in paragraph 1 to 3 the injured person dies, the offender shall be sentenced to imprisonment of at least one year.

(5) Whosoever commits the crime referred to in paragraph 1, 2 and 3 out of negligence, shall be fined or sentenced to imprisonment of up to three years.

(6) Whosoever commits manslaughter, brought without a guilt in a condition of strong irritation by an attack or severe insult, or as a consequence of family violence by the injured party, shall be fined for the crime referred to in paragraphs 1 and 2 or sentenced to imprisonment of up to three years, and for the crime referred to in paragraphs 3 and 4 to imprisonment of one to five years.

### **Participation in a fight**

#### **Article 132**

(1) Whosoever participates in a fight in which death or severe bodily injury is caused to another shall be sentenced to imprisonment of three months to five years.

(2) Crime, as referred to in paragraph 1, shall not be considered for a person who without being guilty was included in a fight or was only attempting to separate the other participants in the fight.

### **Threatening with a dangerous tool during a fight or a quarrel**

#### **Article 133**

Whosoever, during any kind of fight or quarrel, reaches weapons, dangerous tools or any other instrument possible to cause severe bodily injury to the body or health deterioration, shall be fined or sentenced to imprisonment of up to six months.

### **Exposure to danger**

#### **Article 134**

(1) Whosoever causes and leaves another helpless in a state dangerous to life, shall be sentenced to imprisonment of three months to three years.

(2) If the person dies or gets severe bodily injuries or health deterioration due to the exposure to danger, the offender shall be sentenced to imprisonment of one to five years.

#### **Abandoning a feeble person**

#### **Article 135**

(1) Whosoever abandons an entrusted feeble person or person responsible to take care for, leaves the person helpless in situations dangerous to life or health, shall be sentenced to imprisonment of three months to three years.

(2) If the abandoned person due to this dies or receives severe bodily injuries or health deterioration, the offender shall be sentenced to imprisonment of one to five years.

#### **Not providing help**

#### **Article 136**

Whosoever does not provide help to a person in a state dangerous to life, although able to provide it without a danger to him or to another, shall be fined or sentenced to imprisonment of up to one year.

### **Chapter fifteen**

## **CRIMES AGAINST THE FREEDOMS AND RIGHTS OF HUMANS AND CITIZENS**

#### **Violation of citizens' equality**

#### **Article 137**

(1) Whosoever, based on difference in gender, race, color of the skin, national and social origin, political and religious belief, property and community position, language or other personal characteristic or circumstance, deprives or limits another from his human or citizen rights, as determined within the Constitution, a law or ratified international agreement or who based on these differences favors the citizens contrary to the Constitution, a law or a ratified international agreement, shall be sentenced to imprisonment of three months to three years.

(2) If the crime referred to in paragraph 1 is committed by an official person while performing the duty, the person shall be sentenced to imprisonment of six months to five years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Violation of the right to use the language and the letter**

#### **Article 138**

(1) Whosoever deprives or limits the granted right of the citizens in accordance with the Constitution, a law or a ratified international agreement to use the language and the letter shall be sentenced to imprisonment of three months to three years.

(2) If the crime referred to in paragraph 1 is committed by an official person while performing the duty, that person shall be sentenced to imprisonment of six months to five years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Coercion**

#### **Article 139**

(1) Whosoever, by force or serious threat, coerces another to commit or not to commit or bear something, shall be fined or sentenced to imprisonment of one year.

(2) If the crime stipulated in paragraph 1 is committed while performing family violence, the offender shall be sentenced to imprisonment from six months to three years.

(3) If the crime referred to in paragraph 1 is committed by an official person while performing the duty, that person shall be sentenced to imprisonment of six months to five years.

(4) The prosecution for the crime stipulated in paragraph 1 shall be undertaken upon a private lawsuit.

### **Unlawful deprivation of liberty**

#### **Article 140**

(1) Whosoever unlawfully confines, keeps another confined or in any other manner deprives or limits the freedom of movement to another, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime stipulated in paragraph 1 is committed while performing family violence, the offender shall be sentenced to imprisonment from six months to three years.

(3) The attempt is punishable.

(4) If the unlawful deprivation of liberty is performed by an official person, by abuse of the official position or authorization, such person shall be sentenced to imprisonment of six months to five years.

(5) If the unlawful deprivation of liberty lasts longer than 30 days, or if it was performed in a cruel manner, or if the health condition of the unlawfully deprived person was seriously deteriorated because of this, or if some other serious consequences were caused, the offender shall be sentenced to imprisonment of one to five years.

(6) If the person unlawfully deprived of liberty dies because of that, the offender shall be sentenced to imprisonment of at least four years.

## **Kidnapping**

### **Article 141**

(1) Whosoever kidnaps another intending to force him or else to commit, not to commit or to bear something shall be sentenced to imprisonment of one to ten years.

(2) Whosoever commits the crime referred to in paragraph 1 against a juvenile or whosoever for the purpose of accomplishing the goal of the kidnapping referred to in paragraph 1 threatens to cause death of the kidnapped or cause severe bodily injuries, shall be sentenced to imprisonment of at least four years.

(3) The offender of the crime referred to in paragraphs 1 and 2, who voluntarily releases the kidnapped prior to the realization of the request being the reason for the kidnapping, may be acquitted from the punishment.

## **Torture and other cruel, inhuman or humiliating activities and punishments**

### **Article 142**

(1) Whosoever while performing a duty, as well as whosoever listed as official person or based on his consent, uses force, threat or any other not allowed instrument or manner with the intent to extort confession or some other statement from the convicted, the witness, the expert or other person, or whosoever causes another a severe physical or mental suffering in order to punish him for a crime committed or for a crime for which he or another person is a suspect, or to intimidate or force him to waive one of his rights, or whosoever causes such suffering due to any type of discrimination, shall be sentenced to imprisonment of three to eight years.

(2) If, the crime referred to in paragraph 1 causes the damaged party severe physical injury or other especially severe consequences, the offender shall be sentenced to imprisonment of minimum four years.

## **Harassment while performing a duty**

### **Article 143**

Whosoever, while performing a duty, harasses, intimidates, insults or generally acts against another in such manner as to humiliate the human dignity and personality, shall be sentenced to imprisonment of one to five years.

## **Threatening the safety**

### **Article 144**

- (1) Whosoever threatens the safety of another, by serious threat to attack his life or body or life or body to a person closely related to him, shall be fined or sentenced to imprisonment of six months.
- (2) Whosoever commits the crime referred to in paragraph 1 while performing family violence shall be sentenced to imprisonment of three months to three years.
- (3) The sentence stipulated in paragraph 2 shall be imposed on the person that commits the crime stipulated in paragraph 1 against an official person while performing the duty, or against several persons.
- (4) Whosoever, by means of information system threatens to commit a crime, being subject to prescribed imprisonment of five years or more serious sentence, against a person because of their national, ethnic or racial or religious determination, shall be sentenced to imprisonment of one to five years.
- (5) The prosecution for the crime referred to in paragraph (1) shall be undertaken with a private lawsuit.
- (5) The prosecution for the crime referred to in paragraph 1 shall be undertaken with a private lawsuit. [6](#)

## **Violation of the inviolability of the home**

### **Article 145**

- (1) Whosoever with no authorization enters another home, enclosed or fenced area belonging to that home, or private business premises designated as such, or on the request of an authorized person does not restrain from that area, shall be fined or sentenced to imprisonment of up to one year.
- (2) If the crime referred to in paragraph 1 is committed by an official person while performing the duty, that person shall be sentenced to imprisonment of six months to five years.
- (3) The attempt of the crimes referred to in paragraphs 1 and 2 is punishable.
- (4) The prosecution for the crime referred to in paragraph 1 shall be undertaken upon a private lawsuit.

## **Unlawful search**

### **Article 146**

(1) Whosoever unlawfully searches a person, enclosed home or fenced area belonging to such home or a private business premise, shall be fined or sentenced to imprisonment of up to one year.

(2) An official person who while performing the duty performs an unlawful search shall be sentenced to imprisonment of six months to five years.

(3) The attempt of the crimes referred to in paragraphs 1 and 2 is punishable.

(4) The prosecution for the crime referred to in paragraph 1 shall be undertaken upon a private lawsuit.

### **Violation of confidentiality of letters or other parcels**

#### **Article 147**

(1) Whosoever without a court decision or without the consent from the receiving party, opens someone else's letter, telegram, some other closed writ or package, or secured electronic mail, or in some other way violates their confidentiality, or withholds, covers up, destroys or hands over to a third person a letter, telegram, a closed writ or a package, or secured electronic mail, shall be fined or sentenced to imprisonment of up to six months.

(2) Whosoever, with the intent to gain personal benefit or benefit for someone else or cause damage to another, informs another about the secret revealed by violating the confidentiality of another's letter, telegram or some other closed writ or package, or secured electronic mail, or who uses this secret, shall be fined or sentenced to imprisonment of up to one year.

(3) If the crime referred to in paragraphs 1 and 2 is committed by an official person while performing the duty, that person shall be sentenced to imprisonment from three months to three years for the crime referred to in paragraph 1 and imprisonment from three months to five years for the crime referred to in paragraph 2.

(4) The prosecution for the crime referred to in paragraphs 1 and 2 shall be undertaken upon a private lawsuit.

### **Unauthorized publication of personal notes**

#### **Article 148**

(1) Whosoever without the permission of the author, when necessary, publishes a diary, letter or another personal note, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(3) The prosecution shall be undertaken upon a private lawsuit.

### **Abuse of personal data**

#### **Article 149**

(1) Whosoever, contrary to the conditions determined in line with a law, and without the consent of the citizen collects, processes or uses his personal data shall be fined or sentenced to imprisonment of up to one year.

(2) The sentence referred to in paragraph 1 shall be imposed to a person who shall brake in a computer information system of personal data, with the intention to use them for personal or benefit for another, or to cause damage to another.

(3) If the crime referred to in paragraphs 1 and 2 is committed by an official person while performing the duty, that person shall be sentenced to imprisonment of three months to three years.

(4) The attempt is punishable.

(5) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

#### **Prevention of access to a public information system**

##### **Article 149-a**

(1) Whosoever without authorization prevents or limit another's access to a public information system shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime stipulated in paragraph 1 is committed by an official person while performing the duty or a responsible person within a public information system, this person shall be fined or sentenced to imprisonment from three months to three years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The prosecution shall be undertaken on the basis of a private lawsuit.

#### **Unauthorized disclosure of a secret**

##### **Article 150**

(1) A lawyer, notary, attorney, doctor, midwife or other health worker, psychologist, religious confessor, social worker or other person who, unauthorized, discloses a secret discovered while performing the profession, shall be fined or sentenced to imprisonment of up to one year.

(2) There shall be no crime, as referred to in paragraph 1, if the secret is disclosed for general interest or for the interest of another person being of higher priory than the interest of keeping the secret.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The prosecution shall be undertaken upon a private lawsuit.

### **Unauthorized tapping and audio recording**

#### **Article 151**

(1) Whosoever, by using special devices, without authorization taps or records conversation or statement not intended to him shall be fined or sentenced to imprisonment of one year.

(2) The sentence referred to in paragraph 1 shall be imposed to whosoever enables an unsolicited person to be introduced to the conversation or statement being tapped or audio recorded.

(3) The sentence referred to in paragraph 1 shall also be imposed to whosoever shall audio record a statement not intended for him, without the knowledge of the person giving the statement, with the intention of its abuse or to pass it on to third parties, or to the person who directly passes such a statement on to third parties.

(4) If the crime referred to in paragraphs 1, 2 and 3 is committed by an official person while performing the duty, that person shall be sentenced to imprisonment of three months to three years.

(5) The official person referred to in paragraph 4 which has committed the crime by order from a superior and has reported the case prior to acknowledging that criminal procedure has been initiated against him, shall be acquitted from the sentence.

(6) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(7) The prosecution of the crime referred to in paragraphs 1, 2 and 3 shall be undertaken upon a private lawsuit.

### **Unauthorized recording**

#### **Article 152**

(1) Whosoever without any authorization takes pictures, makes movie or video recordings of another or of another's personal premises without obtaining consent, violating the privacy of the other or whosoever directly transfers such recordings to a third party or shows them or in any other manner provides their acknowledgment, shall be fined or sentenced to imprisonment of maximum one year.

(2) If the crime referred to in paragraph 1 is unlawfully committed by an official person when performing the duty, that person shall be sentenced to imprisonment of three months to three years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The prosecution of the crime referred to in paragraph 1 shall be undertaken upon a private lawsuit.

### **Violation of the right to submit legal means**

#### **Article 153**

(1) Whosoever, by force or serious threat prevents other from exercising his right to defense, submission of appeal or other legal means shall be fined or sentenced to one year of imprisonment.

(2) If the crime referred to in paragraph 1 is committed by an official person by misusing his official position or authorization, he shall be sentenced to imprisonment from three months to three years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The prosecution of the crime referred to in paragraph 1 shall be undertaken upon private lawsuit.

### **Prevention to print and distribute printed material**

#### **Article 154**

(1) Whosoever, by force or serious threat prevents print, sale or distribution of books, magazines, newspapers or other printed material shall be fined or sentenced to one year of imprisonment.

(2) The sentence referred to in paragraph 1 shall be imposed to whosoever prevents emission, sale or distribution or recorder material.

### **Prevention or disturbance of public gathering**

#### **Article 155**

(1) Whosoever by force, serious threat, fraud or in any other manner prevents or disturbs calling up or organizing peaceful public gathering, shall be fined or sentenced to one year of imprisonment.

(2) If the crime referred to in paragraph 1 is committed by an official person by misusing his official position or authorization, he shall be sentenced to imprisonment of three months to three years.

### **Violation of the right to strike**

#### **Article 156**

(1) Whosoever by force or serious threat revokes or limits the right to strike, shall be fined or sentenced to one year of imprisonment.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Violation of copyright and related rights**

#### **Article 157**

(1) Whosoever in their own name or on behalf of others, without any authorization publish, shows, reproduces, distributes, performs, emits or in any other way without authorization reaches another's copyright or related right, i.e. copyright work, performance or item of related right, shall be sentenced to imprisonment of six months to three years.

(2) Whosoever commits the act referred to in paragraph 1 through a computer system shall be sentenced to imprisonment of six months to three years.

(3) Whosoever gains major property benefit from the act referred to in paragraph 1, shall be sentenced to imprisonment of six months to five years.

(4) Whosoever gains significant property benefit from the act referred to in paragraph 1, shall be sentenced to imprisonment of one to five years.

(5) The attempt is punishable.

(6) The copies of copyrighted works and the items of the related rights, as well as the instruments for their reproduction shall be seized.

(7) If the crime stipulated in paragraph 1 is committed by a legal entity, it shall be fined.

(8) The prosecution for violation of a moral right shall be undertaken upon a proposal.

### **Violation of the distributor's right to technical, specially protected satellite signal**

#### **Article 157-a**

(1) Whosoever, without permission from the authorized distributor of technical, specially protected satellite signal, produces, imports, distributes, rents or in any other manner makes publicly available, i.e. provides service to set material or non-material device or system for the purpose of breaching such signal, shall be sentenced to imprisonment of six months to three years.

(2) If the crime referred to in paragraph 1 causes significant property benefit or significant damage, the offender shall be subject to imprisonment of one to five years.

(3) Whosoever receives technically specially protected satellite signal whose protection is breached without permission from its authorized distributor or, performs further distribution of such signal, shall be sentenced to imprisonment of six months to three years.

(4) If the crime referred to in paragraph 3 causes significant property benefit or significant damage, shall be sentenced to imprisonment of one to five years.

(5) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(6) The items intended or used for commission of the crime or resulted through the commission of the crime, shall be seized.

### **Audio-visual piracy**

#### **Article 157-b**

(1) Whosoever without permission of the film producer or the authorized distributor to whom the film producer has transferred the right of the audio-visual work, produces, imports, reproduces, distributes, preserves, rents, trades with or in any other manner makes it publicly available, or undertakes other activities for the purpose of distribution, rent, public display, trade, public use of or in any other manner illegal use the audio-visual work, i.e. videogram or its unauthorized copies, shall be sentenced to imprisonment of six months to three years.

(2) If the crime referred to in paragraph 1 results in significant property benefit or causes significant damage, the offender shall be sentenced to imprisonment of one to five years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The items intended or used for commission of the crime or resulted through the commission of the crime, shall be seized.

### **Phonogram piracy**

#### **Article 157-c**

(1) Whosoever, without permission from the phonogram producer or the association for collective exercise of rights of phonogram producers, produces, reproduces, distributes, preserves, rents, trades with or in any other manner makes it publicly available, or undertakes other activities for the purpose of distribution, rent, trade, public use of or in any other manner illegal use the phonogram or its unauthorized copies, shall be sentenced to imprisonment of six months to three years.

(2) If the crime referred to in paragraph 1 results in significant property benefit or causes significant damage, the offender shall be sentenced to imprisonment of one to five years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The items intended or used for commission of the crime or resulted through the commission of the crime, shall be seized.

## **Chapter sixteen**

# **CRIMES AGAINST ELECTIONS AND VOTING**

## **Prevention of elections and voting**

### **Article 158**

(1) Whosoever by force, serious threat or in any other manner disables or prevents the organization of the elections or voting or, disables or prevents determining or publishing of the results from the voting, shall be sentenced to imprisonment of at least three years.

(2) Whosoever commits the crime referred to in paragraph 1 by using weapons, explosive or other dangerous devices, by use of violence against two or more persons or, in an organized group, or in the area of two or more voting posts, shall be sentenced to imprisonment of at least five years.

## **Violation of the voting right**

### **Article 159**

(1) A member of electoral body or other official, who while in service related to elections and voting and with the intention to disable other from exercising the voting right, illegally fails to enter the other in the electoral list or in the candidate list or delete him from the electoral list or candidate list, or in any other manner deprive the voter from the voting right, to be elected or to vote, shall be sentenced to imprisonment of at least three years.

(2) The sentence referred to in paragraph 1 shall be as well imposed to a member of electoral board, electoral commission or board for conducting referendum, or other official who while in service related with elections or voting, illegally enables other from exercising his voting right, although aware that the person does not have such right

## **Violation of the voter's freedom of choice**

### **Article 160**

(1) Whosoever by using force, serious threat, frauds or in any other manner prevents or forces other to exercise, not to exercise or how to exercise the voting right shall be sentenced to imprisonment of at least three years.

(2) If the crime referred to in paragraph 1 is committed by a member of electoral body or other official while in service related with elections or voting, he shall be sentenced to imprisonment of at least five years.

## **Abuse of the voting right**

### **Article 161**

- (1) Whosoever, during election or voting, votes on behalf of another or vote more than once, shall be sentenced to at least three years of imprisonment.
- (2) The sentence referred to in paragraph 1 shall be as well imposed to whosoever participated in the elections or voting, although lacking the voting right.

## **Bribery at elections and voting**

### **Article 162**

- (1) Whosoever offers, gives or promises a present or some other benefit to a person with voting right, with the intention to attract this person to perform, not to perform or how to perform the voting right, shall be sentenced to imprisonment of at least five years.
- (2) The sentence referred to in paragraph (1) shall be as well imposed to a person with voting right who requests for himself a present or some other benefit, or who receives a present or some other benefit, in order to perform, not to perform or to perform the voting right in a certain manner.
- (3) If the benefit is of minor value, the offender shall be fined or sentenced to imprisonment of up to one year.
- (4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Violation of the voting secrecy**

### **Article 163**

- (1) Whosoever violates the secrecy during elections or voting, shall be sentenced to at least three years of imprisonment.
- (2) If the crime referred to in paragraph 1 is committed by a member of an elective body or other official while in service regarding elections or voting, he shall be sentenced to imprisonment of at least five years.
- (3) The sentence referred to in paragraph 2 shall be as well imposed to whosoever by using force, serious threat, by abusing the official, working or economic dependency in another manner, gets another to admit whether and how voting or not.

## **Destruction of electoral material**

### **Article 164**

(1) Whosoever destroys, covers up, damages, changes or in any other way makes unusable a document, book or record which serve in the elections or in the voting, shall be sentenced to imprisonment of at least three years.

(2) If the crime referred to in paragraph 1 is committed by a member of an electoral body or other official while in service regarding the elections or voting, shall be sentenced to imprisonment of at least five years.

(3) If the crime is committed by a group, by use of weapons or violence, the offender shall be sentenced to imprisonment of minimum five years.

## **Electoral deceit**

### **Article 165**

(1) A member of a electoral body or other official while in service regarding the elections or voting, who during the elections or voting changes the number of cast votes by adding or subtracting one or more ballots, or alter the number of votes while counting or when announcing the voting results by adding or subtracting one or more votes, shall be sentenced to imprisonment of at least five years.

(2) The sentence referred to in paragraph (1) of this Article shall be imposed to the responsible person in the legal entity that by not reporting donations and other funds for financing the election campaign, by preventing supervision of the financing or by helping the election campaign in any other way, by not submitting financial report or by giving false or incomplete data on given donations and other funds, by exceeding the legal limitation of the funds approved for election campaign, by providing unallowed funds for the election campaign, by payments against the intention to finance the campaign or in any other manner abuses his authorization determined by law.

(3) Whosoever against the limitations determined by law permanently donates, for another's election campaign or election campaign in which he participates, an amount exceeding the legal maximum, shall be fined or sentenced to imprisonment of up to three years.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(5) Illegally provided funds shall be confiscated.

## **Abuse of funds for financing the electoral campaign**

### **Article 165-a**

(1) Organizer of the electoral campaign who by not reporting the financial source in the electoral campaign, by preventing the supervision of the allocation of the projected funds, by not submitting financial report for the spent funds, by passing the legal limitations of the funds approved for the electoral campaign, by using unallowed funds for the electoral campaign, by payments contrary to the campaign for financing the campaign or who in any other manner

abuses his entrusted authorization by law as organizer of the campaign, shall be sentence with minimum imprisonment of five years.

(2) The sentence referred to in paragraph (1) of this Article shall also be pronounced to a responsible person in a legal entity that will not report donations or any other funds for financing the electoral campaign, and will prevent the supervision of the financing or assisting the electoral campaign in any other manner, will not submit a financial report or will provide false or incomplete data on given donations and other funds, will cross the legal limit of the funds approved for electoral campaign, will provide unallowed funds for the electoral campaign, will pay funds contrary to the intention for financing the campaign or will in any other manner abuse its authorization determined by law.

(3) Whosoever contrary to the legal limitations secretly donates for another's electoral campaign or campaign for elections where he personally participates, in an amount higher than the legal maximum, shall be fined or sentenced with imprisonment of maximum three years.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(5) Illegally obtained funds shall be seized.

### **Mandatory pronouncement of a sentence prohibiting the performance of a profession, activity or duty**

#### **Article 165-b**

For the crimes referred to in Articles 158 through 165-a of this Code, the court shall pronounce the offender a prohibition to perform a profession, activity or duty under the conditions referred to in Article 38-b of this Code.

### **Mandatory pronouncement of a sentence prohibiting the use of funds for financing political parties**

#### **Article 165-c**

For the crimes referred to in Articles 158 through 165-a of this Code the court shall impose the offender prohibition to use funds for financing political parties under the conditions referred to in Article 96-c paragraph (1) of this Code.

## **Chapter seventeen**

# **CRIMES AGAINST LABOR RELATIONS**

### **Violation of the labor relations rights**

#### **Article 166**

(1) Whosoever consciously does not obey a law, another regulation or a collective agreement for foundation or termination of the labor relation, for salary and salary allowances, working hours, leave or absence, protection of the woman, the youth and the invalids or prohibition for overtime and night work with injuries, revokes or limits the right of the worker, shall be fined or sentenced to imprisonment of one year.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Violation of the right to social security**

#### **Article 167**

(1) Whosoever consciously does not obey a law, another regulation or a collective agreement, regarding health, pension or invalid insurance and other types of social insurances and by doing so violates, revokes or limits the right of the worker, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Abuse of the social security rights**

#### **Article 168**

Whosoever, by simulation or by causing an illness or incapability for work, realizes a right to health, pension and invalid insurance and other kinds of social security, which he does not have according to law, some other regulation or collective agreement, shall be fined, or sentenced to imprisonment of up to one year.

### **Violation of the rights during a temporary unemployment**

#### **Article 169**

Whosoever by abuse of official duty consciously does not abide by law, some other regulation or a collective agreement, regarding the rights of citizens during temporary unemployment, and who herewith gravely violates or revokes the right that belongs to another, shall be fined or sentenced to imprisonment of up to one year.

### **Not undertaking measures for protection at work**

#### **Article 170**

(1) A responsible person in a legal entity who consciously does not abide by law, some other regulation or a collective agreement regarding the measures for protection at work, shall be fined or sentenced to imprisonment of up to one year.

(2) When pronouncing a conditional conviction, the court may order the offender to act in conformity with the regulations regarding the measures of protection at work, within a determined time period.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Violation of the right to participate in management**

#### **Article 171**

(1) Whosoever, by violation of regulations or general acts revokes or limits another, the right to participate in the management of the legal entity, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Chapter eighteen**

## **CRIMES AGAINST HONOR AND REPUTATION**

### **Slender**

#### **Article 172**

(1) Whosoever expresses or spreads something untruthful and harmful regarding another's honor and reputation, shall be fined.

(2) If the expressed or spread false information is such to cause serious consequences to the life and health of the damaged party, or to a person closely related to him, the offender shall be sentenced to imprisonment of three months to three years.

(3) Should the offender prove the truthfulness of his claim or prove to have justified grounds to believe in the truthfulness of the expressed and spread information, he shall not be tried for slender.

(4) Whosoever falsely expresses or spreads information that another has committed a crime and will be *ex officio* sentenced, shall be sentenced for slender although having firm grounds to believe in the truthfulness of the information being expressed or spread, should the expression or spreading be committed under the circumstances referred to in Article 176 paragraph 2. The truthfulness of the fact that someone has committed a crime, wherefore being *ex officio* prosecuted may be proved only by legally valid verdict, while other evidence material may be applied solely if the prosecution or trial is not possible or not allowed.

### **Insult**

#### **Article 173**

(1) Whosoever insults another shall be fined.

(2) Whosoever exposes another to a public mockery, by means of information system, because of his belonging to a group different in its race, skin color, national or ethnic background, or exposes the group of persons characterized with one of these features to mockery, shall be fined or sentenced to imprisonment of up to one year.

### **Expressing personal or family circumstances**

#### **Article 174**

(1) Whosoever expresses or spreads information from the personal or family life of another, being harmful for his reputation shall be fined.

(2) If the expressed or spread is so significant that may cause or result in serious consequences for the life and health of the damaged party or to a person closely related to him, the offender shall be sentenced to imprisonment of three months to three years.

(3) The truthfulness or falsehood of what is being expressed or spread in regard to the personal or family life of some person cannot be proven, except in the case referred to in Article 176 paragraph 3.

### **Depreciation with reprimand about a crime**

#### **Article 175**

Whosoever, with the intent to depreciate another, reproaches the other to have committing a crime or to have been sentenced for a crime or with that same intention notifies that to somebody, shall be fined or sentenced to imprisonment of up to three months.

### **Omission of sentencing for the crimes referred to in Articles 172 to 175**

#### **Article 176**

(1) No sentence shall be imposed to whosoever insultingly expresses against another within a scientific, literary or artistic work, in serious critics, in performance of official duty, journalist profession, political or other community work, in the defense of the freedom of public expression of opinion or other rights or when protecting the public interest or other justified interests, if the manner of expression or the other circumstances of the work result in no signs of insult or no significant violation of the honor and reputation of the person.

(2) In the cases referred to in paragraph (1) of this Article, whosoever reports about something being announced to another shall not be sentenced for slander, as well as whosoever is prevented from exercising the right to access to information of public character against the provisions on free access to information, wherefore he calls upon in his defense.

(3) In the cases referred to in paragraph 1, no sentence shall be imposed to whosoever expresses or spreads that another has committed a crime wherefore being *ex officio* prosecuted, although lacking legally valid verdict (Article 172, paragraph 4), should he prove to have firm grounds to believe in the truthfulness of what was expressed or spread.

(4) The offender shall not be sentenced for expressing or spreading personal or family conditions, as referred to in the cases of paragraph 1, if he proves the truthfulness of his claim or if he proves to have firm grounds to believe in the truthfulness of what he has expressed or spread.

(5) No sentence shall be imposed for depreciation with reproach for crime to whosoever shall reproach another to have committed a crime or to have been tried for crime in defense of a right or protection of the public interest.

### **Imposing a court admonition or acquittal of sentence for crimes from Articles 172 to 175**

#### **Article 177**

(1) The court may impose a court admonition to the offender of a crime referred to in Articles 172 to 175, if the offender was provoked by an indecent or rude behavior of the damaged party.

(2) If the insulted person returned the insult, the court may punish both or one side or it may impose a court admonition.

(3) If the offender apologizes to the damaged party at court, in cases regarding the acts stipulated in Articles 172 paragraph (1), 173 paragraph (1), 174 paragraph (1) and 175, and in cases of the crimes stipulated in the Article 172 paragraph (1) and 174 paragraph (1) and if at court the offender recalls the expressed and spread, his punishment shall be acquitted.

### **Undermining the reputation of the Republic of Macedonia**

#### **Article 178**

Whosoever, with the intent to ridicule publicly mocks the Republic of Macedonia, its flag, coat of arms or anthem, shall be sentenced to imprisonment of three months to three years.

### **Exposure of the Macedonian people and nationalities to ridicule**

#### **Article 179**

Whosoever, with the intent to ridicule publicly mocks the Macedonian people and members of communities living in the Republic of Macedonia, shall be sentenced to imprisonment of three months to three years.

### **Undermining the reputation of the court**

#### **Article 180**

Whosoever, in a procedure at court ridicules the court, the judge or the lay judge, or commits the same act by submitting writ to the court, shall be fined or sentenced to imprisonment of up to one year.

### **Undermining of the reputation of a foreign state**

#### **Article 181**

Whosoever, with the intent to ridicule publicly mocks a foreign state, its flag, coat of arms or anthem, or the head of a foreign state or a diplomatic representative of a foreign state in the Republic of Macedonia, shall be fined or sentenced to imprisonment of up to three years.

### **Undermining the reputation of an international organization**

#### **Article 182**

Whosoever, with the intent to ridicule publicly mocks an international organization, or its representatives, shall be fined or sentenced to imprisonment of up to three years.

### **Prosecution for crimes against the reputation of a foreign state and an international organization**

#### **Article 183**

The prosecution for the crimes referred to in Articles 181 and 182 shall be undertaken upon a request of the foreign state, i.e. the international organization, and upon the approval of the Minister of Justice.

### **Prosecution of crimes against the honor and reputation**

#### **Article 184**

(1) The prosecution of crimes referred to in Articles 172 to 175 shall be undertaken upon private lawsuit.

(2) If the crimes referred to in Articles 172, 173 and 174 are committed against a deceased person, the prosecution shall be undertaken upon a private lawsuit from the spouse, the children, parents, siblings, adoptive parent, adoptee or other person with whom the deceased person has shared the household.

(3) *Abolished* [7](#)

### **Publication of a court sentence**

#### **Article 185**

When reaching a verdict for a crime committed through the mass media, the court shall decide, upon the request from the plaintiff, to publish the court verdict or an excerpt from it for the account of the convicted, in the same media or in another appropriate way of publishing if the publication in the same media is not possible.

## **Chapter nineteen**

# **CRIMES AGAINST GENDER FREEDOM AND MORALITY**

## **Rape**

### **Article 186**

(1) Whosoever, by the use of force or threat to directly attack upon the life or body of another or upon the life or body of someone close to that person, forces him to intercourse, shall be sentenced to imprisonment of three to ten years.

(2) If because of the crime referred to in paragraph 1 a severe body injury, death or other severe consequences were caused or the crime was committed by several persons or in an especially cruel and degrading manner, the offender shall be sentenced to minimum imprisonment of four years.

(3) Whosoever forces another to intercourse by a serious threat that he shall disclose something about him or about a person close to him, that would harm his honor and reputation, or which would cause some other serious evil, shall be sentenced to imprisonment of six months to five years.

(4) Whosoever in the cases referred to in paragraphs 1, 2 and 3 commits only some other sexual act, shall be sentenced for the crime referred to in paragraph 1 to imprisonment of six months to five years, for the crime in paragraph 2 imprisonment from one to ten years, and for the crime in paragraph 3 imprisonment from three months to three years.

## **Sexual assault of a helpless person**

### **Article 187**

(1) Whosoever commits sexual assault of another, abusing the mental illness, mental disorder, helplessness, mental handicap, or some other condition due to which this person is unable to resist, shall be sentenced to imprisonment of minimum eight years.

(2) If because of the crime referred to in paragraph 1 a severe bodily injury, death or some other severe consequence was caused, or if the crime was committed by several persons in an especially cruel or degrading manner, the offender shall be sentenced to imprisonment of minimum ten years or a life imprisonment.

(3) Whosoever in the cases referred to in paragraphs 1 and 2 commits only some other sexual act shall be sentenced for the crime referred to in paragraph 1 to imprisonment of three to five years, and for the crime referred to in paragraph 2 to imprisonment from three to ten years.

### **Statutory rape upon a juvenile who has not turned 14 years of age**

#### **Article 188**

(1) Whosoever commits statutory rape or some other sexual act upon a juvenile, younger than 14 years of age, shall be sentenced to imprisonment of minimum eight years.

(2) If the act referred to in paragraph 1 is committed by a blood relative in direct line or brother, i.e. sister, teacher, tutor, adoptive parent, guardian, stepfather, stepmother, doctor or another person by abusing their position or by committing family violence, shall be sentenced to imprisonment of minimum ten years.

(3) The sentence referred to in paragraph 2 shall be imposed to whosoever commits the crime referred to in paragraph 1 against a juvenile younger than the age of 14, by abusing his mental illness, mental disorder, helplessness, mental handicap or another condition resulting in his disability to resist.

(4) If because of the crimes referred to in paragraphs 1 and 2 a severe body injury, death or some other severe consequences were caused or the crime was committed by several persons or in an especially cruel and degrading manner, the offender shall be sentenced to imprisonment of minimum ten year or to life imprisonment.

(5) The court shall impose the offender of the crime referred to in paragraph (2) of this Article prohibition to perform profession, activity or duty under the conditions of Article 38-b of this Code.

### **Sexual assault by position abuse**

#### **Article 189**

(1) Whosoever by abusing his position induces another, who is subordinated or dependent, to sexual intercourse or some other sexual act, or with the same intention abuses, intimidates or acts in a way that humiliates the human dignity and the human personality against another, shall be sentenced to imprisonment of minimum five years.

(2) A teacher, educator, adoptive parent, guardian, stepfather, doctor or some other person who by abuse of his position commits statutory rape or some other sexual act upon a juvenile older than 14 years of age, who was entrusted to him for study, education, custody or care, shall be sentenced to imprisonment of minimum ten years.

(3) The court shall impose the offender of the crime referred to in paragraph (2) prohibition to perform profession, activity or duty under the conditions of Article 38-b of this Code.

## **Gratifying sexual urges in front of another**

### **Article 190**

- (1) Whosoever performs a sexual act in front of another, in a public place, shall be fined or sentenced to imprisonment of up to one year.
- (2) Whosoever performs a sexual act in front of a child, or who induces a child to perform such an act in front of him or in front of another, shall be fined or sentenced to imprisonment from three to five years.

## **Mediation in prostitution**

### **Article 191**

- (1) Whosoever recruits, instigates, stimulates or entices another to prostitution, or whosoever in any way participates in handing over a person to someone for the purpose of prostituting, shall be sentenced to imprisonment of five to ten years.
- (2) Whosoever because of profit enables another to use sexual services shall be sentenced to imprisonment of three to five years.
- (3) Whosoever because of profit, by using force or by serious threat to use force, forces or by deceit induces another to give sexual services, shall be sentenced to imprisonment of minimum eight years.
- (4) Whosoever organizes the commission of the crimes referred to in paragraphs 1 to 3 or commits the crimes while performing family violence shall be sentenced to imprisonment of minimum ten years.
- (5) If the crime referred to in this Article is committed by a legal entity, it shall be fined.
- (6) The immovables used and the items applied while committing the crime shall be seized.

## **Inducing and providing sexual acts**

### **Article 192**

- (1) Whosoever induces a juvenile to sexual acts shall be sentenced to imprisonment of minimum eight years.
- (2) Whosoever provides performance of sexual acts with a juvenile shall be sentenced to imprisonment of minimum five years.
- (3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Displaying pornographic material to a juvenile**

### **Article 193**

(1) Whosoever sells, shows or by public display in some other way makes available pictures, audio-visual or other objects with pornographic content to a juvenile, younger than the age of 14, or shows him a pornographic performance, shall be sentenced to imprisonment of six months to three years.

(2) If the crime is committed through the mass media, the offender shall be sentenced to imprisonment of three to five years.

(3) The sentence referred to in paragraph 2 shall be imposed to whosoever abuses a juvenile in the production of audio-visual pictures or other objects with pornographic content or for pornographic presentations, as well as whosoever participates in the presentation.

(4) Whosoever coerces a juvenile to preparation and production of photos or other objects with pornographic contents or to pornographic presentation, shall be sentenced to imprisonment of minimum eight years.

(5) If the crime referred to in paragraph (4) of this Article is committed against a juvenile who has not turned the age of 14, the offender shall be sentenced to imprisonment of minimum four years.

(6) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(7) The objects referred to in paragraphs (1), (2), (3) and (4) of this Article shall be seized.

### **Production and distribution of children pornography**

#### **Article 193-a**

(1) Whosoever produces children pornography for the purpose of its distribution or transfer or offer or in any other manner to make the children pornography available, shall be sentenced to imprisonment of minimum five years.

(2) Whosoever purchases children pornography for himself or for another, or whosoever owns children pornography shall be sentenced to imprisonment of five to eight years.

(3) If the crime referred to in paragraphs (1) and (2) of this Article is committed via an information system or other mass communication media, the offender shall be sentenced to imprisonment of minimum eight years.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Enticing a juvenile, younger than the age of 14, to sexual assault or other sexual act**

#### **Article 193-b**

Whosoever by information-communication means, by scheduling a meeting or in any other manner entices a juvenile, younger than the age of 14, to sexual assault or other sexual act or to production of children pornography, and by such intention directly meets the juvenile, shall be sentenced to imprisonment of one to five years.

## **Incest**

### **Article 194**

(1) Whosoever commits sexual assault against a relative by blood in direct line or a brother, i.e. sister, shall be sentenced to imprisonment of five to ten years.

(2) If the crime referred to in paragraph (1) is committed against a juvenile, at the age of 14, the offender shall be sentenced to imprisonment of minimum ten years.

## **Announcing a court verdict**

### **Article 194-a**

In case of sentencing for a crime referred to in this Chapter, committed against a juvenile younger than the age of 14, upon a request of the public prosecutor and on the expense of the sentenced person, it shall be decided to publish the legally valid court verdict and an excerpt thereof in the mass media, ensuring personal data protection of the victim.

## **Chapter twenty**

# **CRIMES AGAINST MARRIAGE, FAMILY AND YOUTH**

## **Bigamy**

### **Article 195**

(1) Whosoever gets married, although already married, shall be sentenced to imprisonment of three months to three years.

(2) The sentence referred to in paragraph 1 shall be as well imposed to whosoever marries another, although being aware that he is already married.

## **Enabling non-allowed marriage**

### **Article 196**

An official person who, when performing his official duty, enables a marriage even though he has been aware of the legal obstacles due to which the marriage is prohibited or null and void, shall be fined or sentenced to imprisonment of up to three years.

## **Unwed life with a juvenile**

### **Article 197**

(1) An adult who lives in an unwed partnership with a juvenile, who has reached the age of 14, but not the age of 16, shall be sentenced to imprisonment of three months to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to a parent, adoptive parent, or guardian, who allows a juvenile who has reached the age of 14 but not the age of 16, to live in an unwed partnership with another, or who induces him to do so.

(3) If the crime referred to in paragraph 2 is committed out of covetousness, the offender shall be sentenced to imprisonment of one to five years.

## **Taking away a juvenile**

### **Article 198**

(1) Whosoever unlawfully takes away a juvenile from a parent, adoptive parent, guardian, from an institution or person to which the juvenile was entrusted, or who prevents the juvenile from being with the person who has a right to this, or who makes it impossible to enforce an executive decision for assigning the juvenile, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in paragraph 1 was committed out of covetousness, or for some other immoral motives, or by using force, threat or deceit, or if because of this the health, upbringing, sustenance or education of the juvenile is threatened, the offender shall be sentenced to imprisonment of three months to three years.

(3) When pronouncing a conditional conviction, the court may order the offender to return the juvenile or to enable the enforcement of the executive decision for assigning the juvenile.

(4) If the offender of a crime referred to in paragraph 1 voluntarily returns the juvenile or enables the enforcement of the executive decision, may be acquitted from punishment.

## **Change of family situation**

### **Article 199**

(1) Whosoever by planting, substituting or in some other way changes the family situation of a child, shall be sentenced to imprisonment of three months to three years.

(2) The attempt is punishable.

## **Abandoning a helpless child**

### **Article 200**

A parent, adoptive parent, guardian or any other person entrusted with a helpless child, abandons the child, with the intention of permanently absolving from it, shall be sentenced to imprisonment of three to five years.

### **Neglecting and maltreating a juvenile**

#### **Article 201**

(1) A parent, adoptive parent, guardian or some other person who by crudely neglecting his duty of caring and upbringing neglects a juvenile or maltreats him, shall be sentenced to imprisonment of minimum five years.

(2) The sentence referred to in paragraph 1 shall also be imposed to a parent, adoptive parent, guardian or some other person who forces a juvenile to work which does not correspond to his age and physical strength, or out of covetousness induces him to begging or to performing other activities harmful for his development.

(3) If because of the crimes referred to in paragraphs 1 and 2 a serious physical injury or a severe deterioration of the health of the juvenile was caused, or the juvenile indulges in begging or other forms of antisocial behavior, the offender shall be sentenced to imprisonment of minimum ten years.

### **Not paying alimony**

#### **Article 202**

(1) Whosoever avoids paying alimony determined on the basis of an enforceable court decision or settlement shall be fined or sentenced to imprisonment of up to one year.

(2) When pronouncing a conditional conviction, the court may order the offender to pay out the matured obligations, and to pay regularly the alimony in the future.

### **Violation of family obligations**

#### **Article 203**

(1) Whosoever by serious violation of his lawful family obligations, leaves a member of the family in a serious condition, unable to take care of himself, shall be sentenced to imprisonment of three months to three years.

(2) If because of the crime referred to in paragraph 1, the member of the family loses his life, or if his health is seriously deteriorated, the offender shall be sentenced to imprisonment of at least five years.

(3) When pronouncing a conditional conviction, the court may order the offender to orderly fulfill his legal obligations.

## **Serving alcoholic drinks to juveniles**

### **Article 204**

- (1) Whosoever serves a juvenile in catering premises or in some other shop or place where alcoholic drinks are served and sold shall be fined or sentenced to imprisonment of three months to three years.
- (2) If the crime referred to in paragraph 1 is committed against a drunken juvenile, the offender shall be sentenced to imprisonment of six months to three years.
- (3) If the crime stipulated in paragraph 1 is committed against a child, the offender will be sentenced to imprisonment from one to five years.
- (4) If the crime stipulated in paragraphs 1, 2 and 3 has been committed by a legal entity, the legal entity shall be fined. [8](#)
- (5) If the offender is pronounced imprisonment or conditional conviction with a determined imprisonment sentence, the court shall as well impose a punishment – prohibition to perform an activity.

## **Chapter twenty-one**

# **CRIMES AGAINST HUMAN HEALTH**

## **Transmitting an infectious disease**

### **Article 205**

- (1) Whosoever by violating regulations or orders whereby a competent body determines controls, disinfections, separation of the diseased, or some other measures for suppression and prevention of infectious diseases among people or, who by employment or holding a person with infectious disease, causes transmission of infectious disease by performing sexual act or in another manner, shall be fined or sentenced to three years of imprisonment.
- (2) The sentence referred to in paragraph 1 shall also be imposed to whosoever does not act in accordance with the regulations or orders referred to in paragraph 1, regarding the suppression or prevention of the infectious diseases among animals, possible to be transmitted to people and thus causing transmission of an infectious disease.
- (3) If an incurable infectious disease was transmitted as a consequence of the crime referred to in paragraph 1, the offender shall be sentenced to imprisonment of one to ten years.
- (4) The attempt of the crime stipulated in paragraph 1 of this Article for transmission of an incurable infectious disease person is punishable.

(5) Whosoever endangers the security of other people with false treat of transmitting or spreading false arguments of existence of such infectious disease shall be fined or sentenced to imprisonment of up to six months.

(6) Whosoever commits the crime referred to in paragraph 1 and 2 out of negligence shall be fined or sentenced to imprisonment of up to six months.

(7) If the crime referred to in this Article is committed against a legal entity, it shall be fined.

### **Not acting according to health regulations during an epidemic**

#### **Article 206**

(1) Whosoever, during an epidemic of a dangerous infectious disease does not act according to the regulations and orders whereby measures for its suppression and prevention are determined, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Unscrupulous treatment of the sick**

#### **Article 207**

(1) A doctor who, when providing medical help, applies a clearly inadequate means or manner of treatment, or does not apply proper hygienic measures, or in general, acts unscrupulously and herewith causes deterioration in the health condition of another, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to a midwife or other health worker who, when providing medical help or care, behaves unscrupulously and herewith causes deterioration of the health condition of another.

(3) If the crime referred to in paragraphs 1 and 2 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to one year.

### **Not providing medical help**

#### **Article 208**

(1) A doctor or some other health worker who in contrary to his duty does not provide immediate medical assistance to another whose life is in danger, shall be fined or sentenced to imprisonment of up to one year.

(2) If because of the crime referred to in paragraph 1 the person to whom medical assistance was not provided dies, the offender shall be sentenced to imprisonment of six months to five years.

### **Quackery**

#### **Article 209**

Whosoever without the prescribed qualification indulges in treatment or in provision of medical help, shall be sentenced to imprisonment of up to one year, and shall be fined.

#### **Non-allowed transplantation of parts of the human body**

#### **Article 210**

(1) Whosoever takes a part from the body of another for the purpose of transplantation, or who transplants a part of the body even though the taking or the transplantation is contrary to the medical profession or science, shall be sentenced to imprisonment of three months to five years.

(2) The sentence referred to in paragraph 1 shall, according to a prescribed manner, also be imposed to whosoever with the intention of transplantation, takes a part of the human body prior to concluding the time of death.

(3) Whosoever takes a part of the body of another or who transplants a part of the body, without consent from the donor or the recipient, or of their legal representative in case if the donor or the recipient are not in state to give such consent, shall be fined or sentenced to imprisonment of up to three years.

(4) The sentence referred to in paragraph 3 shall be imposed to whosoever contrary to the law on awarding, sells or mediates in the provision of parts of bodies of alive or deceased persons for the purpose of their transplantation.

#### **Unscrupulous performing of a pharmaceutical activity**

#### **Article 211**

(1) A pharmacist or some other person, who is authorized to prepare or give out medicines and who prepares a medicine contrary to the regulations regarding his profession or who gives out a wrong medicine, thus endangering the life or health of another, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to six months.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The prepared medicines shall be seized.

#### **Production and release for trade of harmful medical products**

#### **Article 212**

(1) Whosoever produces, sells, or in some other way releases for trade medicines or other means for treatment which are harmful to health, shall be fined or sentenced to imprisonment of up to three years.

(2) If the crime was committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to one year.

(3) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

(4) The products and the production means shall be seized.

### **Production and release for trade of harmful food and other products**

#### **Article 213**

(1) A person who produces for selling, sells or in some other way releases for trade harmful food products, or drinks, or products for personal hygiene, care or other harmful products, thus causing danger to life and health of the people, shall be sentenced to imprisonment of three months to three years.

(2) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to six months.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The harmful food and other products shall be seized.

### **Unscrupulous control of meat for consumption**

#### **Article 214**

(1) A veterinarian or another authorized veterinary worker who performs unscrupulously the control of cattle intended for slaughter or of meat intended for consumption, or contrary to the regulations does not perform this control, thus enabling the release for trade of meat that is harmful to the health of people, shall be sentenced to imprisonment from six months to three years.

(2) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to six months.

(3) The meat shall be seized.

(4) If the crime referred to in this Article is committed by a legal entity it shall be fined.

### **Unauthorized production and release for trade of narcotics, psychotropic substances and precursors**

## **Article 215**

(1) Whosoever without authorization produces, processes, sells or offers for sale, or who for the purpose of selling, buys, keeps or transports, or mediates in the selling or buying, or in some other way, without authorization, releases for trade narcotics, psychotropic substances and precursors, shall be sentenced to imprisonment of three to ten years.

(2) If the crime referred to in paragraph (1) of this Article is committed with narcotic drugs, psychotropic substances and precursors of less amount, the offender shall be sentenced to imprisonment of six months to three years.

(3) If the crime referred to in paragraph 1 was committed by several persons, or if the offender of this crime organized a network of resellers or mediators, the offender shall be sentenced to imprisonment of at least five years.

(4) Whosoever without authorization manufactures, procures, mediates, or gives for use equipment, materials or substances, although being aware they are intended for the production of narcotics, psychotropic substances and precursors, shall be sentenced to imprisonment of one to five years.

(5) The offender stipulated in the paragraph 2, with exception of the organizer, who will reveal the crime or will help in the revealing shall be acquitted from punishment.

(6) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

(7) The narcotic drugs, psychotropic substances and the precursors, as well as the movable or immovable objects used in their production, transfer and distribution, shall be seized.

## **Enabling the use of narcotics, and precursors**

### **Article 216**

(1) Whosoever induces another to use narcotics, or gives narcotics, psychotropic substances and precursors for his personal use or for the use of a third person, or renders premises available for the use of narcotics, psychotropic substances or precursors, or in an alternate manner enables another to use narcotics, psychotropic substances and precursors, shall be sentenced to imprisonment of one to five years.

(2) If the crime referred to in paragraph 1 is committed against a juvenile, or against several persons, or if it caused particularly severe consequences, the offender shall be sentenced to imprisonment of one to ten years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The narcotic drugs, as well as the movable and immovable objects used in their production, transfer and distribution or specially intended for or put in use, shall be seized.

## **Grave crimes against human health**

### **Article 217**

(1) If a person is severely injured bodily, or his health is severely damaged, because of the crimes referred to in Articles 205 paragraphs 1 and 2, 207 paragraphs 1 and 2, 209, 211 paragraph 1, 212 paragraph 1, 213 paragraph 1, 214 paragraph 1, 215 paragraph 1, and 216 paragraphs 1 and 2, the offender shall be sentenced to imprisonment of one to ten years.

(2) If one or more persons died because of the crimes referred to in Article 205 paragraphs 1 and 2, 207 paragraphs 1 and 2, 209, 211 paragraph 1, 212 paragraph 1, 213 paragraph 1, 214 paragraph 1, 215 paragraph 1, and 216 paragraphs 1 and 2, the offender shall be sentenced to imprisonment of at least four years.

(3) If a person is severely injured bodily or his health is severely damaged because of the crimes referred to in Article 205 paragraph 3, 207 paragraph 3, 211 paragraph 2, 212 paragraph 2, 213 paragraph 2, and 214 paragraph 2, the offender shall be sentenced to imprisonment of three months to three years.

(4) If one or more persons died because of the crimes referred to in Article 205 paragraph 3, 207 paragraph 3, 211 paragraph 2, 212 paragraph 2, 213 paragraph 2 and 214 paragraph 2, the offender shall be sentenced to imprisonment of six months to five years.

## **Chapter twenty-two**

# **CRIMES AGAINST THE ENVIRONMENT AND NATURE**

## **Pollution of the environment and nature**

### **Article 218**

(1) Whosoever, by not adhering to the regulations for protection and improvement of the environment, pollutes the air, soil, water, water surface or water flow to a larger extent or in a wider area, thus causing danger for the human life or health or destruction of animal and plant life to a larger extent, shall be sentenced to imprisonment of four to ten years.

(2) An official or responsible person within a legal entity who, by not adhering to the regulations for protection of the environment, omits to place filtering devices or permits construction, activation or use of a plant that pollutes the environment or who in any other manner omits to undertake measures for prevention or disabling pollution of air, soil, water, water surface or water flow exceeding the the allowed limit or for prevention of noise significantly exceeding the allowed limit and thus causing risk to human life and health or destruction of the animal and plant life to a larger extent, shall be sentenced to imprisonment of minimum five years.

(3) If the crime referred to in paragraphs 1 and 2 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(4) When pronouncing a conditional conviction, the court may order the offender of the crime the condition to undertake the prescribed measures for protection and improvement of the human environment within a certain time frame.

(5) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Pollution of drinking water**

#### **Article 219**

(1) Whosoever with some harmful substances makes unusable drinking water in springs, wells, cisterns, or reservoirs, or some other drinking water, shall be fined or sentenced to imprisonment of up to three years.

(2) If the result of the crime referred to in paragraph 1 is an epidemic of an infectious disease, the offender shall be punished with imprisonment of one to five years.

(3) If the crime referred to in paragraph 1 was committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to six months.

(4) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Production of harmful products for treating livestock or poultry**

#### **Article 220**

(1) Whosoever, for the purpose of selling, produces or releases for trade products for treatment or for prevention of an infection among livestock or poultry, yet dangerous for their life or health, shall be fined or sentenced to imprisonment of up to three years.

(2) If a larger number of livestock or poultry perishes because of the crime referred to in paragraph 1, the offender shall be sentenced to imprisonment of one to five years.

(3) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to six months.

(4) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Unscrupulous provision of veterinary assistance**

#### **Article 221**

(1) A veterinarian or an authorized veterinary worker who, when providing veterinary assistance, prescribes or applies an evidently unsuitable means or an evidently unsuitable manner of

treatment, or in general, if he acts unsuitably during the treatment, thus causing the perishing of livestock or poultry to a larger value, shall be fined or sentenced to imprisonment of up to three years.

(2) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to six months.

### **Transmitting infectious diseases among animal and plant life**

#### **Article 222**

(1) Whosoever during an epidemic of a livestock disease that could endanger livestock breeding does not act according to the decision of a competent body, adopted on the basis of a regulation whereby measures are prescribed for the elimination or prevention of the disease, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever, during the existence of the danger from disease or pests threatening the plant life, does not act according to the decision of a competent body, adopted on the basis of a regulation that prescribes measures for the elimination or prevention of the disease or pests.

(3) If because of the crime referred to in Articles 1 and 2 a significant damage is caused, the offender shall be sentenced to imprisonment of one to five years.

(4) If the crime referred to in paragraphs 1 and 2 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to one year.

(5) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Pollution of livestock fodder or water**

#### **Article 223**

(1) Whosoever pollutes with some harmful substances the livestock fodder or water from rivers, streams, springs, wells, cisterns or some other water which serves for watering livestock, poultry or wild animals, thus endangering the life or health of animals, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever with a harmful substance pollutes the water of fisheries, lakes, rivers and streams, and herewith causes a danger to the survival of the fish.

(3) If because of the crime referred to in paragraphs 1 and 2 a larger extent of perishing of animals and fish was caused, the offender shall be sentenced to imprisonment of three months to three years.

(4) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

## **Destruction of crops by using harmful substances**

### **Article 224**

Whosoever, with some harmful substance causes destruction of plants, fruit trees or other crops, and herewith causes a damage to a larger extent, shall be fined, or sentenced to imprisonment of up to three years.

## **Appropriation of immovables**

### **Article 225**

(1) Whosoever, with the intention of having control over, encroaches another's immovables, which by a regulation has been declared to be a property in general use, a good under temporary protection or cultural heritage, a natural rarity or some other natural wealth, shall be fined, or sentenced to imprisonment of up to three years.

(2) The punishment referred to in paragraph 1 shall also be imposed to whosoever encroaches another's land with the intention of using it for construction.

(3) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

## **Illegal exploitation of mineral raw materials**

### **Article 225-a**

(1) Whosoever exploits mineral raw materials determined by law, without a concession of permit to do so, shall be sentenced to imprisonment of six months to three years and shall be fined.

(2) If because of the crime referred to in paragraph (1) of this Article, benefit is obtained or damage to larger extent is caused, the offender shall be sentenced to imprisonment of three to eight years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(4) The objects created or used for the commission of the crime shall be seized.

## **Devastation of forests**

### **Article 226**

(1) Whosoever, contrary to a regulation or order from competent bodies or organizations, changes the purpose, cuts or digs out forests, or cuts off the bark of trees, or in some other way devastates forests, shall be punished fined, or sentenced to imprisonment of up to three years.

(2) If the crime referred to in paragraph 1 is committed in a protected forest, a national park, or in some other special purpose forest, the offender shall be sentenced to imprisonment from one to five years.

(3) Whosoever commits the crime referred to in paragraph 1 in his personal forest, shall be fined or sentenced to imprisonment of up to one year.

(4) The means used for performance of the crime shall be seized.

(5) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Causing a forest fire**

#### **Article 227**

(1) Whosoever causes a forest fire, thus causing damage to large extent, shall be sentenced to imprisonment of three months to three years.

(2) The sentence referred to in paragraph 1 shall also be applied to whosoever causes forest fire in a protected forest, a national park or other special purpose forest.

(3) Whosoever causes two or more forest fires shall be sentenced to imprisonment of at least ten years.

(4) If the crime referred to in paragraphs 1 and 2 is committed out of negligence, the offender shall be punished fined or sentenced to imprisonment of three to five years.

### **Unlawful hunt**

#### **Article 228**

(1) Whosoever hunts game during a closed hunting season shall be fined or sentenced to imprisonment of up to six months.

(2) Whosoever, without authorization hunts in prohibited hunting grounds, kills, wounds or catches live game shall be fined or sentenced to imprisonment of up to one year.

(3) If the crime referred to in paragraph 2 is committed against tall game, the offender shall be sentenced to imprisonment of three months to three years.

(4) Whosoever hunts rare or relatively rare game for which the hunting is prohibited, or hunts without a special permission game for which such a permission is required, or hunts in a manner or with means with which the game are killed in large numbers, shall be punished fined or sentenced to imprisonment of up to three years.

(5) The hunted game and means shall be seized.

## **Unlawful fishing**

### **Article 229**

(1) Whosoever fishes with explosives, electricity, poison, intoxicating substances, means for aquatic fishing, gaffs, direct with bare hands, net or other means being prohibited for fishing, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in paragraph 1 results in property damage to larger extent or causes greater property benefit, the offender shall be fined or sentenced to imprisonment from three months to three years.

(3) If the crime referred to in paragraph 1 results in fish-kill to a larger extent, the offender shall be sentenced to imprisonment from six months to five years.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(5) The catch and the fishing means shall be seized.

## **Endangering of the environment and the nature with waste material**

### **Article 230**

(1) Whosoever, contrary to the regulations for protection of the environment and nature, stores, leaves or throws around waste materials, or handles them in a way that changes the quality of the air, soil, water or water flows, to an extent which could deteriorate the human life or animals or plants and endanger their existence, shall be sentenced to imprisonment of three months to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever stores, leaves or throws around waste materials, or handles them in a way as to change the quality of the air, soil, water, water flows, and herewith causes the destruction or significant damaging of woods, plants and other plant life.

(3) Whosoever stores, throws around or leaves dangerous waste containing substances which can be explosive, reactive, flammable, irritating, toxic, infective, cancerous, mutagenic, teratogenic, eco-toxic or can release toxic gases through chemical reaction and biological degradation, shall be sentenced to imprisonment from four to ten years.

(4) Whosoever commits the crime referred to in paragraphs 1, 2 and 3 out of negligence shall be fined or sentenced to imprisonment of up to one year.

(5) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

## **Unauthorized procurement and possession of nuclear materials**

### **Article 231**

(1) Whosoever by force or threat, by committing a crime or in some other manner without authorization procures, mediates, uses, transports or provides another with nuclear materials, or enables another to reach them, shall be sentenced to imprisonment of one to five years.

(2) Whosoever with the crime referred to in paragraph 1 endangers the human life or property to a larger extent, shall be sentenced to imprisonment of at least three years.

(3) If the crimes referred to in paragraphs 1 and 2 results in death of one or more persons, or of a property damage of a larger extent, the offender shall be sentenced to imprisonment of at least five years.

(4) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be sentenced to imprisonment of three months to three years.

(5) If the crime referred to in paragraph 4 results in death of several persons, or damage to a large extent, the offender shall be sentenced to imprisonment of one to five years.

(6) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Bringing dangerous materials into the country**

#### **Article 232**

(1) Whosoever, contrary to the regulations brings into the country radioactive or other substances or waste, harmful to the human life or health, shall be sentenced to imprisonment of one to ten years.

(2) An official person, who contrary to the regulations, enables the entry into the country of materials or wastes as referred to in paragraph 1, shall be sentenced to imprisonment of at least three years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Torturing animals**

#### **Article 233**

(1) Whosoever roughly abuses an animal, or exposes it to unnecessary torment, or causes unnecessary pain to it or for the sake of pleasure makes it suffer, shall be fined, or sentenced to imprisonment of up to six months.

(2) Whosoever does not feed, water or in any other manner exposes an animal to an arduous condition for a longer period of time, shall be fined or sentenced to imprisonment of up to three months.

### **Grave crimes against the environment and the nature**

#### **Article 234**

(1) If the crimes referred to in Articles 218 paragraphs (1) and (2), 219 paragraph (1), 230 paragraphs (1) and (2) and 232 paragraphs (1) and (2) cause serious physical injury or serious deterioration of the health of several people, the offender shall be sentenced to imprisonment of one to ten years.

(2) If the crimes referred to in Articles 218 paragraph (3), 219 paragraph (3) and 230 paragraph (3) cause death of one or several persons or the changes from the pollution cannot be removed for a long period, the offender shall be sentenced to imprisonment of at least four years.

(3) If because of the crimes referred to in Article 220 paragraph 1, 221 paragraph 1, 222 paragraph 1, and 225-a paragraphs (1) and (2), 226 paragraph 1 and 230 paragraphs 1 and 2, a property damage to a large extent is caused, the offender shall be sentenced to imprisonment of one to five years.

(4) If because of the crimes referred to in Article 220 paragraph 3, 221 paragraph 2, 222 paragraph 4 and 230 paragraph 3, a property damage of a large extent is caused, the offender shall be sentenced to imprisonment of one to three years.

### **Chapter twenty-three**

## **CRIMES AGAINST PROPERTY**

### **Theft**

#### **Article 235**

(1) Whosoever takes away a movable object from another with the intention to unlawfully appropriate it shall be fined or sentenced to imprisonment of up to three years.

(2) If the value of the stolen object is minor and the offender aimed at appropriating an object of such value, he shall be fined or sentenced to imprisonment of up to one year.

(3) The sentence referred to in paragraph (1) of this Article shall be as well imposed to the offender who shall take another's forest which quantity exceeds one cubic meter, with the intention to illegally appropriate it.

(4) The attempt referred to in paragraphs (1), (2) and (3) of this Article is punishable.

(5) The prosecution for the crime referred to in paragraph (2) of this Article shall be taken over upon a private lawsuit.

### **Burglary**

#### **Article 236**

(1) If the theft is committed:

- 1) by breaking and entry into closed premises, by overcoming obstacles or in some other way overcoming larger hindrances;
- 2) by several persons, joined for the purpose of committing a theft;
- 3) in a bold manner;
- 4) by a person who carried some kind of weapon or dangerous tool for the purpose of attack or defense;
- 5) during a fire, flood or similar disaster and
- 6) by using the helplessness or misfortune of another, the offender shall be sentenced to imprisonment of one to five years.

(2) For stealing objects of significant value, the offender shall be sentenced to imprisonment of one to ten years.

(3) For stealing object with value to a greater extent, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the stolen object is a good under temporary protection, cultural heritage, natural rarity or device or other object of special significance for the security of people and property and safety of public traffic or is object of public plants, the offender shall be sentenced to imprisonment of at least four years.

(5) If the value of the stolen object is less minor and the offender has aimed at appropriating an object of such value, he shall be fined or sentenced to imprisonment of up to three years.

## **Robbery**

### **Article 237**

(1) Whosoever by using force or by threatening to directly attack the life or body of another, takes another's movable object with the intention to unlawfully appropriate it, shall be sentenced to imprisonment of at least five years.

(2) If the value of the stolen object is of a large extent, the offender shall be sentenced to imprisonment of at least eight years.

(3) If the value of the seized object is minor, and the offender has aimed to steal an object of such value, then the offender shall be sentenced to imprisonment of one to five years.

(4) If when committing the crime referred to in paragraph (1) to 3 of this Article, a severe bodily injury is premeditatively inflicted upon another, or if the crime was committed in a group or gang, or if a firearm or a dangerous tool were used, or when committing the crime in a bank, foreign exchange office, post office or in a public place the life or body of two or more persons is endangered, the offender shall be sentenced to imprisonment of at least ten years.

(5) If the commission of the crime referred to in paragraph (1) premeditatively results in death of another, the offender shall be sentenced to at least ten years of imprisonment or life imprisonment.

## **Armed robbery**

### **Article 238**

(1) Whosoever, caught in the act of stealing, uses force or threatens to directly attack upon the life or body of another with the intention of retaining the stolen object, shall be sentenced to imprisonment of at least one year.

(2) If the value of the stolen objects is of a large extent, the offender shall be sentenced to imprisonment of at least eight years.

(3) If the value of the seized object is minor, and the offender has aimed to steal an object of such value, then the offender shall be sentenced to imprisonment of one to five years.

(4) If the commission of the crime referred to in paragraph (1) to (3) of this Article, premeditatively results in severe bodily injury or if the armed robbery is committed in a group or gang or if firearms or other dangerous tools were used, or when committing the crime in a bank, foreign exchange office, post office or public place the life and body of two or more persons is endangered, the offender shall be sentenced to imprisonment of at least ten years.

(5) If the commission of the crime referred to in paragraph (1) premeditatively results in death of another, the offender shall be sentenced to at least ten years of imprisonment or life imprisonment.

## **Concealment**

### **Article 239**

(1) Whosoever unlawfully appropriates another's movable property that was entrusted to him shall be fined or sentenced to imprisonment of up to three years.

(2) If the value of the concealed objects is minor and the offender has aimed to appropriate objects of such value, he shall be fined or sentenced to imprisonment of up to one year.

(3) If the crime referred to in paragraphs 1 and 2 is committed by a guardian, or a person within a legal entity being entrusted the objects in regard to his work, shall be sentenced to imprisonment of three months to five years.

(4) If the value of the concealed objects is significant, or the objects are goods under temporary protection or cultural heritage, the offender shall be sentenced to imprisonment of one to five years.

(5) Whosoever unlawfully appropriates another's movable property, which he has found or acquired by accident, shall be fined or sentenced to imprisonment of up to one year.

(6) For the crimes referred to in paragraphs 2 and 5, prosecution shall be undertaken upon a private lawsuit, and for paragraphs 1, 3 and 4 upon a proposal.

### **Use of resources for personal benefit**

#### **Article 240**

(1) Whosoever without authorization uses money, securities or other movable objects entrusted to him, for personal benefit or without authorization provides another with the use of these objects for his personal benefit, shall be fined or sentenced to imprisonment of up to one year.

(2) Prosecution shall be undertaken upon proposal.

### **Seizure of another's objects**

#### **Article 241**

(1) Whosoever without the intention of appropriating unlawfully seizes a movable property from another in order to keep it under his control shall be fined or sentenced to imprisonment of up to one year.

(2) Prosecution shall be undertaken upon private suit.

### **Seizure of a motor vehicle**

#### **Article 242**

(1) Whosoever unlawfully seizes a motor vehicle from another with the intention of using it for driving shall be fined or sentenced to imprisonment of up to one year.

(2) If the use of the vehicle lasted for a longer period of time or if a larger damage was caused, the offender shall be sentenced to imprisonment of three months to three years.

(3) The attempt of the crime referred to in paragraph 1 is punishable.

### **Damage to objects of others**

#### **Article 243**

(1) Whosoever damages, destroys or makes unusable the object of another, shall be fined or sentenced to imprisonment of up to three years.

(2) If the damage is of a significant value or the objects are goods under temporary protection or cultural heritage, the offender shall be sentenced to imprisonment of six months to five years.

(3) The prosecution of the crime referred to in paragraph 1 shall be undertaken upon a private lawsuit.

## **Damage to the rights of others**

### **Article 244**

(1) Whosoever, with the intention of preventing the exercise of the right to objects, alienates, destroys, damages or seizes his own object upon which another has the right to lien or the right to use, shall be fined or sentenced to imprisonment of up to one year.

(2) Whosoever conceals, fictively alienates, destroys, damages or makes unusable the total property or some part of it, or acknowledges a false claim, composes a false contract or with some other deceitful act apparently or truthfully endangers his own state of wealth, and herewith decreases or prevents the possibility of settling with at least one of his creditors, shall be fined or sentenced to imprisonment of three months to one year.

(3) Prosecution of the crime referred to in paragraphs 1 and 2 shall be undertaken upon a private lawsuit.

## **Unlawful constructing**

### **Article 244-a**

(1) Whosoever builds or constructs or supervises the construction on his personal or another's land without a constructing permission or contrary to the constructing permission issued from a competent body, shall be sentenced to imprisonment of three to eight years.

(2) If the crime referred to in paragraph 1 is committed for the purpose of selling, the offender shall be sentenced to imprisonment of at least four years.

(3) The sentence referred to in paragraph 2 shall also be imposed to whosoever performs construction contrary to the basic project or performs reconstruction of the construction elements of the building without a basic project and thus disrupts the mechanical resistance, the stability of the building and the seismic protection.

(4) An official within the local self-government or within a state administration body competent for issues in the field of interior design, who shall adopt a decision on location conditions contrary to the urban plans in force or shall issue a constructing permission contrary to the location conditions and disrupts the planned space, thus obtaining personal or another's unlawful property benefit or causing damage to another, shall be sentenced to imprisonment of three to eight years.

(5) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(6) The built immovables shall be seized.

## **Damage to housing and business buildings and premises**

### **Article 245**

(1) A user of a flat, a tenant or some other person, who from a housing or business building, or from housing or business premises, takes down or damages an external or internal device, installation, or a part of them, or in some other manner significantly decreases the use of the building or the premises, shall be fined or sentenced to imprisonment of up to one year.

(2) If because of the crime referred to in paragraph 1, the building, the housing or the business premises become unusable, the offender shall be fined or sentenced to imprisonment of up to three years.

(3) The prosecution of the crime referred to in paragraphs 1 and 2 shall be undertaken upon a private lawsuit.

## **Unlawful moving in**

### **Article 246**

(1) Whosoever unlawfully moves into another's flat, business or other premises shall be fined or sentenced to imprisonment of up to one year.

(2) The attempt is punishable.

(3) If the court pronounces a conditional conviction, it shall order the offender to empty the flat, the business or other premises within a certain time frame.

(4) Prosecution shall be undertaken upon a private lawsuit.

## **Fraud**

### **Article 247**

(1) Whosoever with the intent to obtain unlawful personal property benefit or benefit for another misguides another by false presentation or by covering up facts, or keeps him misguided and herewith induces him to do or not to do something which causes damage to his own or another's property, shall be fined or sentenced to imprisonment of up to three years.

(2) If the damage is of a minor value, and the offender has aimed at obtaining such a value, he shall be fined or sentenced to imprisonment of up to one year.

(3) If the damage is of a greater value, the offender shall be sentenced to imprisonment of three months to five years.

(4) If the damage exceeds a significant value, the offender shall be sentenced to imprisonment of one to ten years.

(5) Whosoever has committed the crime referred to in paragraph 1 only with the intention of damaging another, shall be fined or sentenced to imprisonment of up to one year.

(6) The attempt of the crime referred to in paragraphs 1 and 5 is punishable.

(7) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(8) For the crime referred to in paragraphs 2 and 5, the prosecution shall be undertaken upon a private lawsuit.

## **Defrauding buyers**

### **Article 248**

(1) Whosoever, with the intent to defraud buyers, releases for trade products with a label with entered data that does not correspond to the contents, type, origin or quality of the product, or releases for trade products that according to their weight or quality do not correspond to what normally is assumed for these products, or products without a label about the contents, type, origin or quality of the product, when such label is being prescribed, shall be fined or sentenced to imprisonment of up to three years.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Fraud in receiving credit or some other benefit**

### **Article 249**

(1) Whosoever with the intent to obtain credit, investment funds, subvention or other benefit for himself or for another to perform an activity as creditor, or who provides the competent person for approving such benefit with untruthful or incomplete data regarding the property state or other data relevant for approving credit or other benefit, shall be fined or sentenced to imprisonment of up to three years.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Fraud to the detriment of the European Community funds**

### **Article 249-a**

(1) Whosoever by using or showing false, incorrect and incomplete statements or documents, or by omitting to give data, unlawfully adopts, keeps or causes damage to the European Community funds, to the funds managed by the European Community or to funds managed on its behalf, shall be sentenced to imprisonment of six months to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be imposed to whosoever uses the funds from paragraph (1) of this Article against the approved purpose.

(3) The sentence referred to in paragraph (1) of this Article shall be imposed to whosoever uses or shows false, incorrect and incomplete statements or documents, or by omitting to give data, unlawfully decreases the funds of the European Community, the funds managed by the European Community or the funds managed on its behalf.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Insurance fraud**

### **Article 250**

(1) Whosoever, with the intention of collecting insurance from an insurance company, destroys or damages an insured object, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to a person who, with the intent to collect insurance from the insurance company for bodily damage, bodily injury or damage to the health, causes such a damage, body injury or damage to the health.

(3) Prosecution shall be undertaken upon a proposal.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Damage and unauthorized entry into a computer system**

### **Article 251**

(1) Whosoever, without authorization, deletes, changes, damages, covers or in other way makes unusable a computer data or program or device for maintenance of the information system, or will make impossible or more difficult the use of a computer system, data or program or the computer communication, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence stipulated in the paragraph 1 shall be also imposed to whosoever, without authorization, enters in somebody else's computer or system with intention to use his data or programs for the purpose of obtaining illegal material or other gain for himself or for other or with intention to cause material or other damage or transfer the computer data that are not intended for him and which obtained without authorization.

(3) The sentence stipulated in paragraph (1) of this Article shall be imposed to whosoever without authorization interrupts transfer of computer data not being of public character, by using technical means to, from and in the information system, including as well electromagnetic emissions from information system supporting such computer data.

(4) Whosoever commits the crimes stipulated in paragraphs (1), (2) and (3) against computer system, data or programs protected with special measures of protection or used in the activities of the state authorities, public enterprises or public institutions or in international communications, or as a member of a group formed with intention to commit that crimes, shall be sentenced with imprisonment of one to five years.

(5) If a greater property benefit is obtained with the crime stipulated in paragraphs (1), (2) and (3) or if a greater damage is caused, the offender shall be sentenced to imprisonment of six months to five years.

(6) If a greater property benefit is obtained with the crime stipulated in paragraph 3 or if a greater damage is caused, the offender shall be sentenced to imprisonment of one to ten years.

(7) Whosoever, without authorization, produces, purchases, sells, holds or makes available to another, special devices, means, computer password, access code and similar data which would completely or partially enable access to the information system, computer programs or computer data intended or suitable for commission of the crimes referred to in paragraphs (1), (2) and (3) of this Article, shall be fined or sentenced to imprisonment of one year.

(8) The attempt for the crimes stipulated in paragraphs 1 and 2 is punishable.

(9) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(10) The special facilities, equipment, computer programs or data intended for the crime shall be seized.

### **Creating and spreading computer viruses**

#### **Article 251-a**

(1) Whosoever creates or takes over from another a computer virus with the intention to put it in somebody else's computer or computer network, shall be fined or sentenced to imprisonment of up to one year.

(2) Whosoever by using computer virus causes damage to another's computer, system, data or program, shall be sentenced to imprisonment of six months to three years.

(3) If a greater damage is caused with the crime stipulated in paragraph 2 or if the crime is performed by a group formed with intention to perform such crime, the offender shall be sentenced with imprisonment of one to five years.

(4) The attempt for the crimes stipulated in paragraph 2 is punishable.

(5) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Computer fraud**

#### **Article 251-b**

(1) Whosoever, with intention to obtain an unlawful property benefit, by inputting in a computer untrue data, not inputting true data, by altering, deleting or covering computer data, forging electronic signature or in any other way cause untrue result of the electronic processing and transfer of the data, shall be fined or sentenced to imprisonment of up to three years.

(2) If the offender has obtained greater property benefit, he shall be sentenced to imprisonment of three months to five years.

(3) If the offender has obtained significant property benefit, he shall be sentenced to imprisonment of one to ten years.

(4) Whosoever commits the crime referred to in paragraph 1 with sole intention to damage somebody else, shall be fined or sentenced to imprisonment of up to one year.

(5) If the crime referred to in paragraph 4 causes greater damage, the offender shall be sentenced to imprisonment of three months to three years.

(6) Whosoever, without authorization, produces, purchases, sells, holds or makes available to another, special facilities, equipment, computer programs or computer data intended or suitable for commission of the crimes stipulated in the paragraph 1, shall be fined or sentenced to imprisonment of up to one year.

(7) The attempt for the crimes stipulated in paragraphs 1 and 4 is punishable.

(8) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(9) The special facilities, equipment, computer programs or data intended for the crime shall be seized.

(10) The prosecution for the crime stipulated in the paragraph 4, shall be undertaken upon a private lawsuit.

### **Abuse of trust**

#### **Article 252**

(1) Whosoever, by representing the property interests of another or by taking care of this person's property, does not fulfill his duty or abuses the given authorizations, with the intention to obtain property benefit or damage the person whose property interests he is representing, or whose property he is taking care of, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in paragraph 1 is committed by a guardian, a proxy, attorney or lawyer, he shall be sentenced to imprisonment of three months to three years.

(3) The prosecution shall be undertaken upon a private lawsuit.

### **Unauthorized acceptance of gifts**

#### **Article 253**

(1) Whosoever, in the performance of economy, financial, trade, service or other economy-related activity, directly or indirectly will request or accept a gift or other direct or indirect

personal benefit or benefit for another party, or a promise or an offer for such benefit, in order to neglect the interest of the legal entity or natural person in the conclusion or extension of the agreement or in the undertaking of another activity, or in order to achieve unjustified benefit or cause a damage of a greater value to the legal entity or natural person or to a third party, shall be sentenced to imprisonment of one to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be imposed on whosoever requests or accepts unauthorized gift or other personal benefit or benefit for a third party, or a promise for offer of such benefit in order not to conclude or extend the agreement or not to undertake another activity for the benefit of the legal entity or natural persons whose interests it represents.

(3) If the offender agrees to accept unauthorized gift or other benefit after the conclusion of the agreement or the undertaking or not undertaking another activity, it shall be fined or sentenced to imprisonment of up to three years.

(4) The received gift or other benefit shall be seized.

### **Unauthorized giving of gifts**

#### **Article 253-a**

(1) Whosoever directly or indirectly promises, or offers or gives to another a gift or another benefit or promises or offers such benefit, in order the latter to neglect the interests of the legal entity or natural person when concluding or extending the agreement in the performance of the economy, financial, trade, service or other economy-related activity, or when undertaking another activity, or to achieve unjustified benefit or cause a damage of a greater value to the legal entity or natural person or to a third party, shall be sentenced to imprisonment of one to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be imposed on whosoever offers or gives a gift or another benefit or promises to offer such benefit to another in order to achieve unauthorized personal benefit or benefit for another in the performance of the economy, financial, trade, service or other economy-related service, or in order to cause a damage of a greater value by not concluding or not extending the agreement or by not undertaking another activity it was obliged to undertake for the benefit of the legal entity or natural person whose interests it represents.

(3) If the offender of the crime referred to in paragraphs (1) and (2) of this Article has reported the crime before it is detected or it is found out that it has been detected, may be acquitted from the sentence.

(4) The given gift or other benefit shall be seized.

### **False bankruptcy**

#### **Article 254**

(1) Whosoever, with the intent to avoid an obligation to pay, causes a bankruptcy by an apparent selling of property or a part of it, by transferring funds to other accounts, by ceding without compensation or selling for a disproportionally low value, by concluding false agreements about debt or about acknowledging untruthful claims, by covering up, destroying, changing or maintaining business books making his true state of wealth impossible to be determined, shall be sentenced to imprisonment of one to five years and shall be fined.

(2) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Causing bankruptcy by unscrupulous operation**

#### **Article 255**

(1) Whosoever is aware that he personally or another as a debtor is incapable of payment, and violates his duties while managing the property or conducting activities thus causing bankruptcy by unreasonable spent and alienation of items and rights to disproportionally low price, by excessive indebtedness, by undertaking disproportional obligations, by conclusion and renewal of agreements with persons incapable of paying, by failure to realize a claim or in any other manner, shall be sentenced to imprisonment of three months to three years.

(2) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Abuse of bankruptcy procedure**

#### **Article 256**

(1) Whosoever, in a bankruptcy procedure, reports a false claim or a claim according to a false payment order, for the purpose of realizing a right not entrusted to him, shall be fined or sentenced to imprisonment of up to one year.

(2) A creditor, member of a board of creditors, or a bankruptcy administrator, who for himself or for another accepts a property benefit or a promise for property benefit, in order to pass or not to pass a decision in a certain sense, or in any other manner damages at least one creditor in the bankruptcy procedure, shall be fined or sentenced to imprisonment of up to three years.

(3) The sentenced referred to in paragraph 1 shall also be imposed to whosoever gives or promises property benefit to a creditor, member of the board of creditors, or bankruptcy administrator, for the purpose of committing the crime referred to in paragraph 1.

(4) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Damage or privilege of the creditors**

#### **Article 257**

(1) A responsible person who, knowing that the legal entity has become incapable of payment, by paying out a debt or in some other way intentionally puts a creditor in a more privileged

position, herewith damaging the other creditors, shall be fined or sentenced to imprisonment of up to three years.

(2) A responsible person who, knowing that the legal entity has become incapable of payment, and with the intention of deceiving or damaging the creditors, acknowledges a false claim, puts together a false contract, or by some other deceitful action damages the creditors, shall be sentenced to imprisonment of six months to five years.

(3) If due to the crime referred to in paragraphs 1 and 2, property damage of a large extent was caused, or due to that the legal entity went bankrupt, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

## **Extortion**

### **Article 258**

(1) Whosoever, with the intention to obtain unlawful property benefit for him or for another, by force or by serious threat, forces another to do or not to do something that damages his own or another's property, shall be sentenced to imprisonment of at least one year.

(2) Whosoever commits the crime referred to in paragraph 1 in a group, gang or other association, or by using a firearm or a dangerous tool in a specially violent manner or when herewith a significant property benefit or a significant property damage or a severe bodily injury is premeditatively caused to some person, shall be sentenced to imprisonment of at least four years.

(3) The sentence referred to in paragraph 2 shall also be imposed to a person who commits the crime referred to in paragraph 1 for an award.

(4) If during the commission of the crime referred to in paragraph 1, somebody is premeditatively deprived of life, the offender shall be sentenced to imprisonment of minimum ten years or life imprisonment.

## **Blackmail**

### **Article 259**

(1) Whosoever, intending to obtain unlawful property benefit for himself or for another, threatens another to disclose something about him or about a person close to him, which could harm his or their honor or his or their reputation and herewith forces them to commit or not to commit something damaging his personal or another's property, shall be sentenced to imprisonment if three months to five years.

(2) Whosoever commits the crime referred to in paragraph 1 in a group, gang or some other association, or a significant property benefit or damage was caused, shall be sentenced to imprisonment of one to ten years.

## **Usury**

### **Article 260**

(1) Whosoever receives or negotiates for himself or for another a disproportional property benefit for the service performed towards another, by using his difficult state of wealth, difficult housing conditions, need, lack of experience or frivolity, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever without authorization deals in borrowing money or other consumable objects with an agreement, and hereby negotiates an excessive property gain.

## **Covering up**

### **Article 261**

(1) Whosoever buys, receives as lien, or in some other way procures, covers up or passes an object or property knowing to be acquired through a crime, or something that was received for this by selling or exchanging, shall be fined or sentenced to imprisonment of up to three years.

(2) Whosoever commits the crime referred to in paragraph 1 and who could have known that the object or the property has been acquired through a crime, shall be fined or sentenced to imprisonment of up to one year.

(3) If the value of the object or of the property referred to in paragraph 1 and 2 is significant or the object or property is a good under temporary protection or cultural heritage or device or other object of significant importance for the security of people and property and the safety of the public transport or object of public plants, the offender shall be sentenced to imprisonment of three to eight years.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(5) The objects referred to in paragraphs 1, 2 and 3 shall be seized.

## **Effective repentance**

### **Article 262**

The court may acquit the sentence against the offender of the crimes referred to in Articles 235, 239, 240, 241, 242, 243, 244, 245, 246, 248 and 255, if he returns the object, compensates the damages, or in some other way removes the harmful consequences from the crime, prior to acknowledging that he has been discovered.

## **Prosecution of crimes among close relatives**

### **Article 263**

Besides the crimes prosecuted upon a private lawsuit or upon a proposal, the prosecution of the crimes referred to in Articles 235, 236, 239 paragraph 3, 242, 252 paragraph 1 and 261, if committed against a marital partner, relations by blood in direct line, brother or sister, adoptive parent or adoptive child, or against another person with whom the offender lives in a joint household, shall be undertaken upon a private lawsuit.

## **Chapter twenty-four**

# **CRIMES AGAINST THE CULTURAL HERITAGE AND NATURAL RARITIES**

## **Damage or destruction of goods under temporary protection or cultural heritage or natural rarities**

### **Article 264**

(1) Whosoever destructs or destroys a good under temporary protection or cultural heritage or natural rarity, shall be fined or sentenced to imprisonment of six months to three years.

(2) Whosoever, without authorization of a relevant authority performs conservation or restoration activities or, without authorization or contrary to the prohibition performs archaeological excavation or research or other research activities on goods under temporary protection or cultural heritage, and therefore they could be severely damaged or could lose their attributes, shall be sentenced to imprisonment of one to five years.

(3) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

## **Appropriation of goods under temporary protection or cultural heritage or natural rarities**

### **Article 265**

Whosoever, during archaeological excavation, archive research, geological and paleontology and mineralogy and petrography research, excavations or in any other manner appropriates an excavation, material or found object being a good under temporary protection or cultural heritage or natural rarity, shall be sentenced to imprisonment of one to ten years.

## **Export of goods under temporary protection or cultural heritage or natural rarities**

### **Article 266**

(1) Whosoever exports a good under temporary protection or cultural heritage or an object that is natural rarity, without permit by a relevant authority, shall be sentenced to imprisonment of three to ten years.

(2) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Alienation of cultural heritage of significant importance in state ownership**

#### **Article 266-a**

Whosoever sells, gives or in any other way permanently alienates cultural heritage of significant importance in state ownership, shall be sentenced to imprisonment of three to ten years.

### **Prohibition on import of stolen cultural heritage**

#### **Article 266-b**

Whosoever imports movable cultural heritage stolen in museums, religious and other similar public facilities or institutions on the territory of other state, shall be sentenced to imprisonment of three to ten years.

### **Destruction or concealment of unprocessed archive materials**

#### **Article 267**

Whosoever destroys documents prior to extracting the archive material from it, therefore disabling it to serve as source of archives, shall be fined or sentenced to imprisonment of one to three years.

## **Chapter twenty-five**

# **CRIMES AGAINST PUBLIC FINANCES, PAYMENT OPERATIONS AND THE ECONOMY**

### **Counterfeiting money**

#### **Article 268**

(1) Whosoever creates counterfeit money with the intent that it be brought into circulation as genuine, or whosoever alters genuine money with the intent that it be brought into circulation, or whosoever brings into circulation such counterfeit money, shall be sentenced to imprisonment of one to ten years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever acquires counterfeit money with the intent that it be brought into circulation as genuine.

(3) If the crimes referred to in paragraphs 1 and 2 result in a disorder of the country's economy, the offender shall be sentenced to imprisonment of at least five years.

(4) Whosoever brings into circulation counterfeit money previously received as genuine, or whosoever is aware of the creation of counterfeit money or that counterfeit money have been brought into circulation, and yet does not report that, shall be fined or sentenced to imprisonment of up to three years.

(5) The counterfeit money shall be seized.

### **Counterfeiting securities**

#### **Article 269**

(1) Whosoever creates counterfeit securities, or whosoever alters a genuine security with the intent to use it as genuine, or to give it to another for use, or whosoever uses such counterfeit securities as genuine, shall be sentenced to imprisonment of one to ten years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever acquires counterfeit securities with the intent that they are brought into circulation as genuine.

(3) Whosoever brings into circulation counterfeit securities previously received as genuine, or whosoever is aware of the creation of counterfeit securities or that counterfeit securities have been brought into circulation and yet fails to report it, shall be fined or sentenced to imprisonment of up to three years.

(4) The counterfeit securities shall be seized.

### **Counterfeiting marks of value**

#### **Article 270**

(1) Whosoever creates false tax or postage stamps or some other marks of value, or whosoever alters any of these genuine marks, with the intent to use them as genuine, or to give them to another to be used, or whosoever uses such false marks as genuine, or procures them with that intent, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever by removing the stamp that annuls the marks referred to in paragraph 1 or in some other manner makes the already used marks look as if they were not used, or to whosoever uses or sells as valid these already used marks.

(3) The false marks of value shall be seized.

### **Creation, procurement and alienation of counterfeit means**

#### **Article 271**

(1) Whosoever creates, procures, sells or gives for use means for creation of false marks of value, shall be fined or sentenced to imprisonment of up to one year.

(2) Whosoever, without authorization, processes, purchases, holds, sells or gives for use instruments, objects, computer programs and other safety protection or components that serve as protection against counterfeiting, as well as means for unauthorized obtaining bank data, for the purpose of forging money or counterfeiting real money or other payment instruments, securities or false pay cards, shall be sentenced to imprisonment of three to ten years.

(3) The sentence referred to in paragraph (2) of this Article shall be imposed to whosoever, without authorization, installs the means for processing false pay cards in bank devices or uses them in any other manner for the purpose of obtaining bank data from real pay cards and data for the holders of such cards.

(4) The means referred to in paragraphs 1 and 2 shall be seized.

### **Special cases of counterfeiting money, securities or marks of value**

#### **Article 271-a**

(1) Sentence, in accordance with Articles 268, 269 and 270 of this Code, shall be as well imposed for counterfeiting money, securities or marks of value to:

1) whosoever produces money, securities or marks of value, against the decision of a competent body for their type, quantity or other characteristics and

2) whosoever against the special authorization of a competent body for withdrawing or destroying, brings into circulation money, securities or marks of value.

(2) For the crime referred to in this Article, the legal entity shall be fined.

### **Counterfeiting marks for marking goods, measures and weights**

#### **Article 272**

(1) Whosoever with the intent to use them as genuine, makes false marks for marking domestic or foreign goods, such as seals, stamps or measures with which gold, silver, livestock, wood or some other kinds of goods are marked, or alters genuine marks, or a person who uses false marks as if they were genuine, shall be sentenced to imprisonment of three months to five years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever counterfeits measures and weights.

(3) Whosoever without authorization creates, procures, sells or gives for use means for creating marks for marking goods, as well as counterfeit measures and weights, shall be fined or sentenced to imprisonment of up to three years.

(4) The counterfeit marks, measures and weights, as well as the means for their creation, shall be seized.

## **Money laundering and other income from crimes**

### **Article 273**

(1) Whosoever brings into circulation or trade, receives, takes over, exchanges or changes money or other property being obtained through a punishable crime or whosoever is aware it has been obtained through a crime, or whosoever by conversion, exchange, transfer or in any other manner covers up their origin from such source or its location, movement or ownership, shall be sentenced to imprisonment of one to ten years.

(2) The sentence stipulated in paragraph (1) of this Article shall be imposed to whosoever holds or uses property of object being aware to have been obtained by commission of a punishable crime or by forging documents, by not reporting facts or to whosoever in any other manner covers up their origin from such source, or covers up their location, movement and ownership.

(3) If the crime stipulated in paragraphs 1 and 2 is performed in banking, financial or other type of business activity or if he, by splitting of the transaction, avoids the obligation for reporting in the cases determined by law, the offender shall be sentenced to imprisonment of at least three years.

(4) Whosoever performs the crime stipulated in paragraphs 1, 2 and 3, yet he was obligated and in position to know that the money, the property and the other incomes from a punishable act were obtained through a crime, shall be fined or sentenced to imprisonment of up to three years.

(5) Whosoever commits the crime stipulated in paragraphs 1, 2 and 3 as a member of a group or other association that is dealing with money laundering, illegal obtaining of property or other incomes from a punishable act, or with the assistance of foreign banks, financial institutions or persons, shall be sentenced to imprisonment of at least five years.

(6) Official person, responsible person in a bank, insurance company, company for organization of games of chance, exchange office, stock exchange or other financial institution, attorney-at-law, except when in role of an attorney, notary or other person performing public authorizations or activities of public interest, who shall enable or allow transaction or business relation against his legal obligation or who shall perform transaction against a prohibition pronounced by a competent body or a temporary measure appointed in court or who shall fail to report laundering money, property or property benefit, for which he became aware during the performance of his function or duty, shall be sentenced to imprisonment of at least five years.

(7) Official person, responsible person in a bank or other financial institution, or a person performing activities of public interest, who according to law is an authorized entity for applying measures and activities for prevention of money laundering and other incomes from a punishable act, who shall without authorization reveal to a client or to an uninvited person data referring to the procedure for examining suspicious transactions or to applying other measures and activities for prevention of money laundering, shall be sentenced to imprisonment of three months to five years.

(8) If the crime is committed out of covetousness or for the purpose of using data abroad, the offender shall be sentenced to at least one year imprisonment.

(9) If the crime referred to in paragraph (7) of this Article is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(10) If there are factual or legal obstacles for confirming a previously punishable act and prosecuting its offender, the existence of such act shall be confirmed based on the factual circumstances of the case and the existence of well-founded suspicion that the property has been obtained through such crime.

(11) The awareness of the offender, i.e. the duty and possibility to know that the property has been obtained through a punishable act can be confirmed based on the objective factual circumstances of the case.

(12) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(13) The income from a punishable crime shall be seized, and if seizing it from the offender is not possible, other property corresponding to its value shall be seized.

### **Issuance of a bad check and pay card abuse**

#### **Article 274**

(1) Whosoever with the intent to obtain unlawful property benefit for himself or for another, issues or brings into circulation a check although knowing that it lacks the sufficient funds in an amount explicitly prohibited with the check using agreement, and herewith obtains greater unlawful property benefit, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever with the intent to obtain unlawful property benefit, uses pay card or ATM card for withdrawing cash or paying goods or services, although knowing that they lack the sufficient funds in the amount explicitly prohibited with the credit card use agreement, and herewith obtains greater property benefit.

(3) If a significant property benefit is obtained with the crime referred to in paragraphs 1 and 2, the offender shall be sentenced to imprisonment of one to five years.

(4) If the offender of the crime referred to in paragraphs 1 and 2 provides sufficient funds prior to acknowledging to have been revealed, may be acquitted from the sentence.

(5) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

### **Issuance of bad acceptance order**

#### **Article 274-a**

(1) Whosoever issues acceptance order, although knowing to lack the sufficient funds on the account at the moment of the due payment, in the of the issued acceptance order, shall be fined or sentenced to imprisonment of up to three years.

(2) If the offender could have known that at the moment of the due payment there will be no sufficient funds on his account in the amount of the issued acceptance order, he shall be fined or sentenced to imprisonment of up to one year.

(3) The prosecution shall be undertaken upon a proposal.

## **Processing and use of false pay card**

### **Article 274-b**

(1) Whosoever processes false pay card with the intent to use it as real, or obtains false card with such intention, or gives to another to use or whosoever uses the false card as real, shall be sentenced to imprisonment of six months to five years and shall be fined.

(2) The sentence referred to in paragraph (1) of this Article shall be as well imposed to whosoever obtains bank data from real pay cards and data for holders of such pay cards with the intention to use them for processing and use of false pay card or gives the data obtained in such manner to another, with the same intention.

(3) If the offender from paragraph (1) of this Article obtains greater property benefit, he shall be sentenced to imprisonment of one to eight years.

(4) If the crime referred to in paragraphs (1), (2) and (3) of this Article is committed by a member of a group, gang or other criminal association, the offender shall be sentenced to imprisonment of at least four years.

(5) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Securities and shares fraud**

### **Article 275**

(1) Whosoever when taking over a joint stock company or bringing securities or shares into circulation and other documents referring to the securities and shares, based on untrue, incomplete or partial information, falsely displays the property state of the legal entity bringing into circulation the securities or shares, the data on gain and loss, its financial operation or other data regarding the operation of the legal entity affecting the market value of the securities or the shares, thus leading one or several person onto selling or buying stocks or other securities or shares, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence stipulated in paragraph 1 shall also be imposed to whosoever, within a legal entity, contrary to his obligation to keep a business secret announces to an unauthorized person or in any other manner uses a data being considered a business secret and affecting the price of

the securities or shares, herewith bringing the natural persons and legal entities in non-equal position on the securities and shares market.

(3) A responsible person in a legal entity, person with special authorizations, other employee in the legal entity, stockholders or partners in the legal entity or external cooperator of the legal entity with access to internal information, who during his work obtains confidential information or other internal information significant for the operation of the legal entity and the value of the securities or the shares, and who uses them without authorization or transfers them to a third party that, based on those information, or by buying and selling securities or shares of the legal entity or reveals other untrue data, thus obtaining for himself or for another greater property benefit, shall be sentenced to imprisonment of one to five years.

(4) Whosoever closes transaction on the securities market or gives trading order containing untrue data for the offer, demand or the price of the securities, gives false information or fails to give the necessary information regarding the price of the securities, or whosoever by other fraudulent activity causes misdirection among the sellers and buyers of securities, shall be fined or sentenced to imprisonment of up to three years.

(5) If the offender, by committing the crime referred to in paragraphs 1 and 2, obtains for himself or for another greater property benefit or causes greater property damage, or damages greater number of persons, or causes disorder or chaos on the securities market shall be sentenced to imprisonment of one to ten years.

(6) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

(7) The court shall impose the offender a prohibition to perform profession, activity or duty, under the conditions anticipated in Article 38-b of this Code.

### **Violation of the rights deriving from securities**

#### **Article 275-a**

(1) Responsible person in a legal entity, other employee in the legal entity, stockholder or person authorized by the responsible person, who obstructs a securities holder in his exercise of rights deriving from securities or violates the rights deriving from securities, shall be fined and sentenced to imprisonment of up to three years.

(2) If the crime referred to in paragraph (1) of this Article is committed against two or more persons, the offender shall be fined and sentenced to imprisonment from one to five years.

### **Illegal proceeding of authorized auditor**

#### **Article 275-b**

(1) Authorized auditor who has signed incorrect or incomplete financial report, i.e. financial report causing misdirection or being against the international standards for financial reporting and international audit standards, for issuer of securities being traded on an authorized stock

exchange market and by those activities has caused certain person to suffer a damage or obtain property benefit by affecting the scope of trading or the price of the issuer's security in a manner that increases or decreases the price of the securities and thus leads the investors to buy or sell the securities, or thus causes apparent active trade with securities in order to entice investors to buy, i.e. sell securities, shall be fined and sentenced to imprisonment of up to five years.

(2) If the crime is committed against several persons, the offender shall be fined or sentenced to imprisonment of one to five years.

(3) If by the crime referred to in paragraphs (1) and (2) of this Article, the offender has obtained to himself or to another greater property benefit or has caused significant damage to another, or to several persons, he shall be sentenced to imprisonment of one to ten years.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(5) The court shall impose the offender a prohibition to perform profession, activity or duty, under the conditions from Article 38-b of this Code.

### **Abuse of a public call procedure, procedure for awarding public procurement agreement or public and private partnership**

#### **Article 275-c**

(1) Whosoever knowingly violates the regulations on public call procedure, procedure for awarding public procurement agreement or public and private partnership, by submitting untrue documents, by dealing with other possible participants for the purpose of manipulating the procedure for awarding public procurement agreements, by not fulfilling the obligations from the agreement with the intent to manipulate it or in any other manner to intentionally violate the rights of such procedure, and thus obtains greater property benefit for himself or for another, or causes significant damage, shall be fined or sentenced to imprisonment of up to three years, unless the characteristics of other more grave crime are met.

(2) If the offender, by committing the crime referred to in paragraph (1) of this Article, has obtained for himself or for another significant property benefit or has caused significant damage, he shall be sentenced to imprisonment of at least four years.

(3) If the offender, by committing the crime referred to in paragraph (1) of this Article, has obtained for himself or for another property benefit, of greater extent or has caused damage of greater extent, he shall be sentenced with at least five years of imprisonment.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(5) The attempt of the crime from paragraph (1) of this Article is punishable.

(6) The court shall impose the offender, referred to in paragraphs (1), (2) and (3) of this Article, prohibition to perform profession, activity or duty, under the conditions from Article 38-b of this Code.

(7) Apart from the fine, the court shall impose the legal entity prohibition to participate in procedures for awarding public procurement agreements.

## **Prohibited production**

### **Article 276**

(1) Whosoever produces or processes goods whose production or processing is prohibited, shall be fined or sentenced to imprisonment of up to one year, unless there are indications of some other more grave crime.

(2) If the crime referred to in this Article is performed by a legal entity, it shall be fined. (3) The goods and production or processing means shall be seized.

## **Prohibited trade**

### **Article 277**

(1) Whosoever without authorization buys, sells or exchanges objects or goods with larger value, whose trade is prohibited or limited, shall be fined or sentenced to imprisonment of up to one year, unless there are indications for some other crime.

(2) If the offender of the crime referred to in paragraph 1 organized a network of retailers or mediators, he shall be fined or sentenced to imprisonment of up to three years.

(3) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

(4) The objects and goods of the prohibited trade shall be seized.

## **Smuggling**

### **Article 278**

(1) Whosoever deals with transfer of unreported goods or goods other than those declared and reported through the customs line, avoiding customs control, or whosoever by avoiding customs control transfers the unreported goods or the goods different from the declared or reported with greater value, shall be fined or sentenced to imprisonment of up to four years.

(2) If the goods are of significant value, the offender shall be fined or sentenced to imprisonment of six months to five years.

(3) If the goods are of greater quantity, the offender shall be fined and sentenced to imprisonment of at least four years.

(4) Whosoever organizes a gang, group or other criminal association for the purpose of committing the crime stipulated in paragraph 1 or for dissemination of goods that are not cleared through customs, or if he/she commits the crime armed with firearms or by using force and threat, shall be sentenced to imprisonment of one to five years.

(5) The official that helps, enables or covers or does not prevent the commission of the crimes stipulated in paragraphs 1 and 2, shall be sentenced to imprisonment of one to ten years.

(6) The attempt of the crime stipulated in paragraph 1 is punishable.

(7) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

(8) The goods that are subject of the crime stipulated in paragraphs 1 to 3 and the means of their transfer and dissemination shall be seized, and if their seizure is not possible, other property of the offender compatible to their value at the time of committing the crime, shall be seized.

(9) The means of transfer and dissemination of the goods shall also be seized if they are owned by a third party, who knew or was obligated and might have known that the means shall be used for transfer or dissemination. The means shall be always seized if they are specially constructed, adopted, changed or adjusted in any way, for the purpose of hiding goods.

## **Customs fraud**

### **Article 278-a**

(1) Whosoever with the intent for himself personally or for another to avoid complete or partial payment of fees and taxes paid at import or export being bound to by law, gives the customs body false data on goods and other facts that influence the calculation for payment or return of the fees and taxes, or does not fulfill an obligation according to a law that has influence on the calculation of the fees and taxes paid during import or export or in other way misleads the customs body, and the amount of the fees and taxes paid during import and export is of greater value, shall be sentenced to imprisonment of six months to three years and shall be fined.

(2) If the amount of the duties and taxes paid at import or export are of significant value, the offender shall be sentenced to imprisonment of one to ten years.

(3) If the amount of the fees and taxes is of great extent, the offender shall be sentenced to imprisonment of minimum four years and shall be fined.

(4) The attempt of the crime stipulated in paragraph (1) is punishable.

(5) If the crime referred to in this Article is performed by a legal entity, it shall be fined.

## **Covering of goods that are subject to smuggling and customs fraud**

### **Article 278-b**

(1) Whosoever buys, sells, disseminates, receives as a gift, hides, receives for keeping, uses or accepts storing goods with greater value on any basis and for which he knows or was obliged to know that are subject to the crime stipulated in Article 278 and Article 278-a, shall be fined or sentenced to imprisonment of up to three years.

(2) The attempt of the crime stipulated in paragraph 1 is punishable.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Tax evasion**

### **Article 279**

(1) Whosoever with the intent, for himself or for another, to avoid the complete or partial payment of tax, contribution, or some other fee, which he is bound to by law, gives false information about his revenues, or the revenues of the legal entity, objects or other facts of influence on the determination of the amount of this type of obligations, or whosoever with the same intent in case of mandatory application does not report the income, that is an object or some other fact of influence for determination of such obligations, and the amount of the obligation is of greater value, shall be sentenced to imprisonment of six months to five years and shall be fined. [9](#)

(2) If the amount of the obligation referred to in paragraph 1 is significant, the offender shall be sentenced to imprisonment of at least four years and shall be fined.

(3) If the crime stipulated in paragraph 1 is performed by a legal entity, it shall be fined.

## **Counterfeiting or destructing of business books**

### **Article 280**

(1) Whosoever enters false data or does not enter some important data in a business document, trade book, financial report, book or paper, which he is obliged to maintain based on a law or some other regulation, or who with his signature or stamp verifies a business document, book or paper with false contents, or who with his signature or stamp makes it possible to prepare a document, book or paper with false contents, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever uses a false business document, trade book, financial report, book or paper as if it were real, or whosoever destroys, covers up, damages or in some other way makes unusable a business document, book or paper.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Disclosing and unauthorized acquisition of a business secret**

### **Article 281**

(1) Whosoever announces, hands over or in any other manner makes available to an unsolicited person the data declared by law to be a business secret, as well as whosoever acquires such data for the purpose of handing them over to an unsolicited person, shall be sentenced to imprisonment of one to five years.

(2) Whosoever announces, hands in or in any other manner makes available to an unsolicited person the data declared by regulation or a decision of a competent management body as a business secret, and if the disclosing of these data has caused or might have caused more severe harmful consequences, as well as whosoever acquires such data with the intent to hand them in to an unsolicited person, shall be sentenced to imprisonment of three months to three years.

(3) If the data referred to in paragraphs 1 and 2 are of special importance or the disclosing, respectively the acquisition of the data was done for the purpose of exporting them abroad, he shall be sentenced to imprisonment of one to ten years.

### **Violation of the equality in performing an economic activity**

#### **Article 282**

(1) Whosoever by abusing his official position or authorization limits the freedom of movement of reproduction means in certain area, cedes or limits the right of an enterprise or other legal entity in certain area to deal in trade with goods and services, puts a legal entity in unequal position in regard to other legal entities concerning the working conditions or the trade of goods and services or limits the free performance of activities or the freedom to exchange goods and services, shall be sentenced to imprisonment of six months to five years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever uses his social position or influence for the crime to be committed.

### **Preventing, limiting or causing competition disorder**

#### **Article 283**

(1) The responsible person in the legal entity who shall conclude an agreement or shall participate in the concluding of an agreement, decision or agreed practice, prohibited by law, and aiming to prevent, limit or cause competition disorder, and thus the legal entity obtains property benefit of greater extent or causes damage of greater extent, shall be sentenced to imprisonment of one to ten years.

### **Unfair competition in foreign trade**

#### **Article 284**

(1) An agent or representative of a domestic legal entity who, knowing that some other domestic legal entity has previously reached an agreement with a foreign company about foreign trade activities, or that the concluding of an agreement for that deal is pending, gives an offer to that company for buying or selling the same kind of goods, that is for performing the same service,

and because of this the foreign company gives up on the conclusion of the agreement or the agreement is concluded under less favorable conditions for the domestic legal entity, shall be sentenced to imprisonment of six months to five years.

(2) If the offender of the crime referred to in paragraph (1) of this Article has obtained property benefit of greater extent or has caused damage of greater extent, he shall be sentenced to imprisonment of one to ten years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Violation of industrial property rights and unauthorized use of another's company**

#### **Article 285**

(1) Whosoever against the regulations on industrial property, with the intent to deceive buyers and users of services, violates another's protected trade mark, another's protected industrial design, another's protected mark of product origin and geographic mark, shall be sentenced to imprisonment of at least three years.

(2) The sentence referred to in paragraph (1) of this Article shall be imposed to whosoever, with the intent to deceive buyers, without authorization produces, releases in trade, imports, exports, offers for sale or keeps objects being subject of protection of the rights from paragraph (1) of this Article.

(3) Whosoever, without authorization, uses another's company or without authorization includes in his company marks from the rights referred to in paragraph (1) of this Article, shall be fined or sentenced to imprisonment of up to three years.

(4) Whosoever obtains, with the crime referred to in paragraphs (1), (2) and (3) of this Article, significant property benefit or causes significant property damage, shall be sentenced to imprisonment of one to five years and shall be fined.

(5) If the crime referred to in paragraphs (1), (2) and (3) of this Article is committed by an organized group or the crime has caused risk to human life and health, the offender shall be sentenced to imprisonment of at least five years.

(6) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(7) The objects made or used for committing the crime, shall be seized.

### **Violation of the right deriving from reported or protected invention and integrated circuit topography**

#### **Article 286**

(1) Whosoever with the intent to damage another or to obtain unlawful property benefit, without authorization submits a report for patent or does not state in the report or falsely states the

inventor or makes the essence of the invention publicly available even before its release in a manner stipulated by law, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph (1) of this Article shall be as well imposed to whosoever, with the intent to damage another or to obtain unlawful property benefit, without authorization produces, releases in trade, imports, exports, offers for sale, keeps or uses a product or procedure being subject to patent protection, or without authorization uses, reproduces, imports, exports or distributes protected integrated circuit topography or software.

(3) Whosoever with the crime referred to in paragraphs (1) and (2) of this Article has obtained significant property benefit or has caused significant property damage, shall be sentenced to imprisonment of one to five years or shall be fined.

(4) If the crime referred to in paragraphs (1) and (2) of this Article is committed by an organized group or the crime has caused risk to human life and health, the offender shall be fined or sentenced to imprisonment of at least three years.

(5) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(6) The objects made and used for committing the crime shall be seized.

### **Abuse of authorization in the economy**

#### **Article 287**

(1) A responsible person who with the intent to acquire unlawful property benefit for the legal entity where he works or for some other legal entity: creates or keeps non-allowed funds in the country or abroad or composes a document with false contents, with a false financial statement, evaluation or inventory, or with some other false presentation or by covering up facts shows untruthfully the situation and the flow of funds and the results from work, therefore misleading the management bodies in the legal entity when making decisions, shall be sentenced to imprisonment of one to five years.

(2) The sentence stipulated in paragraph 1 shall be imposed to the responsible person in the legal entity which has a contract for housing of the reserves, which uses the goods without authorization, or transfers them or changes their purpose or the warehouse, or in other way disposes the goods, contrary to the provisions of the contract.

(3) If a significant property benefit was acquired through the crime referred to in paragraph 1, the offender shall be sentenced to imprisonment of one to ten years.

### **Chapter twenty-six**

## **CRIMES AGAINST THE GENERAL HUMAN AND PROPERTY SAFETY**

## **Causing a general danger**

### **Article 288**

(1) Whosoever by fire, flood, explosion, poison or poisonous gas, ionizing radiation, motor power, electrical or other energy, or by some other generally dangerous action or means causes a significant danger for the human life or body, or for property of a large extent, shall be sentenced to imprisonment of six months to five years.

(2) The sentence referred to in paragraph 1 shall be imposed to an official or responsible person who does not set up the prescribed devices for protection from fire, explosion, flood, poisons, poisonous gases or ionizing radiation, or does not maintain these devices in a functioning condition, or does not activate them in case of a need or generally does not act according to the regulations or technical rules concerning protective measures, and herewith causes danger for the human life and body, or for property of a large extent.

(3) If the crime referred to in paragraphs 1 and 2 is committed in a place where a greater number of people are gathered, the offender shall be sentenced to imprisonment of one to five years.

(4) Whosoever commits the crime referred to in paragraphs 1, 2 and 3 out of negligence shall be fined, or sentenced to imprisonment of up to three years.

(5) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Causing danger during construction work**

### **Article 289**

(1) A responsible person who during project preparation, management or execution of some construction or construction work acts against the regulations or to the generally acknowledged technical rules, and herewith causes danger for the human life and body or for property of a large extent, shall be sentenced to imprisonment of three months to five years.

(2) If the crime referred to in paragraph 1 was committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Damaging protective devices**

### **Article 290**

(1) Whosoever in mines, factories, workshops or generally during work, destroys, damages, makes unusable or removes the protective devices, and herewith causes danger for the human life and body or for property to a large extent, shall be sentenced to imprisonment of one to five years.

(2) A responsible person in a mine, factory, workshop, or generally at work, who does not set up protective devices, or does not maintain them in a proper functioning condition, or in case of a need does not activate them, or generally does not act according to the regulations and technical rules for protection at work, and herewith causes danger for the human life and body, or for property to a large extent, shall be sentenced to imprisonment of three months to five years.

(3) If the crime referred to in paragraphs 1 and 2 is committed out of negligence, the offender shall be fined, or sentenced to imprisonment of up to three years.

(4) When pronouncing a conditional sentence for the crime referred to in paragraphs 1, 2 and 3, the court shall condition the offender to set up the protection devices and put them in function within a determined deadline.

### **Destruction or damage of public installations**

#### **Article 291**

(1) Whosoever destroys, damages, removes, changes or makes unusable installations of public utilities for water, heat, gas or energy, or the installations of communication systems, and herewith causes a significant disturbance in the regular life of citizens or of the economic activities, shall be sentenced to imprisonment of six months to five years.

(2) Whosoever commits the crime referred to in paragraph 1 out of negligence shall be fined, or sentenced to imprisonment of up to one year.

### **Grave crimes against general safety**

#### **Article 292**

(1) If the crime referred to in Articles 288 paragraphs 1, 2 and 3, 289 paragraph 1, 290 paragraphs 1 and 2, and 291 paragraphs 1, results in a serious bodily injury caused to another or results in a greater property damage, the offender shall be sentenced to imprisonment of one to ten years.

(2) If the crime referred to in Article 288 paragraphs 1, 2 and 3, 289 paragraph 1, 290 paragraphs 1 and 2 and 291 paragraph 1, results in death of one or more persons, the offender shall be sentenced to imprisonment of at least three years.

(3) If the crime referred to in Article 288 paragraph 4, 289 paragraph 2, 290 paragraph 3 and 291 paragraph 2, results in a serious bodily injury caused to another or a results in a greater property damage, the offender shall be sentenced to imprisonment of three months to five years.

(4) If the crime referred to in Articles 288 paragraph 4, 289 paragraph 2, 290 paragraph 3 and 291 paragraph 2, results in death of one or more persons, the offender shall be sentenced to imprisonment of one to five years.

### **Damaging dams**

#### **Article 293**

Whosoever damages dams or devices that serve as protection against natural disasters shall be fined or sentenced to imprisonment of up to one year.

#### **Failure to remove a danger**

#### **Article 294**

(1) Whosoever does not undertake measures by early report to a competent authority or in some other manner, in order to remove a fire, flood, explosion, traffic accident or some other danger to the human life and body or to the property to a significant extent, even though it might have been done without causing risk to himself or to another, shall be fined or sentenced to imprisonment of up to one year.

(2) Whosoever by dissuading or in some other manner prevents another from undertaking measures for removing a flood, explosion, traffic accident or some other danger to the human life and body or to the property to a great extent, shall be sentenced to imprisonment of three months to three years.

#### **Unauthorized production and trade of generally dangerous materials**

#### **Article 295**

(1) Whosoever without authorization manufactures, produces, collects or hides ionizing or other materials possible to cause a general danger for the human life and property of a significant value, or enables another to acquire them without authorization or transfer them improperly, shall be fined, or sentenced to imprisonment of up to one year.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever, contrary to the regulations for trade in explosives or easily inflammable materials, hands over such materials for transportation in public means of transportation, or transfers them personally by using public means of transport.

(3) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

#### **Failure to participate in removing a general danger**

#### **Article 296**

Whosoever, in contrary to an order or a call from a competent body or organization, without a justified reason, refuses to participate in the removal of a danger from fire, flood or similar general disaster, shall be fined or sentenced to imprisonment of up to one year.

### **Chapter twenty-seven**

# **CRIMES AGAINST SAFETY IN PUBLIC TRAFFIC**

## **Endangering traffic safety**

### **Article 297**

(1) A participant in traffic on the public roads, who does not adhere to the regulations, and herewith endangers the public traffic in such a way as to endanger the human life and body and property to a significant extent, and because of this causes another a bodily injury or a significant property damage, shall be fined or sentenced to imprisonment of up to three years.

(2) Whosoever does not adhere to the safety regulations for traffic by bus, railroad, air and ship, aerial cableways or traffic by other means for public mass transportation, and herewith causes danger to the human life and body or to the property to a significant extent, shall be sentenced to imprisonment of six months to five years.

(3) Whosoever commits the crime referred to in paragraphs 1 and 2 out of negligence shall be fined or sentenced to imprisonment of up to one year.

## **Endangering traffic safety by dangerous action or means**

### **Article 298**

(1) Whosoever destroys, removes or more seriously damages a traffic device, means or sign, or a signalization device which serves for traffic safety, or gives a wrong signal or sign, or sets up an obstacle on the traffic artery, or in some other way endangers the traffic safety, and herewith causes a danger for the human life and body or for the property to a significant extent, shall be fined or sentenced to imprisonment of up to three years.

(2) Whosoever commits the crime referred to in paragraph 1 out of negligence shall be fined or sentenced to imprisonment of up to one year.

## **Unscrupulous traffic supervision**

### **Article 299**

(1) A responsible person who is entrusted with supervising the condition and maintenance of traffic ways and there located facilities, the means of transportation or the public transportation, or the fulfillment of prescribed work conditions for a driver, or who is entrusted with managing transportation, and herewith by unscrupulous performing of his duty causes danger for the human life and body or for property to a significant extent, shall be sentenced to imprisonment of six months to five years.

(2) The sentence referred to in paragraph 1 shall also be imposed to the responsible person who issues a driving order or who gives a permission for transportation, even though he knows that the driver, because of weariness, illness, dizziness or for other reasons, is incapable of safely

operating the vehicle or that the vehicle is not in order, and herewith causes a danger for the human life and body, and for property to a significant extent.

(3) Whosoever commits the crime referred to in paragraph 1 out of negligence shall be fined or sentenced to imprisonment of up to three years.

### **Grave crimes against human and property safety in traffic**

#### **Article 300**

(1) If the crime referred to in Article 297 paragraphs 1 and 2, 298 paragraph 1, and 299 paragraphs 1 and 2, results either in severe bodily injury of a person or a property damage of a large extent, the offender shall be sentenced to imprisonment of one to ten years.

(2) If the crime referred to in Article 297 paragraphs 1 and 2, 298 paragraph 1 and 299 paragraphs 1 and 2, results in death of one or more persons, the offender shall be sentenced to imprisonment of at least four years.

(3) If the crime referred to in Article 297 paragraph 3, 298 paragraph 2 and 299 paragraph 3 results in severe bodily injury to some person or property damage to a great extent, the offender shall be sentenced to imprisonment of three months to three years.

(4) If the crime referred to in Article 297 paragraph 3, 298 paragraph 2 and 299 paragraph 3, results in death of one or more persons, the offender shall be sentenced to imprisonment of one to five years.

### **Not assisting a person injured in a traffic accident**

#### **Article 301**

(1) A driver of a motor vehicle or of some other transportation means who leaves without assisting a person injured by that means of transport shall be fined or sentenced to imprisonment of up to one year.

(2) If because of not providing assistance, the result is a severe bodily injury or death of the injured, the offender shall be sentenced to imprisonment of three months to five years.

### **Hijacking an aircraft or ship**

#### **Article 302**

(1) Whosoever by force or by serious threat takes over the control over an aircraft during flight or over a ship when sailing, shall be sentenced to imprisonment of at least one year.

(2) If the crime referred to in paragraph 1, results in death of one or more persons or in destruction of the aircraft or the ship, the offender shall be sentenced to imprisonment of at least five years.

(3) If when committing the crime referred to in paragraph 1, the offender premeditatively murders another, he shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

### **Endangering air traffic safety**

#### **Article 303**

(1) Whosoever brings into an aircraft an explosive or similar device or substance, destroys or damages the navigation equipment or causes other damage to the aircraft, gives false information about the flight, improperly or incorrectly controls the flight, omits his duty of supervision over the air traffic safety, or in some other way endangers the safety of the aircraft flight, shall be sentenced to imprisonment of one to ten years.

(2) If because of the crime from item 1, one or more persons died, or the aircraft was destroyed, the offender shall be sentenced to imprisonment of at least five years.

(3) If during the commission of the crime referred to in paragraph 1, a person was premeditatively murdered, the offender shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

(4) If the crime referred to in paragraph 1 was committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(5) If the crime referred to in paragraph 4, resulted in death one or more persons or in destruction of the aircraft, the offender shall be sentenced to imprisonment of one to five years.

### **Destruction or removal of a sign for air traffic safety**

#### **Article 304**

Whosoever destroys, damages or removes a sign for air traffic safety shall be fined or sentenced to imprisonment of up to three years.

## **Chapter twenty-eight**

# **CRIMES AGAINST THE STATE**

### **High treason**

#### **Article 305**

Whosoever, by using force or serious threat, tries to change the constitutional system of the Republic of Macedonia, or to bring down the highest state bodies, shall be sentenced to imprisonment of at least five years.

## **Acknowledging occupation**

### **Article 306**

A citizen of the Republic of Macedonia, who acknowledges the occupation of the Republic of Macedonia, or to a certain part of it, shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

## **Endangering the territorial integrity**

### **Article 307**

(1) Whosoever, by use of force or serious threat to use force, attempts to occupy, to separate a part of the territory of the Republic of Macedonia, or to annex a part of this territory to some other country, shall be sentenced to imprisonment of at least five years.

(2) Whosoever, by use of force or serious threat to use force, attempts to change the borders of the Republic of Macedonia, shall be sentenced to imprisonment of at least four years.

## **Endangering the independence**

### **Article 308**

A citizen of the Republic of Macedonia, who places the Republic of Macedonia in a position of subordination or dependence in relation to some other country, shall be sentenced to imprisonment of at least five years.

## **Murder of representatives of the highest state bodies**

### **Article 309**

Whosoever, with the intent to endanger the constitutional system or security of the Republic of Macedonia, murders the President of the Republic, of the Parliament, of the Government, of the Constitutional Court, or of the Supreme Court of the Republic of Macedonia, shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

## **Kidnapping representatives of the highest state bodies**

### **Article 310**

(1) Whosoever, with the intent to endanger the constitutional system or the security of the Republic of Macedonia, kidnaps the President of the Republic, of the Parliament, of the Government, of the Constitutional Court, or of the Supreme Court of the Republic of Macedonia, shall be sentenced to imprisonment of at least three years.

(2) The offender of the crime referred to in paragraph 1 who voluntarily releases the kidnapped prior to being found, can be acquitted from the sentence.

## **Violence against representatives of the highest state authorities**

### **Article 311**

Whosoever, with the intent to endanger the constitutional system or the security of the Republic of Macedonia, by force or by serious threat prevents the President of the Republic, of the Parliament, of the Government, of the Constitutional Court, or of the Supreme Court of the Republic of Macedonia, from performing his duty, from doing something, or forces him to do or not to do something, shall be sentenced to imprisonment of at least four years.

## **Armed rebellion**

### **Article 312**

(1) Whosoever participates in an armed rebellion directed at endangering the constitutional system or the security of the Republic of Macedonia shall be sentenced to imprisonment of at least four years.

(2) The organizer or instigator of the rebellion shall be sentenced to imprisonment of at least five years.

## **Terrorist endangering of the constitutional system and security**

### **Article 313**

Whosoever, with the intent to endanger the constitutional system or the security of the Republic of Macedonia, causes or seriously threatens to cause an explosion, fire, flood, or some other generally dangerous action or act of violence, thus creating a sense of insecurity or fear among the citizens, shall be sentenced to imprisonment of at least ten years.

## **Diversion**

### **Article 314**

Whosoever, with the intent to endanger the constitutional system or the security of the Republic of Macedonia, destroys or damages an industrial, agricultural or other economic facility, traffic means, communication system, system for supplying water, heat, gas or some other type of energy, a dam or some other facility of a larger importance for the economy or for the regular life of the citizens, shall be sentenced to imprisonment of at least four years.

## **Sabotage**

### **Article 315**

Whosoever, when performing his work duty, with the intent to endanger the constitutional system or the security of the Republic of Macedonia, in a covered up, deceitful or some other way, causes a significant damage to a state body, institution or legal entity where he works, or to

some other state body, institution or legal entity, shall be sentenced to imprisonment of at least four years.

## **Espionage**

### **Article 316**

(1) Whosoever discloses a state secret, hands it over or makes it available to a foreign state, organization or to a person that serves them, shall be sentenced to imprisonment of at least four years.

(2) Whosoever creates an intelligence service for a foreign state or organization inside the Republic of Macedonia and manages it shall be sentenced to imprisonment of at least four years.

(3) Whosoever enters a foreign intelligence service collects data for it or in some other way assists in its work, shall be sentenced to imprisonment of one to ten years.

(4) Whosoever collects secret information or documentation, with the intent to announce them or hand them over to a foreign state, organization or to a person that serves them, shall be sentenced to imprisonment of one to ten years.

(5) If the crime referred to in paragraphs 1 and 4 is committed during war or direct military threat, or if it caused serious consequences for the security, or for the economic or military power of the Republic of Macedonia, the offender shall be sentenced to imprisonment of at least four years.

(6) A state secret shall be considered to be the information or documents which by law or by some other regulation, or by the decision of a competent body adopted on the basis of law, are declared to be a state secret, and whose disclosure has had or could have had damaging consequences for the political, economic or military interests of the Republic of Macedonia.

## **Disclosing a state secret**

### **Article 317**

(1) Whosoever announces, hands over or makes available an entrusted state secret to the public or to an unauthorized person shall be sentenced to imprisonment of one to ten years.

(2) Whosoever announces, hands over or makes available to the public or to an unauthorized person, data or documents for which he knows are a state secret, and which he acquired in an unlawful manner, shall be sentenced to imprisonment of one to five years.

(3) If the crime referred to in paragraph 1 is committed during war or direct military danger, or which has caused an endangering of the security, of the economic or military power of the Republic of Macedonia, the offender shall be sentenced to imprisonment of at least four years.

(4) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be sentenced to imprisonment of six months to five years.

### **Call for a violent change of the constitutional system**

#### **Article 318**

Whosoever, with the intent to endanger the constitutional system or security of the Republic of Macedonia, publicly or by spreading documents calls for or instigates direct performance or supports the performance of the crimes referred to in Articles 307 to 317, shall be sentenced to imprisonment of three months to five years.

### **Causing national, racial or religious hate, discord and intolerance**

#### **Article 319**

(1) Whosoever by force, maltreatment, endangering the security, mocking of the national, ethnic or religious symbols, by damaging other people's objects, by desecration of monuments, graves, or in some other manner causes or excites national, racial or religious hate, discord or intolerance, shall be sentenced to imprisonment of one to five years.

(2) Whosoever commits the crime referred to in paragraph 1 by abusing his position or authorization, or if because of these crimes, riots and violence were caused against the people, or property damage to a great extent was caused, shall be sentenced to imprisonment of one to ten years.

### **Violation of the territorial sovereignty**

#### **Article 320**

Whosoever, with the intent to endanger the constitutional system or the security of the Republic of Macedonia, enters onto the territory of the Republic of Macedonia by violating the regulations of international law shall be sentenced to imprisonment of one to five years.

### **Preventing fight against the enemy**

#### **Article 321**

(1) A citizen of the Republic of Macedonia who, during war or during an armed conflict, prevents the citizens of the Republic of Macedonia or the citizens of its allies to fight against the enemy, shall be sentenced to imprisonment of at least four years.

(2) A citizen of the Republic of Macedonia who, during war or during an armed conflict, dissuades the citizens of the Republic of Macedonia or the citizens of its allies, to fight against the enemy, shall be sentenced to imprisonment of at least one year.

### **Service in an enemy army**

#### **Article 322**

(1) A citizen of the Republic of Macedonia who, during war or during an armed conflict, serves in an enemy army or in some other military formation of the enemy, or participates in a war or an armed conflict as a soldier against the Republic of Macedonia or its allies, shall be sentenced to imprisonment of at least three years.

(2) Whosoever turns a citizen of the Republic of Macedonia to service the enemy army or in some other armed formation of the enemy, or for participation in a war or armed conflict against the Republic of Macedonia or its allies, shall be sentenced to imprisonment of at least four years.

#### **Helping the enemy**

#### **Article 323**

A citizen of the Republic of Macedonia, who during war helps the enemy in conducting a requisition, seizing food or other property, or in implementing other measures of coercion against the population, shall be sentenced to imprisonment of at least one year.

#### **Association for enemy activity**

#### **Article 324**

(1) Whosoever makes conspiracy, gang, group or other association of people or organization for the purpose of performing crimes stipulated in Articles 305 to 311, 313, 314, 315, 321 and 322, paragraph 2, shall be sentenced to imprisonment of at least four years.

(2) Whosoever becomes a member of the association referred to in paragraph 1 shall be sentenced to imprisonment of one to five years.

(3) The offender of the crime referred to in paragraph 1, who by disclosing the association or in some other way prevents the commission of the crimes anticipated in paragraph 1, shall be sentenced to imprisonment of three months to three years, and may be acquitted from the sentence.

(4) A member of an association referred to in paragraph 1, who discloses the association before committing a crime anticipated in that paragraph, as a member of this association or for it, shall be acquitted from punishment.

(5) The objects and means intended for preparation of the crimes, as well as the finances of the association shall be seized.

#### **Sheltering and assisting an offender after committing a crime**

#### **Article 325**

(1) Whosoever hides an offender of a crime referred to in Articles 305 to 317 and 324, provides him shelter, food, money or other means, serves him for maintaining contact, performs actions for preventing his discovery or capture, or in some other way provides assistance to him, shall be sentenced to imprisonment of one to ten years.

(2) The sentence to the crime referred to in paragraph 1 cannot be more severe, by kind nor by degree, than the sentence prescribed for the crime committed by the offender to whom assistance has not been provided.

(3) A person shall not be punished, if the offender of the crimes listed in paragraph 1 is his spouse, is a person living with him in a permanent unwed partnership, a blood relative in direct line, a brother or a sister, an adoptive parent or adoptee, as well as their marital partners or the persons who live in a permanent unwed partnership with them.

### **A sentence for preparation**

#### **Article 326**

Whosoever prepares the commission of a crime (Article 18 paragraph 3) from Article 309, 312, 313 and 314, shall be sentenced to imprisonment of three to ten years.

### **Sentencing for the most grave forms of crimes**

#### **Article 327**

(1) If the crime referred to in Article 305, Article 307, and from Articles 312 to 315 results in death of one or more persons or if a property damage of a large extent was caused, the offender shall be sentenced to imprisonment of at least ten years.

(2) If during the commission of the crime referred to in paragraph 1 the offender premeditatedly murders one or more persons, he shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

(3) The sentence referred to in paragraph 2 shall also be imposed to whosoever commits a crime referred to in Articles 305, 306 and 307, Articles 312 to 316 and Article 324, during war or direct military danger.

## **Chapter twenty-nine**

# **CRIMES AGAINST THE ARMED FORCES**

### **Failure or refusal to execute a command**

#### **Article 328**

(1) A military person who does not execute or refuses to execute an order from his superior, in connection with his duty, and herewith causes more serious consequences for the service or the service was endangered more seriously, shall be sentenced to imprisonment of three months to three years.

(2) A military person, who out of negligence does not execute the order from his superior referred to in paragraph 1, shall be fined or sentenced to imprisonment of up to one year.

(3) If the military person refuses to execute an unlawful order, it shall be considered that there is no crime.

### **Refusal to accept and use arms**

#### **Article 329**

(1) A military person, who except for the case determined by law, refuses to accept arms or to use them on command or according to the regulations of the service, shall be sentenced to imprisonment of one to five years.

(2) A military obligor who without justified reason refuses to accept arms from the competent body, which except in the cases specified by law are awarded to him in regard with the service in the reserves of the military forces, shall be sentenced to imprisonment of three months to three years.

### **Opposing a superior**

#### **Article 330**

(1) A military person, who together with other military persons opposes a command from a superior in regard with the duty, and who does not want to execute or refuses to execute his duty, shall be sentenced to imprisonment of three months to five years.

(2) If the crime referred to in paragraph 1 is committed in an organized manner, the offender shall be sentenced to imprisonment of one to ten years.

(3) If the crime referred to in paragraphs 1 and 2 is committed with use of arms, the offender shall be sentenced to imprisonment of at least one year.

(4) The military person who during the commission of the crime referred to in paragraph 3 murders another out of negligence shall be sentenced to imprisonment of at least three years.

(5) A military person who during the commission of the crime referred to in paragraphs 1 and 2 premeditatively murders another shall be sentenced to imprisonment of at least five years, or to life imprisonment.

(6) A military officer, who in the case of the crime referred to in paragraphs 1, 2 and 3 and paragraph 5 fails to undertake the necessary measures to restore order, shall be sentenced to imprisonment of one to five years.

### **Opposition to a sentry, guard, patrol, duty officer or other military person on similar duty**

#### **Article 331**

A military person who opposes a sentry, guard, patrol, or duty officer, or some other military person on similar duty, while performing his official duty, as well as a military person who does not answer their call or does not execute or refuses to execute their command, and thus results in more serious consequences for the service or the service is more seriously endangered, shall be sentenced to imprisonment of six months to three years.

### **Coercion towards a military person in performing his official duty**

#### **Article 332**

(1) Whosoever, by force or by threatening to directly use force, prevents a military person to perform an official duty, or forces him to perform an official duty, shall be sentenced to imprisonment of six months to three years.

(2) The attempt of the crime referred to in paragraph 1 is punishable.

(3) If the commission of the crime referred to in paragraph 1 has resulted in serious consequences for the service, the offender shall be sentenced to imprisonment of six months to five years.

### **Attack upon a military person while performing his official duty**

#### **Article 333**

(1) Whosoever attacks or seriously threatens to attack a military person who is performing his duty, shall be fined or sentenced to imprisonment of up to three years.

(2) If during the commission of the crime referred to in paragraph 1 the offender has caused serious bodily injury to the military person or has threatened to use arms, he shall be sentenced to imprisonment of six months to five years.

(3) If during the commission of the crime referred to in paragraph 1, a military person suffered a serious bodily injury, or serious consequences for the service were caused, the offender shall be sentenced to imprisonment of one to ten years.

(4) If during the commission of the crime referred to in paragraph 1, the offender premeditatively murders a military person, he shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

## **Mitigative punishment for crimes from Article 328 and Articles 330 to 333**

### **Article 334**

If the offender of the crimes from Article 328 paragraphs 1 and 3, Article 330 paragraph 1, Article 331, Article 332 paragraphs 1 and 2, and Article 333 paragraphs 1 and 2, was provoked by an unlawful or rude behavior by the military person, can be sentenced mitigative or acquitted from punishment.

## **Maltreatment of a subordinate or younger person**

### **Article 335**

(1) A military officer who, in the service or in regard with the service, maltreats a subordinate or a younger person, or behaves with him in a manner insulting to human dignity, shall be sentenced to imprisonment of three months to three years.

(2) If the crime referred to in paragraph 1 was committed against several persons, the offender shall be sentenced to imprisonment of one to five years.

## **Violation of a guard, patrol or similar duty**

### **Article 336**

(1) Military person who acts against the regulations for guard patrol duty, for duty of a duty officer or for other similar duty, and because of this more serious consequences for the service are caused, or the service was more seriously endangered, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in paragraph 1 was committed at an arms warehouse, ammunition or explosive materials, or at some other facility of great importance, the offender shall be sentenced to imprisonment of three months to three years.

(3) If because of the crime referred to in paragraphs 1 and 2, some person sustained a serious bodily injury or a property damage of a large extent or some other serious consequences were caused, the offender shall be sentenced to imprisonment of six months to five years.

(4) If the crime referred to in paragraphs 1 and 2, resulted in death of a person, the offender shall be sentenced to imprisonment of one to ten years.

(5) If the crimes referred to in paragraphs 1 to 4 are committed out of negligence, the offender shall be sentenced for the crime referred to in paragraph 1 to imprisonment of up to six months; for the crime referred to in paragraph 2 with a fine or to imprisonment of up to one year; for the crime referred to in paragraph 3 with a fine or to imprisonment of up to three years and for the crime referred to in paragraph 4 with a fine or to imprisonment of up to five years.

## **Violation of guarding the state border**

#### **Article 337**

(1) Military person who, while performing his duty at the border acts against the regulations for guarding the state border, and thus causes more serious consequences for the service or the service was more seriously endangered, shall be sentenced to imprisonment of three months to three years.

(2) If the crime referred to in paragraph 1 resulted in serious bodily injury or a property damage of a large extent or some other serious consequences were caused, the offender shall be sentenced to imprisonment of six months to five years.

(3) If the crime referred to in paragraph 1 results in death of another, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the crime referred to in paragraph 1 was committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to one year.

(5) If the crime referred to in paragraph 4 resulted in the consequence from paragraph 2, the offender shall be fined or sentenced to imprisonment of up to three years, and if it resulted in the consequence from paragraph 3, the offender shall be sentenced to imprisonment of one to five years.

#### **Submitting untruthful reports and statements**

#### **Article 338**

(1) A military person who, while performing his duty, submits a report or statement with untrue contents or in a report or statement omits some fact which should not have been omitted, and therefore causes more serious damaging consequences to the service, or the service is more seriously endangered, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in paragraph 1 was committed by submitting a report or statement of special importance, because of which serious consequences were caused, the offender shall be sentenced to imprisonment of one to five years.

(3) If the crime referred to in paragraph 2 was committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to one year.

#### **Not undertaking measures for protection of a military unit**

#### **Article 339**

(1) A military officer who does not undertake the prescribed, ordered or other evidently necessary measures for protection of the human life and health entrusted to him, for the safety and maintenance in good functioning order of the facilities, objects and equipment which serve for combat readiness, for an orderly supply of the unit entrusted to him with food, equipment and material, for keeping and care of livestock, or for a timely and regular execution of security

actions or guarding of the facilities that are entrusted to him, and herewith brings into danger the human life or seriously endangers the human health or the property of a great value, shall be fined or sentenced to imprisonment of up to three years.

(2) If the crime referred to in paragraph 1, results in a serious bodily injury or if a property damage of a larger extent or other serious consequences are caused the offender shall be sentenced to imprisonment of six months to five years.

(3) If the crime referred to in paragraph 1 results in death of another, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to one year.

(5) If crime referred to in paragraph 4, results in the consequence from paragraph 2, the offender shall be fined or sentenced to imprisonment of up to three years and if the result was the consequence from paragraph 3, the offender shall be sentenced to imprisonment of one to five years.

### **Lack of security during military exercises**

#### **Article 340**

(1) A military person who during exercises, training or performing an experiment, does not undertake the prescribed, ordered or evidently necessary measures of security or precaution, and herewith brings into danger the human life or seriously endangers the human health or property of a great value, shall be fined or sentenced to imprisonment of up to three years.

(2) If the crime referred to in paragraph 1, results in a serious bodily injury was or if a property damage of a larger extent or other serious consequences were caused, the offender shall be sentenced to imprisonment of six months to five years.

(3) If the crime referred to in paragraph 1 results in another's death, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the crime referred to in paragraph 1 was committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to one year.

(5) If because of the crime referred to in paragraph 4, the consequence from paragraph 2 was caused, the offender shall be fined or sentenced to imprisonment of up to three years and if the consequence from paragraph 3 was caused, the offender shall be sentenced to imprisonment of one to five years.

### **Not responding to a call and avoiding military service**

#### **Article 341**

(1) Whosoever, although individually or generally summoned, without justified reason does not come at the determined time at the competent state body in regard with the entry in the military records, medical control, recruitment, serving the military term, announcing the military schedule or participating in military exercise, shall be fined or sentenced to imprisonment of up to one year.

(2) Whosoever hides in order to avoid the obligation referred to in paragraph 1, even though he was summoned with an individual or with a general summons, shall be sentenced to imprisonment of three months to three years.

(3) Whosoever leaves the country or remains abroad, in order to avoid recruitment or serving the military term, military exercise or some other military service, shall be sentenced to imprisonment of one to five years.

(4) Whosoever calls or instigates several people to commit the crimes referred to in paragraphs 1, 2 and 3, shall be punished for the crime referred to in paragraph 1 with a fine or with imprisonment of up to three years and for the crime referred to in paragraph 2 and 3, with imprisonment of one to ten years.

(5) The offender of the crime stipulated in paragraphs 2 and 3 who will voluntarily report to the relevant state body can be subject to mitigated sentence or can be acquitted from the sentence.

### **Avoiding military service by incapacitating or deceit**

#### **Article 342**

(1) Whosoever, with the intent to avoid military service or to be positioned to an easier duty, wounds himself or in some other manner temporarily incapacitates himself for military service or who allows another to incapacitate him temporarily, as well as a person who, with or without his permission, incapacitates temporarily another with the same intent, shall be sentenced to imprisonment of three months to five years.

(2) If the commission of the crime referred to in paragraph 1 results in a permanent disability for military service, the offender shall be sentenced to imprisonment of one to five years.

(3) Whosoever, with the intent referred to in paragraph 1, simulates an illness or uses a false document for him or for another, or acts in some other deceitful manner, shall be sentenced to imprisonment of three months to three years.

### **Unlawful exemption from military service**

#### **Article 343**

Whosoever by misusing his position or authorization enables exemption from duty, or disposition to an easier duty of a military person or a person who is subject to military duty, shall be sentenced to imprisonment of one to five years.

## **Self-willed distancing or escape from the armed forces**

### **Article 344**

- (1) A military person who willfully leaves his unit or service and who does not return to duty within ten days, or within the same period does not return from a leave of absence from the unit or service, shall be fined or sentenced to imprisonment of up to one year.
- (2) The sentence referred to in paragraph 1 shall also be imposed to a military person who more than twice and less than ten days remains away from his unit or service without permission.
- (3) A military person who, willfully abandons his unit or service of his own will, during the execution of an important task or during an increased level of combat readiness of the unit, shall be sentenced to imprisonment of three months to three years.
- (4) A military person who hides in order to avoid service in the armed forces, or who willfully abandons his unit or service and does not return to duty within 30 days, or who does not return from a leave of absence from the unit or service within the same period, shall be sentenced to imprisonment of six months to five years.
- (5) A military person, who leaves the country or remains abroad in order to avoid the service in the armed forces, shall be sentenced to imprisonment of one to ten years.
- (6) A military person, who prepares an escape abroad in order to avoid service in the armed forces, shall be sentenced to imprisonment of six months to five years.
- (7) The offender of the crime referred to in paragraphs 3 and 4, who voluntarily reports himself to the competent state body, can be subject to more mitigated sentence.

## **Unscrupulous manufacturing and taking over of military material**

### **Article 345**

- (1) A military or some other person who - in an enterprise, in some other organization, community or institution which works for the needs of defense - is entrusted with the management and control of the production or with some other economic process or their supervision, who performs unscrupulously the task entrusted to him, and due to this the weapons, ammunition, explosives and other combat materials are not manufactured on time or they do not correspond the prescribed quality, shall be sentenced to imprisonment of three months to three years.
- (2) The sentence referred to in paragraph 1 shall be imposed to a military person who, while unscrupulously performing his duty accepts supply goods, equipment or army weapons that do not correspond to the prescribed conditions or to the agreement.
- (3) If the crime referred to in paragraphs 1 and 2 results in serious consequences, the offender shall be sentenced to imprisonment of one to five years.

(4) If the crimes referred to in paragraphs 1 and 2 are committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to one year.

(5) If the crime referred to in paragraph 4 resulted in the consequence from paragraph 3, the offender shall be sentenced to imprisonment of three months to three years.

### **Irregular and careless behavior towards the entrusted weapons**

#### **Article 346**

(1) Whosoever irregularly or carelessly holds, keeps or handles the entrusted weapons, ammunition or explosives which belong to a military unit or to a military institution, and herewith causes their damage to a greater extent, their destruction or disappearance, shall be fined or sentenced to imprisonment of up to one year.

(2) An operator of a warehouse for weapons, ammunition, explosives and other combat equipment, who does not undertake measures for their security or maintenance, and this results in a damage, destruction or disappearance of this combat equipment, shall be sentenced to imprisonment of three months to five years.

(3) If the crime referred to in paragraph 2 causes a property damage of a great extent, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the crime referred to in paragraph 2 was committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(5) If the crime referred to in paragraph 4, results in the consequence from paragraph 3, the offender shall be sentenced to imprisonment of three months to five years.

### **Unlawful disposing of entrusted weapons**

#### **Article 347**

Whosoever appropriates, transfers, pledges, hands over to another for use, damages or destroys weapons, ammunition or explosives which are entrusted to him for use, and which serve for the needs of the defense of the Republic of Macedonia, shall be sentenced to imprisonment of six months to five years.

### **Theft of weapons or of part of combat equipment**

#### **Article 348**

(1) Whosoever steals weapons, ammunition, explosives or a part of combat equipment that serves for the needs of the defense of the Republic of Macedonia, shall be sentenced to imprisonment of three months to five years.

(2) If the value of the objects referred to in paragraph 1 exceeds a greater property value, or if the theft was committed by breaking in or by burglary into closed buildings, rooms, safes, chests or other closed premises, or by several persons who associated themselves for committing the theft, or in an especially dangerous and insolent manner or by a person who carried a weapon or dangerous tool for attack or defense, or during a fire, flood or similar disaster, the offender shall be sentenced imprisonment of one to ten years.

(3) If the value of the objects referred to in paragraph 1 is significant, the offender shall be sentenced to imprisonment of at least five years.

### **Disclosing a military secret**

#### **Article 349**

(1) A military or some other person who, contrary to his duties for keeping a military secret, announces, hands over to another or in some other way makes available information which is a military secret, or who acquires such information with the intent to hand it over to an unauthorized person, shall be sentenced to imprisonment of three months to five years.

(2) If the crime referred to in paragraph 1 was committed out of self-interest or in regard to especially confidential information or because of publication or use of the information abroad, the offender shall be sentenced to imprisonment of at least one year.

(3) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(4) A military secret is considered to be information and documents which by law, by some other regulation or by decision of a competent body adopted on the basis of law, have been declared to be a military secret, and whose disclosure has had or could have had more serious harmful consequences for the armed forces and for their preparation for defense of the Republic of Macedonia.

### **Unauthorized entry into military facilities and making sketches or drawings of military facilities and combat equipment**

#### **Article 350**

(1) Whosoever enters without authorization a military facility for the purpose of reconnaissance, even though he knows that the entrance is prohibited, shall be fined or sentenced to imprisonment of up to one year.

(2) Whosoever without authorization makes sketches or drawings of military facilities or of combat equipment, or takes photos of them, i.e. in some other manner records them, shall be fined or sentenced to imprisonment of up to three years.

### **Conditions for pronouncing a disciplinary punishment, i.e. measure**

#### **Article 351**

A military person may be sentenced to a disciplinary punishment, i.e. a measure determined by law, instead of to a criminal sanction, for a crime against the armed forces for which a punishment of up to three years is prescribed, in case if the crime received an especially light form, and if the interests of the service request this.

#### **Responsibility for a crime committed on command from a superior**

#### **Article 352**

A subordinate shall not be punished if he commits a crime on command from his superior, while that command concerned the official duty, except if the command was directed towards committing a war crime or some other grave crime, or if he knew that the execution of the command represents a crime.

### **Chapter thirty**

## **CRIMES AGAINST OFFICIAL DUTY**

#### **Abuse of official position and authorization**

#### **Article 353**

(1) An official person who, by using his official position or authorization, by exceeding the limits of his official authorization, or by not performing his official duty, acquires for himself or for another some kind of benefit or causes damage to another, shall be sentenced to imprisonment of six months to three years.

(2) If the offender of the crime referred to in paragraph 1 acquires a greater property benefit, or causes greater property damage, or violates the rights of another more severely, he shall be sentenced to imprisonment of six months to five years.

(3) If the offender of the crime referred to in paragraph 1 acquires a significant property benefit or causes a significant damage, he shall be sentenced to imprisonment of at least three years.

(4) Responsible person in the foreign legal entity which has a representative office or performs an activity in the Republic of Macedonia or a person that performs activities of public interest, shall be sentenced with the punishments referred to in paragraphs 1, 2 and 3, in case if the crime is committed while performing his specific authorization or duty.

(5) If the crime stipulated in paragraph (1) and (4) is performed during execution of public purchases or causing damage to the finances of the Budget of the Republic of Macedonia, public funds or other state owned funds, the offender shall be sentenced to imprisonment of at least five years.

## **Violation of the guarding of the state border**

### **Article 353-a**

(1) An official person, who will act against the regulations for guarding of the state border during performing duty on the border, and that results in severe harmful effects for the service or the service becomes severely damaged, shall be sentenced to imprisonment of three months to three years.

(2) If severe bodily injury or material damage of great extent or other severe consequences occurred as a result of the crime stipulated in paragraph 1, the offender shall be sentenced to imprisonment of six months to five years.

(3) If the crime referred to in paragraph 1 results in death of a person, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the crime stipulated in paragraph 1 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to one year.

(5) If the crime referred to in paragraph 4 results in the consequence referred to in paragraph 2, the offender shall be fined or sentenced to imprisonment of up to three years, while if the result is the consequence referred to in paragraph 3, the offender shall be sentenced to imprisonment of one to five years.

## **Not executing an order**

### **Article 353-b**

(1) An official person who, during the execution of the duty regarding prevention and revealing of crimes, capturing the offenders of crimes or maintaining the public order, peace and safety of the country, does not execute or refuses to execute order of a superior to undertake an official action and thus result in a severe breach of the rights of another, severe disturbance of the public order and peace or cause greater material damage, shall be sentenced to imprisonment of three months to three years.

(2) An official person that will not execute the superior's order stipulated in paragraph 1 out of negligence, shall be fined or sentenced to imprisonment up to one year.

(3) If the official person refuses to commit an unlawful order, it shall not be considered a crime.

## **Unscrupulous operation within the service**

### **Article 353-c**

(1) An official person or authorized person in public enterprise or public institution who, through breach of the legal regulations for conflict of interest or for scrupulous action during the performance of a discretion authority, with omission of relevant supervision or in other way

obviously incorrectly acts in the performance of his authorization and duties and thus acquires a benefit for himself or causes a damage to another, shall be sentenced to imprisonment of three months to three years.

(2) If the offender of the crime stipulated in paragraph 1 obtains greater property benefit or cause greater material damage or severely breaks the rights of another, shall be sentenced to imprisonment of six months to five years.

(3) If the offender of the crime stipulated in paragraph 1 obtains significant property benefit or cause significant material damage, shall be sentenced to imprisonment of at least three years.

(4) The sentence stipulated in paragraphs 1, 2 and 3 shall be imposed on the responsible person, responsible person in a foreign legal entity which has a representation office in the Republic of Macedonia or person that performs activity of public interest, if the crime is committed during his special authorization or duty, determined by law.

(5) An official or responsible person in a state administration body or in another legal entity that by violating the legal regulations on implementation of the administrative procedure, by omitting obligatory supervision or by acting in any other unscrupulous manner in the exercise of its authorizations and duties, gains personal benefit or benefit for another party or causes damage to another party shall be sentenced to imprisonment of six months to three years and shall be fined.

(6) Whosoever commits the act referred to in paragraph (5) due to negligence shall be sentenced to imprisonment of six months to two years and shall be fined.

### **Embezzlement in the service**

#### **Article 354**

(1) An official person who, with the intent to acquire an unlawful property benefit for him or for another, appropriates money, securities or other movable objects that are entrusted in the service, shall be sentenced to imprisonment of six months to five years.

(2) If the offender of the crime referred to in paragraph 1 acquires a greater property benefit, shall be sentenced to imprisonment of one to ten years.

(3) If the offender of the crime referred to in paragraph 1 acquired a significant property benefit, he shall be sentenced to imprisonment of at least four years.

(4) If the offender of the crime referred to in paragraph 1 acquired a small property benefit and was directed towards acquiring such property benefit, shall be fined or sentenced to imprisonment.

(5) The sentence referred to in paragraphs (1), (2) and (3) of this Article shall also be imposed to a responsible person, a responsible person in a legal entity with head office in the Republic of

Macedonia or a person performing activities of public interest, if the crime is committed by exercising his special authorization or duty, as determined by law.

### **Defraud in the service**

#### **Article 355**

(1) An official person who, when performing his service, with the intent to acquire an unlawful property benefit for himself or for another, by submitting false bills or in some other way deceives the authorized person to effect an unlawful payment, shall be sentenced to imprisonment of six months to five years.

(2) If the crime referred to in paragraph 1 a larger property benefit was acquired, the offender shall be sentenced to imprisonment of one to ten years.

(3) If with the crime referred to in paragraph 1 a significant property benefit was acquired, the offender shall be sentenced to imprisonment of at least three years.

(4) The sentence referred to in paragraphs 1, 2 and 3 shall also be imposed

### **Use of resources for personal benefit while in service**

#### **Article 356**

An official person who without authorization uses for personal benefit money, securities or other movable objects entrusted in the service, or gives these objects without authorization to another's use, shall be sentenced to imprisonment of three months to five years.

### **Taking bribe**

#### **Article 357**

(1) An official person who directly or indirectly requests or receives a gift or another benefit or is promised to receive a gift or another personal benefit or benefit for another, in order to perform an official activity which should not be performed, or does not perform an official activity which should be performed, shall be sentenced to imprisonment of four to ten years.

(2) An official person who directly or indirectly requests or receives a gift or another benefit or is promised to receive a gift or another personal benefit or benefit for another, in order to perform an official activity which must be performed, or does not perform an official activity which must not be performed, shall be sentenced to imprisonment of one to five years.

(3) An official person who, after the commission or non-commission of the official activity referred to in paragraphs (1) and (2) of this Article requests, receives or agrees to receive a gift or some other benefit shall be sentenced to imprisonment of three months to three years.

(4) If greater property benefit is obtained with the crime, the offender shall be sentenced to imprisonment of at least four years.

(5) If significant property benefit is obtained with the crime, the offender shall be sentenced to imprisonment of at least five years.

(6) The sentence referred to in paragraphs (1), (2), (3), (4) and (5) of this Article shall be as well imposed on a responsible person performing activities of public interest, as well as a foreign official person.

(7) The received present or acquired property benefit shall be seized.

## **Giving bribe**

### **Article 358**

(1) Whosoever, directly or indirectly, gives, promises or offers gift or another personal benefit to an official person, or benefit for another, in order for the official person to perform an official activity, which otherwise should not be performed, or not to perform an official activity which must be performed, or whosoever mediates in such relation, shall be sentenced to imprisonment of one to five years.

(2) Whosoever, directly or indirectly, gives, promises or offers the official person a gift or other personal benefit or benefit for another, in order for the official to perform an official activity which otherwise must be performed, or not to perform an official activity which should not be performed, or whosoever mediates in such relation, shall be sentenced to imprisonment of one to three years.

(3) For the crime referred to in paragraphs (1) and (2) of this Article the court may acquit the sentence of the offender that has given or promised bribe, upon a request of an official person, and reports that before it is found out that the crime has been detected.

(4) The provisions referred to in paragraphs 1, 2 and 3 shall also be applied when bribe is given or promised to a responsible person, responsible person in a legal entity, person performing an activity of public interest and foreign official person, in regard to the crime referred to in Article 357.

(5) If the crime stipulated in paragraph 1 is committed by a legal entity, it shall be fined.

(6) The given present or property benefit shall be seized, and in case of paragraph (3) when acquitted from the sentence they may be returned to the person who gave the bribe.

### **Article 358-a**

## **Giving a reward for unlawful influence**

(1) Whosoever directly or indirectly gives a reward, gift or another benefit or promises or offers such benefit, personal or for a third party, in order to use its real or supposed influence, official or social position or image to request, intervene, motivate or in any other manner influence the performance of a specific official activity which must be performed, or not to perform an official activity that should not be performed, shall be sentenced to imprisonment of one to three years.

(2) Whosoever directly or indirectly gives to another the reward, gift or another benefit, the promise or offer for such benefit, so that by using its real or supposed influence, official or social position or image, it requests, intervenes, motivates or in any other manner influences the performance of an official activity that otherwise should not be performed or does not perform an official duty that otherwise must be performed, shall be sentenced to imprisonment of one to five years.

(3) If the crime referred to in paragraph (2) of this Article is committed in regard to initiation and conduct of a criminal procedure against a certain person, the offender shall be sentenced to imprisonment of three to five years.

(4) Whosoever directly or indirectly gives to another a reward, gift or another benefit or promises or offers such benefit, personal or for a third party, in order to use its real or supposed influence, official or social position or image, will request, intervene, motivate or in another manner influence the responsible person, responsible person in a foreign legal entity performing activity in the Republic of Macedonia, or a person performing activities of public interest, to perform or not to perform an activity contrary to its duty, shall be fined or sentenced to imprisonment of up to three years.

(5) If the crime referred to in paragraphs (1), (2), (3) and (4) of this Article is committed upon a request of a person that shall illegally mediate, and the offender has reported it before it has been detected or before it is found out that it is detected, the offender may be acquitted from the sentence.

(6) The reward, gift or another benefit shall be seized.

### **Accepting a reward for unlawful influence**

#### **Article 359**

(1) Whosoever directly or indirectly receives a reward, gift or some other benefit or promises or offers such personal benefit or benefit for a third party by abusing the real or supposed influence, official or social position and image, will request, intervene, motivate or in any other manner influence the performance of an official activity that must be performed or is not performed and should not be performed, shall be sentenced to imprisonment of one to three years.

(2) The sentence referred to in paragraph (1) of this Article shall be imposed on whosoever by abusing its real or supposed influence, official or social position and image will request, intervene, motivate or in any other manner will influence the performance of an official activity that otherwise should not be performed or not to perform an official duty that must be performed.

(3) If the crime referred to in paragraph 2 is committed in regard to initiation or conduct of a criminal procedure against certain person, the offender shall be sentenced to imprisonment of one to five years.

(4) Whosoever by abusing the real or supposed influence, official or other position, and image requests, intervenes motivates or in any other manner influences the responsible person, responsible person in a foreign legal entity performing an activity in the Republic of Macedonia or a person performing activities of public interest for a reward, gift or other benefit, or promise for such benefit, performs or does not perform an activity contrary to its duty shall be fined or sentenced to imprisonment of up to one year.

(5) If the consequence from the crime referred to in paragraph 4 is unlawful acquisition or loss of rights, or acquisition of greater property benefit or causing greater damage to another, to a domestic or a foreign legal entity, the offender shall be sentenced to imprisonment of one to five years.

(6) If the crime referred to in this Article is committed by a legal entity it shall be fined.

(7) If a reward or some other benefit is received for the mediation referred to in paragraphs 2 and 3, the offender shall be sentenced to imprisonment of one to ten years.

(8) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

### **Unlawful obtaining and covering property**

#### **Article 359-a**

(1) Official person or responsible person in a public enterprise, public institution or other legal entity having at its disposal state capital, who against the legal obligation to report the material condition or its change provides false or incomplete data regarding its property or the property of the members of his family, which in significant amount exceeds his legal revenues, shall be sentenced to imprisonment of six months to five years and shall be fined.

(2) The sentence referred to in paragraph (1) of this Article shall be imposed to an official person or responsible person in a public enterprise, public institution or other legal entity having at its disposal state capital which provides false data or covers its true sources, when in legally regulated procedure it is confirmed that during the performance of its function or duty, he or a member of his family has obtained property that in significant amount exceeds its legal revenues.

(3) If the crime referred to in paragraphs (1) and (2) of this Article has been committed against a property which in greater extent exceeds its legal revenues, the offender shall be sentenced to imprisonment of one to eight years and shall be fined.

(4) For the crimes referred to in paragraphs (2) and (3) of this Article, the offender shall not be sentenced if during the procedure he gives in court acceptable explanation regarding the origin of the property.

(5) The property exceeding the legally obtained revenues by the offender, wherefore he has provided false or incomplete data or has not provided any data or covers its true sources of origin shall be confiscated, and if such confiscation is not possible, another property corresponding to its value shall be confiscated from the offender.

(6) The property referred to in paragraph (5) of this Article shall be as well confiscated from the members of the offender's family for whom it has been obtained or to whom it has been transferred, should it be obvious that they have not given counter-compensation corresponding to its value, as well as from third parties unless they prove to have given counter-compensation corresponding to the value of the object or the property.

### **Disclosing an official secret**

#### **Article 360**

(1) Whosoever announces, hands over, or in some other manner makes available data to the public or to an unauthorized person, which are considered to be an official secret, or who acquires such data with the intent to announce them or hand them over to the public or to an unauthorized person, shall be sentenced to imprisonment of three months to five years.

(2) If the crime referred to in paragraph 1 is committed out of self-interest or for using data abroad, the offender shall be sentenced to imprisonment of at least one year.

(3) If the crime referred to in paragraph 1 is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(4) An official secret is considered to be data or documents which by law, by some other regulation or by decision of a competent body adopted on the basis of a law, have been declared an official secret, and whose disclosure has had or could have had harmful consequences for the service.

### **Abuse of state, official or military secret**

#### **Article 360-a**

(1) An official person that will use data, considered to be state, official or military secret, with the intent to obtain some personal benefit or cause damage to another, shall be sentenced to imprisonment of three months to five years.

(2) The sentence stipulated in paragraph 1 shall be imposed to whosoever, after the termination of the service, with the same intent, uses or announced, gives or make such data available to another.

### **Falsifying an official document**

#### **Article 361**

(1) An official person who in an official document, book, or paper enters untruthful data or does not enter some important data or with his signature, i.e. with an official stamp verifies an official document, book or paper with untruthful contents, or with his signature, i.e. an official stamp enables the making of an official document, book or paper with untruthful contents, shall be sentenced to imprisonment of three months to five years.

(2) The sentence referred to in paragraph 1 shall also be imposed to an official person who uses the documents from the said paragraph in the service as if they were real or destroys them, covers them up, or damages them to a greater extent or in some other manner makes them useless.

(3) A responsible person in a legal entity which disposes of state or social property, and who commits the crimes referred to in paragraphs 1 and 2, shall be ordered the sentence prescribed for those crimes.

### **Unlawful collection and payment**

#### **Article 362**

An official person or responsible person in a legal entity which disposes of state or social property, who collects an amount from another which this person is not obliged to pay, or collects more than this person is obliged to pay, or who during pay out or handing over of objects, pays out or hands over less than he was obliged to, shall be fined or sentenced to imprisonment of up to three years.

### **Prosecution for crimes against official duty**

#### **Article 362-a**

For the crimes referred to in Articles 357, 358 and 359 of this Code, committed abroad by a person not being citizen of the Republic of Macedonia, the prosecution shall be undertaken upon an approval from the Public Prosecutor of the Republic of Macedonia.

### **Mandatory imposing a sentence - prohibition to perform profession, activity or duty**

#### **Article 362-b**

Under the conditions determined in Article 38-b of this Code, the court shall impose the offender prohibition to perform profession, activity or duty in duration of one to ten years, for the crimes referred to in Articles 357, 358 and 359.

### **Chapter thirty-one**

## **CRIMES AGAINST THE JUDICIARY**

### **Not reporting preparation of a crime**

### **Article 363**

(1) Whosoever knows that commission of a crime is in preparation, which according to law is subject of ordering a sentence to imprisonment of five years or more, yet while it was possible to be prevented from its commission he did not report it, and the crime was an attempt or already committed, shall be fined or sentenced to imprisonment of up to one year.

(2) If the preparation of a crime, which according to law may be subject to ordering life imprisonment, is not reported, the offender shall be sentenced to imprisonment of one to five years.

(3) A person shall not be punished for not reporting the preparations for a crime, as referred to in paragraph 1, in case if the offender is his spouse, blood relative in direct line, brother or sister, adoptive parent or adoptee , or a person living with the offender in a permanent unwed partnership.

### **Not reporting a crime or an offender**

#### **Article 364**

(1) An official person who consciously omits to report a crime that he found out about while performing his duty, if according to a law this crime can be subject to ordered sentence of imprisonment of five years or more, while the prosecution of the crime is performed *ex officio* , shall be fined or sentenced to imprisonment of one to three years.

(2) The sentence referred to in paragraph 1 shall be imposed to whosoever intentionally fails to report the crime referred to in Articles 123, 141, 142, 158, 162, 165, 165-a, 186, 187, 188, 215, 216, 231, 232, 236, 237, 238, 258, 259, 268, 269, 273, Articles 305 to 326, 348, 349, Articles 353 to 362, 382, 383, 394, 394-a, 396 and Articles 403 to 422.

(3) A person shall not be punished for the crime referred to in paragraphs 1 and 2, in case if the offender is his spouse, blood relative in direct line, brother or sister, adoptive parent or adoptee, or a person living with the offender in a permanent unwed partnership

### **Assisting an offender after committing a crime**

#### **Article 365**

(1) Whosoever hides an offender of a crime for which prosecution is undertaken *ex officio* , or by covering up the tools, traces, objects or in some other way helps him not to be found, or whosoever hides a sentenced person or undertakes other actions that are directed towards a non-execution of the sentence of the pronounced security measures or not to apply the educational measures - sending to an educational institution or to an educational-correctional institution, shall be punished fined or sentenced to imprisonment of up to one year.

(2) Whosoever assists an offender of a crime, for which an imprisonment of five years or more, shall be sentenced to imprisonment of three months to five years.

(3) Whosoever assists an offender of a crime for which a life imprisonment is prescribed, shall be sentenced to imprisonment of one to ten years.

(4) The sentence for the crime referred to in paragraph 1 may not be more severe either by type or by level of punishment prescribed for the crime committed by the offender.

(5) A person shall not be punished for the crime referred to in paragraphs 1 to 3, in case if the offender is his spouse, blood relative in direct line, brother or sister, adoptive parent or adoptee, or a person living with the offender in a permanent unwed partnership.

### **False reporting of a crime**

#### **Article 366**

(1) Whosoever reports that another has committed a crime for which the prosecution is undertaken *ex officio* , and he knows this person is not the offender, shall be sentenced to imprisonment of three months to three years.

(2) Whosoever by planting traces or objects of a crime, or in some other manner causes initiation of a criminal procedure for a crime for which prosecution is undertaken *ex officio* against a person for whom he knows it is not the offender, shall be sentenced to imprisonment of one to three years.

(3) Whosoever reports that he has committed a crime for which prosecution is undertaken *ex officio* , even though he had not committed it, shall be fined or sentenced to imprisonment of up to three months.

(4) The sentence referred to in paragraph 3 shall also be imposed to whosoever reports that a crime has been committed, for which prosecution is undertaken *ex officio* , even though he knows that this crime has not been committed.

### **Submitting false evidence**

#### **Article 366-a**

(1) Whosoever, in a procedure in court or in an administrative procedure submits false evidence, although being aware they are false, shall be sentenced to imprisonment of one to three years.

(2) The sentence stipulated in paragraph 1 shall be imposed to whosoever removes or destroys evidence that is significant for a procedure in court or in an administrative procedure.

### **Giving false statement**

#### **Article 367**

(1) A witness, expert, translator or interpreter who gives a false statement in court or in an administrative, misdemeanor or disciplinary procedure, shall be fined or sentenced to imprisonment of up to three months.

(2) The sentence referred to in paragraph 1 shall also be imposed to a party which gives a false statement during hearing of parties in a proceeding or administration procedure, while the adopted decision is based on that procedure.

(3) If the false statement referred to in paragraph 1 is given in a criminal proceeding, the offender shall be sentenced to imprisonment of three months to five years.

(4) If the crime referred to in paragraph 3, causes especially serious consequences for the accused, the offender shall be sentenced to imprisonment of one to ten years.

(5) If the offender voluntarily revokes his false statement, prior to reaching a legally valid decision, he may be acquitted from punishment.

## **Prevention of substantiating**

### **Article 368**

(1) Whosoever with the intent to prevent or hinder the substantiating, hides, destroys, damages or makes useless, partially or completely, another's document or object that serves as evidence, shall be fined or sentenced to imprisonment of up to one year.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever, with the same intent, removes, destroys, damages, shifts or moves a boundary marker, land-measurement or other sign, regarding ownership, or some other right based on immovables or the right to use water, or to whosoever with the same intent falsely sets up such a sign.

## **Illegal influence on witnesses**

### **Article 368-a**

(1) Whosoever, by threat to attack the human life or body or property of a greater extent, by offering bribe, by hindering or in any other manner influencing a person to appear or not to appear as a witness in a court or administrative procedure, or if the person is called as a witness to give or not to give a statement in certain sense, shall be sentenced to imprisonment of one to three years.

(2) The sentence stipulated in paragraph 1 shall also be imposed to whosoever, as revenge for the statement given by the person called as a witness or a person close to him, revokes some right, maltreats or causes physical injury to said persons.

(3) If especially severe consequences occurred for the defendant in a criminal procedure or the witness or a person close to him suffered severe bodily injury, the offender shall be sentenced to imprisonment of one to ten years.

## **Violation of the secrecy of the procedure**

### **Article 369**

Whosoever, without authorization, discloses what he has found out during a court or an administrative procedure, a misdemeanor or disciplinary procedure, being declared a secret in accordance with a law or a decision of the court or the body conducting the disciplinary procedure, shall be fined or sentenced to imprisonment of up to one year.

## **Rebellion by people deprived of freedom**

### **Article 370**

(1) Whosoever organizes a rebellion of people deprived of freedom, in an institution where he finds himself based on a lawful decision for deprivation of freedom, with the intent to free themselves by force, or jointly attack the official persons in this institution, or by force or serious threat to use force, to coerce them to do or not to do something against their duty, shall be sentenced to imprisonment of six months to three years.

(2) A participant in the rebellion referred to in paragraph 1 shall be sentenced to imprisonment of three months to one year.

(3) The offender of the crime referred to in paragraphs 1 and 2, who uses force, shall be sentenced to imprisonment of six months to five years.

(4) The offender of the crime referred to in paragraphs 1 and 2, who voluntarily gives up on the rebellion before force or a serious threat is applied, shall be acquitted from punishment.

## **Escape of a person deprived of freedom**

### **Article 371**

Whosoever escapes from an institution in which he is deprived of freedom by a lawful decision, by using force or serious threat to directly attack the life or body of another, shall be sentenced to imprisonment of three months to five years.

## **Enabling the escape of a person deprived of freedom**

### **Article 372**

(1) Whosoever by force, serious threat, fraud or in some other way enables the escape of a person who is deprived of freedom by a lawful decision, shall be sentenced to imprisonment of three months to five years.

(2) If the crime from paragraph 1 is committed in a group, or with the use of firearms or some other dangerous tools, the offender shall be sentenced to imprisonment of one to ten years.

## **Illegal freeing of a person deprived of freedom**

### **Article 373**

An official person who, against the law, frees a person deprived of freedom that was entrusted to him for guarding, or helps him escape, shall be sentenced to imprisonment of three months to five years.

## **Unlawful appropriation of objects during search or in an execution procedure**

### **Article 374**

An official person who, during the search of a home, premises or persons, or in an execution procedure, unlawfully takes away another's movable object, with the intent to appropriate it, shall be sentenced to imprisonment of one to ten years.

## **Coercion against a judiciary employee**

### **Article 375**

(1) Whosoever by force or by serious threat coerces a judge, a lay judge, a public prosecutor, an ombudsman or their deputy, to do, not to do, or to endure something, shall be fined or sentenced to imprisonment of up to three years.

(2) If during the commission of the crime the persons from paragraph 1 or their close related persons have suffered a bodily injury, the offender shall be sentenced to imprisonment of one to three years.

(3) If during the commission of the crime the persons from paragraph 1 or their close related persons, have suffered a severe bodily injury the offender shall be sentenced to imprisonment of one to ten years.

(4) The attempt of the crimes stipulated in paragraph 1, 2 and 3 is punishable.

## **Evading prohibitions of imposed sentences and legal consequences from a sentence**

### **Article 376**

(1) Whosoever enables another to perform a certain vocation, professional activity or function or other matters, even though he knows that this is prohibited to him by a pronounced sentence, or by legal consequences from a sentence, shall be fined or sentenced to imprisonment of up to one year.

(2) If the crime referred to in paragraph 1 is committed by an official person, he shall be fined or sentenced to imprisonment of up to three years.

(3) If the crime stipulated in paragraph 1 is committed by a legal entity, it shall be fined.

## **Failure to execute a court decision**

### **Article 377**

- (1) An official or responsible person, who does not act in court upon a legally valid court decision that, with which it was decided to return a worker to work, shall be punished fined or sentenced to imprisonment of up to one year.
- (2) An official person or a responsible person in a legal entity, who refuses to execute a legally valid and enforceable court decision , which he is obliged to execute, shall be fined or sentenced to imprisonment of up to three years.
- (3) An official or responsible person who refuses to execute a decision of the Constitutional Court of the Republic of Macedonia that has come into effect, which he is obliged to execute, shall be sentenced to imprisonment of one to five years.
- (4) If the crime referred to in paragraphs (1), (2) and (3) of this Article has caused more serious violation of another's rights or significant property damage, the offender shall be sentenced to imprisonment of one to ten years.
- (5) An official or responsible person or person obliged so with court decision that will not act upon legally effective court decision issued in procedure for issuing an order for protection of rights, shall be sentenced to imprisonment of one to five years.
- (6) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Chapter thirty-two**

# **CRIMES AGAINST LEGAL TRAFFIC**

## **Counterfeiting a document**

### **Article 378**

- (1) Whosoever counterfeits a document, or falsifies a real document with the intent to use such a document as real, or who uses the counterfeit or false document as if it was real, shall be fined or sentenced to imprisonment of up to three years.
- (2) The attempt is punishable.
- (3) If the crime referred to in paragraph 1 is committed in regard to a public document, will, bond, check, public or official book or some other book that must be kept on the basis of a law, the offender shall be sentenced to imprisonment of three months to five years.
- (4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Special cases of counterfeiting documents**

### **Article 379**

(1) The following shall be considered to have committed an act of counterfeiting a document, and shall be sentenced in accordance with Article 378:

1) whosoever without authorization fills in a statement that is important for the legal relations onto some paper, form, or some other object, on which another has already placed his signature;

2) whosoever deceives another regarding the contents of a document, in order for this person to place his signature on it, considering that he is signing under some other document or under some other contents;

3) whosoever issues a document in the name of another, without his authorization or in the name of a person who does not exist;

4) whosoever as issuer of a document, adds to his signature that he has some position, title or rank, even though he does not have such a position, title or rank, and this has a significant influence upon the force of evidence of that document and

5) whosoever makes document in such a way as to use, without authorization, a real stamp or sign.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Computer forgery**

### **Article 379-a**

(1) Whosoever, with the intent to use it as real, without authorization produces, inputs, changes, deletes or makes useless computer data or programs which are determined or suitable to serve as evidence of facts with a value for the legal relations or one that will use such data or programs as real, shall be fined or sentenced to imprisonment up to three years.

(2) If the crime stipulated in paragraph 1 is performed on computer data or programs that are used in the activities of the state bodies, public institutions, enterprises or other legal entities or natural persons that perform activities of public interest or in the legal traffic with foreign countries or if significant damage is caused by their use, the offender shall be sentenced to imprisonment of one to five years.

(3) Whosoever without authorization produces, purchases, sells, holds or makes available to other special devices, means, computer programs or computer data intended or suitable for performing the crimes stipulated in paragraph 1, shall be fined or sentenced to imprisonment of up to three years.

(4) The attempt of the crimes stipulated in the paragraphs 1 and 3 is punishable.

(5) The special devices, means, computer programs or data for performing the crime shall be seized.

## **Use of a document with false contents**

#### **Article 380**

(1) Whosoever uses as proof in the legal traffic a document, book or paper, for which he knows that it is false, shall be fined or sentenced to imprisonment of up to three years.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

#### **Issuing and use of a false doctor's or veterinary certificate**

#### **Article 381**

(1) A doctor or veterinarian, who issues a false doctor's or veterinary certificate, shall be fined or sentenced to imprisonment of up to three years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever uses a false doctor's or veterinary certificate as if it was real.

#### **Shysterism**

#### **Article 381-a**

Whosoever, without registered activity, provides professional and legal assistance to citizens and legal entities for compensation, but is not attorney at law, shall be fined or sentenced to imprisonment up to one year.

### **Chapter thirty-three**

## **CRIMES AGAINST THE PUBLIC ORDER**

#### **Preventing an official person in performance of an official act**

#### **Article 382**

(1) Whosoever by force or serious threat to directly attack the life or body prevents an official person in the performance of his official action or forces him to perform the official action, shall be fined or sentenced to imprisonment of up to three years.

(2) If during the commission of the crime referred to in paragraph 1 the offender has offended or maltreated the official person or caused him bodily injuries, or threatened him with the use of a weapon, he shall be sentenced to imprisonment of three months to three years.

(3) Whosoever commits the crime referred to in paragraphs 1 and 2 against an official person or a person who assists in performing activities in the field of public security or the protection of the constitutional system of the Republic of Macedonia, in regard to preventing or revealing a crime, capturing offender of a crime, maintaining the public order and peace, or guarding a person deprived of freedom, shall be sentenced to imprisonment of six months to five years.

(4) The attempt of a crime referred to in paragraphs 1 and 2 is punishable.

(5) If the offender of a crime referred to in paragraphs 1, 2 and 3 was provoked by unlawful or rude behavior of the official person or the person that assists, he may be acquitted from punishment.

### **Attack upon an official person, when performing security activities**

#### **Article 383**

(1) Whosoever attacks or seriously threatens to attack an official person or a person that assists him in the performance of activities in the field of public safety or protection of the constitutional system of the Republic of Macedonia, in regard to preventing or discovering a crime, capturing offender of a crime, maintaining the public peace and order, or guarding a person that was deprived of freedom, shall be fined or sentenced to imprisonment of up to three years.

(2) If during the commission of the crime referred to in paragraph 1, the offender threatens by using a weapon or some other dangerous tool, maltreats or insults the official person or the person who assists, or causes bodily injury, he shall be sentenced to imprisonment of six months to five years.

(3) If during the commission of the crime referred to in paragraph 1, the official person or the person who assists him suffer a serious bodily injury, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the offender of the crime referred to in paragraphs 1 and 2 was provoked by the unlawful or rude behavior of the official person or the person that assists, he may be acquitted from punishment.

### **Participation in a crowd, which prevents an official person to perform an official action**

#### **Article 384**

(1) Whosoever participates in a crowd which with joint action prevents or attempts to prevent an official person in performing an official action, or in the same way coerces him to perform an official action, shall be sentenced to imprisonment of three months to three years.

(2) The leader of the crowd shall be sentenced to imprisonment of one to five years.

### **Participation in a crowd which commits a crime**

#### **Article 385**

(1) Whosoever participates in a crowd, which with joint action performs acts of violence against people, or damages or destroys property to a larger extent, shall be fined or sentenced to imprisonment of up to three years.

(2) If during the action of the crowd, some person was killed or suffered a serious bodily injury, or damage to a large extent was caused, the participant in the crowd shall be sentenced to imprisonment of three months to five years for the participation itself.

(3) The leader of the crowd shall be sentenced to imprisonment of one to ten years.

## **Act of violence**

### **Article 386**

(1) Whosoever maltreats, roughly insults, endangers the safety or performs rough violence upon another, and herewith causes a feeling of insecurity, threat or fear among the public, shall be sentenced to imprisonment of three months to three years.

(2) If the crime was committed in a group of two or more persons or the violence was committed upon several citizens, or the offender caused bodily injury to another, he shall be sentenced to imprisonment of six months to five years.

## **Organizing resistance**

### **Article 387**

(1) Whosoever organizes others to resistance or to disobedience towards lawful decisions or measures of a state body shall be fined or sentenced to imprisonment of up to three years.

(2) If because of the crime referred to in paragraph 1, the implementation of a lawful decision or measure from the state body failed or was rendered significantly more difficult, or commits the crime as leader of a group, the offender shall be sentenced to imprisonment of one to five years.

## **Unlawful change of the territorial partition of the Republic of Macedonia**

### **Article 388**

Whosoever by use of force or serious threat to use force, or in some other unlawful manner, changes the territorial partition of the Republic of Macedonia that was determined by law, shall be sentenced to imprisonment of one to five years.

## **Taking down or damaging an official stamp or sign**

### **Article 389**

(1) Whosoever takes down or damages an official stamp or sign which was placed by an official person for the purpose of securing an object or premises, or whosoever without taking down or damaging the stamp or sign enters such premises or opens the secured object, shall be fined or sentenced to imprisonment of up to three years.

(2) The attempt is punishable.

## **Taking away or destroying an official stamp or paper**

### **Article 390**

(1) Whosoever illegally takes away, hides, destroys, damages or in some other way makes unusable an official stamp, book or paper, or document, that belongs to a state body or to some other legal entity that performs public authorities, or is located with them, shall be fined or sentenced to imprisonment of up to three years.

(2) The attempt is punishable.

## **False presentation**

### **Article 391**

(1) Whosoever, with the intent, for himself or for another, to acquire benefit or to cause damage to another, presents himself as an official or military person, or who carries the signs of an official or military person without authorization, shall be fined or sentenced to imprisonment of up to one year.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever commits an act for which only a certain official or military person is authorized to perform.

## **Autocracy**

### **Article 392**

(1) Whosoever autocratically obtains some right of his own or a right that he considers belongs to him, shall be fined or sentenced to imprisonment of up to six months.

(2) Whosoever autocratically obtains some right of his own, or a right which he considers belongs to him, by using force or a serious threat to attack the life and body, shall be fined or sentenced to imprisonment of six months to three years.

(3) The sentence referred to in paragraph 2 shall apply to a person who commits the crime from paragraphs 1 and 2 for another.

(4) Prosecution for the crime from paragraph 1 shall be undertaken upon a private lawsuit, and for paragraphs 2 and 3 upon a proposal.

## **Conspiracy to commit a crime**

### **Article 393**

(1) Whosoever conspires with another to commit a crime, which can be subject to imposed sentence imprisonment of up to three years or more, shall be fined or imprisoned up to one year.

(2) The sentence stipulated in paragraph 1 shall also be imposed to whosoever agrees to a crime for which imprisonment of four years or more severe sentence is prescribed.

## **Criminal association**

### **Article 394**

(1) Whosoever creates a group or gang that aims to commission of crimes which can be subject to ordered imprisonment of three years or more shall be sentenced to imprisonment of one to five years.

(2) The member of the group or gang shall be sentenced to imprisonment of three months to three years.

(3) If the group or the gang intends to perform crimes for which sentence of imprisonment of at least eight years can be imposed, the organizer shall be sentenced to imprisonment of at least four years, and the member of the group or the gang shall be sentenced to imprisonment of one to five years.

(4) The member of the group or gang, who discloses the group, i.e. the gang, prior to committing the crime within it or for it, shall be acquitted for punishment.

(5) The objects and the means that were used by the group or the gang for preparation of the crimes, as well as their finances shall be seized.

## **Terrorist organization**

### **Article 394-a**

(1) Whosoever creates a group, gang or other criminal organization with the intent to perform the following crimes: murder, bodily injuries, kidnapping persons, destruction of public facilities, transport systems, infrastructure facilities, information systems and other public structures, hijacking of planes or other means of public transportation, production, possessing or trade with nuclear weapons, biological, chemical and other types of weapons and dangerous materials, emission of dangerous radioactive, poisonous and other dangerous substances or causing fire and explosion, destruction of facilities for water supply, energy or other essential natural sources with the intent to endanger the life and body and create a sense of uncertainty or fear among the citizens, shall be sentenced to imprisonment of at least eight years.

(2) The member of the group, gang or other criminal organization, as well as one that provides assistance in any other manner shall be sentenced to imprisonment of four to ten years.

(3) The sentence stipulated in paragraph 2, shall also be imposed to whosoever publicly calls, encourages or supports the creation of a terrorist organization.

(4) The offender of the crime stipulated in paragraph 1 who will prevent the execution of the planned crimes through revealing or in other way, shall be sentenced to imprisonment of three months to three years and may be acquitted from the sentence.

(5) The offender stipulated in paragraph 2 who will reveal the organization before the commission of the crimes stipulated in paragraph 1, as its member or on its behalf, shall be acquitted from the sentence.

(6) The used immovables, objects and means intended for preparation of the crimes referred to in paragraphs 1, 2 and 3 shall be seized.

## **Terrorism**

### **Article 394-b**

(1) Whosoever commits one or several murders, bodily injuries, kidnaps persons, destroys public facilities, transport systems, infrastructure facilities, information systems and other facilities for general use, hijacks planes or other public transport means, produces, possesses, transports, trades, purchases or uses nuclear weapons, biological, chemical weapons and other types of weapons and dangerous materials, as well as researches in terms of development of biological and chemical weapons, release of dangerous radioactive, poisonous and other dangerous substances or natural resources, with the intent to endanger the life and the body and to create a sense of uncertainty or fear among the citizens, shall be sentenced to imprisonment of at least ten years or to life imprisonment.

(2) Whosoever seriously threatens by committing the crime referred to in paragraph (1) of this Article, directly or indirectly, by using electronic means or in another manner, with the intent to endanger the life and body and to create a sense of uncertainty and fear among the citizens, shall be sentenced to imprisonment of at least eight years.

(3) Whosoever publicly calls, by spreading or rendering in any other manner a message public, with the intent to entice commission of one of the crimes anticipated in paragraph (1) of this Article, when the calling itself creates risk of committing such crime, shall be sentenced to imprisonment of four to ten years.

(4) The sentence referred to in paragraph (1) of this Article shall be imposed to whosoever coerces another to commit the crime from paragraph (1) of this Article by using force or serious threat that he will attack his life and body or the life and body of persons closely related to him.

(5) The sentence referred to in paragraph 2 shall be imposed to whosoever agrees with another person to commit a crime referred to in paragraph 1, or calls another to join an organization or group with the intent to commit a crime from paragraph 1.

(6) Whosoever organizes procession, preparation, production, sale, purchase, transfer or holding of explosives, fire or other arms or dangerous substances, intended for commission of a crime referred to in paragraph 1, as well as whosoever holds training or any other type of

preparation for commission of the crime from paragraph 1, shall be sentenced to minimum imprisonment of four years.

(7) Whosoever commits serious theft in order to reach to objects for committing the crime from paragraph (1) of this Article, shall be sentenced to imprisonment of at least four years.

(8) If the crime is committed by a legal entity, it shall be fined.

(9) The used immovables and objects, and funds intended for preparation and commission of the crimes shall be seized.

## **Financing terrorism**

### **Article 394-c**

(1) Whosoever provides or collects means in any other way, directly or indirectly, illegally and scrupulously, with the intent to use them or meaning for them to be completely or partially used for the purpose of committing a crime, such as hijacking an aircraft or ship (Article 302), endangering the safety in the air traffic (Article 303), terrorist threat to the constitutional system and safety (Article 313), terrorist organization (Article 394-a), terrorism (Article 394-b), crime against humanity (Article 403-a), international terrorism (Article 419), taking hostages (Article 421) and other crimes of murder or serious bodily injury committed with the intent to create a sense of uncertainty or fear among the citizens, shall be sentenced to minimum imprisonment of four years.

(2) Whosoever publicly calls, by spreading or making in any other manner publicly available a message, with the intent to motivate commission of some of the crimes anticipated in paragraph (1) of this Article, when the calling itself creates risk of committing such crime, shall be sentenced to imprisonment of four to ten years.

(3) The sentence referred to in paragraph 2 shall be imposed to whosoever agrees with another to commit the crime referred to in paragraph 1, or calls another to join an organization or group with the intent to commit the crime referred to in paragraph 1.

(4) Whosoever creates a group or gang for the purpose of committing a crime referred to in paragraph 1 shall be sentenced to imprisonment of at least eight years.

(5) The member of the group or gang shall be sentenced to minimum imprisonment of five years.

(6) The member of the group or gang, that shall reveal the group i.e. gang before committing a crime within it or for it, can be acquitted from the punishment.

(7) An official person, responsible person in a bank or other financial institution, or a person performing activities of public interest, who according to law is authorized to undertake measures and activities for prevention of financing of terrorism, who shall knowingly omit to

undertaken the legally anticipated measures thus enabling commission of the crime from paragraph (1) of this Article, shall be sentenced to imprisonment of at least four years.

(8) The sentence referred to in paragraph (7) of this Article shall also be imposed against an official person who shall without authorization reveal to a client or to an uninvited person, data that refer to the procedure for examining suspicious transactions or application of other measures and activities for financing terrorism.

(9) If the crime referred to in paragraphs (7) and (8) of this Article is committed out of negligence, the offender shall be fined or sentenced to imprisonment of up to three years.

(10) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(11) The means intended for preparation, financing and execution of the crimes from paragraphs 1, 2, 3 and 4 shall be seized.

### **Spreading racist and xenophobic material via information system**

#### **Article 394-d**

(1) Whosoever via an information system spreads in the public racist and xenophobic written material, photos or other representation of an idea or theory helping, promoting or stimulating hatred, discrimination or violence, regardless against which person or group, based on race, skin color, national or ethnic background, as well as religious belief, shall be sentenced to imprisonment of one to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be also imposed against whosoever commits the crime via other public information means.

(3) Whosoever commits the crime from paragraphs (1) and (2) of this Article by abusing his position or authorization or if those crimes resulted in disorder and violence against people or in property damage of greater extent, he shall be sentenced to imprisonment of one to ten years.

### **Manufacture and procurement of weapons and means intended for committing a crime**

#### **Article 395**

(1) Whosoever manufactures, procures, hides or enables another to get weapons, ammunition, explosive or firing material or means necessary for their manufacture, poisons and other objects being aware to be intended for commission of a crime, shall be sentenced to imprisonment of one to five years.

(2) If subject of the crime referred to in paragraph (1) of this Article is firearms, arms which use is prohibited or explosive or other materials in greater quantity, the offender shall be sentenced to imprisonment of three to eight years.

(3) Whosoever makes or gives to another a false key or some other means for breaking in, even though he knows that it is intended for committing a crime, shall be sentenced to imprisonment of three months to three years.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(5) The objects stipulated in paragraphs 1 to 3 and the means for their manufacture, transfer and distribution shall be seized.

## **Not allowed manufacture, possession and trade of weapons or explosive materials**

### **Article 396**

(1) Whosoever without authorization manufactures, posses, procures or exchanges firearms, ammunition or explosive materials shall be sentenced to imprisonment of three to ten years.

(2) If subject of the crime referred to in paragraph 1 is a larger quantity of firearms, ammunition or explosive materials, or firearms, ammunition or explosive materials prohibited for the citizens, the offender shall be sentenced to imprisonment of at least five years.

(3) If the crime referred to in paragraphs (1) and (2) of this Article is committed by a group, gang or other criminal association, the offender shall be sentenced to imprisonment of at least eight years.

(4) The objects referred to in paragraph 1 and 2, and the means for their manufacture, transfer and distribution shall be seized.

## **Falsifying firearms**

### **Article 396-a**

(1) Whosoever falsifies marks of firearms by deleting, destroying or changing the marks of the firearms and part of the firearms, or does not stamp and mark the firearms, its part, components and ammunition, shall be sentenced to imprisonment of one to ten years.

(2) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

## **Abuse of a sign for help and danger**

### **Article 397**

Whosoever by abusing a help sign or a danger sign, or with an unfounded call for help, needlessly causes the going on field of the state bodies or the fire brigade, or some other competent help services, shall be fined or sentenced to imprisonment of up to one year.

## **Gambling**

#### **Article 398**

(1) Whosoever without authorization organizes gambling or some other game of chance that is prohibited, shall be fined or sentenced to imprisonment of up to one year.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever, for a reward makes available premises for gambling or in some other manner, for a reward, enables the gambling or attracts others for gambling.

(3) Whosoever during gambling uses false or marked playing cards or some other defraud, while no other more grave crime is involved, shall be sentenced to imprisonment of one to five years, and shall be fined.

(4) The objects from the gambling, as well as the money of the offender found during the gambling, shall be seized.

#### **Hindering a religious ceremony**

##### **Article 399**

Whosoever unlawfully hinders the performance of a religious ceremony shall be fined or sentenced to imprisonment of up to one year.

#### **Desecration of a grave**

##### **Article 400**

(1) Whosoever without authorization digs out, destroys or damages a grave or some other place where the deceased are buried, or roughly harms them, shall be fined or sentenced to imprisonment of up to one year.

(2) Whosoever, who by the actions from paragraph 1 desecrates two or more graves, shall be fined or sentenced to imprisonment of up to three years.

#### **Desecration of a deceased**

##### **Article 401**

Whosoever unlawfully hides, carries away, damages, destroys or in some other way desecrates the remains of the deceased, shall be fined or sentenced to imprisonment of up to one year.

#### **Illegal crossing of the state border**

##### **Article 402**

(1) Whosoever without a prescribed permission crosses or tries to cross the border of the Republic of Macedonia, armed or by using violence, shall be fined or sentenced to imprisonment of up to one year.

(2) Whosoever deals in illegal transfer of other persons across the border of the Republic of Macedonia shall be sentenced to imprisonment of six months to five years.

(3) Whosoever organizes a group, gang or other organization with the intent to perform the crimes stipulated in paragraphs 1 and 2, shall be sentenced to imprisonment of one to five years.

## **Chapter thirty-four**

# **CRIMES AGAINST HUMANITY AND INTERNATIONAL LAW**

## **Genocide**

### **Article 403**

Whosoever with the intent to completely or partially destroy some national, ethnic, racial or religious group, orders the murder or infliction of serious bodily injuries, or serious harm to the physical or mental health of members of a group, or orders coercive dislocation of population, or to place the group under such living conditions as to bring about the complete or partial extermination of the group, or to apply measures that prevent birth among the members of the group, or to perform coercive dislocation of the children to some other group, or whosoever with the same intent commits some of the above mentioned crimes, shall be sentenced to imprisonment of at least ten years or to life imprisonment.

## **Crime against humanity**

### **Article 403-a**

Whosoever, with the intent to systematically destroy the civil population, orders committing murders, severe bodily injuries, physical extermination, slavery, deportation or coercive dislocation of the population, imprisonment or other type of deprivation of freedom against the international law, orders torture, rape, sexual exploitation or slavery, coercive prostitution, forced pregnancy, forced sterilization or any other type of severe sexual violence, exile based on political, racial, national, ethnic, cultural, religious or gender basis, forced kidnapping and disappearing of persons, discrimination and separation based on racial, national, ethnic, political, cultural or other basis and other non-humane acts with deliberate causing physical or psychological suffer, or whosoever commits some of the stipulated crimes with the same intent, shall be sentenced to imprisonment of at least ten years or to life imprisonment.

## **War crimes against the civil population**

### **Article 404**

(1) Whosoever during war, armed conflict or occupation, by violating the rights of the international law, orders an attack on the civil population, on a settlement, on certain civil individuals or persons disabled for battle, which resulted in death, serious bodily injury or serious deterioration of the human health; an attack without choosing the target that inflicts the civil population; committing murders against the civil population, as well as tortures, non-human behavior, biological, medical or other scientific experiments, taking tissues or organs for transplantation, causing great suffering or injuries to the bodily integrity or to the health; emigration or migration or forced losing nationality or changing religions; forced prostitution or rape, sexual slavery or causing forced pregnancy, forced sterilization or other type of sexual violence, applying measures of fearing and terror, taking hostages, collective punishing, unlawful taking in to concentration camps and other unlawful closings, depriving of the right to correct and impartial trials or enforcement of the sentence or executing without prior verdict adopted by legally based court in a procedure with all the generally acknowledged court limits provided; forcing to service in the armed forces of the enemy's force or within its intelligence service or administration, entry or recruitment of juveniles younger than the age of 15 in the armed forces or their use by their active participation in armed activities; use of the presence of the civil population as alive shield in certain places or areas of action of the armed forces; forcing to forced labor, starvation of the population, rendering the access to humanitarian aid more difficult, confiscating property, theft on the property of the population, illegal and willful destruction or adoption to greater extent of property which is not justified by the military needs, taking illegal and not proportionally great contribution and requisition, decrease of the value of the domestic currency and illegal issuance of money or whosoever commits some of the listed crimes, shall be sentenced to imprisonment of minimum ten years or to life imprisonment.

(2) The sentence referred to in paragraph 1 shall be imposed to whosoever by violating the rules of international law orders: an attack of cultural goods being under intensive protection or other objects under special protection, objects specially protected by the international law, builds, transport means, materials and medical units that use recognizable marks determined by the international law or personnel, installations, materials, units or vehicles included in the provision of humanitarian help or peace corps and on objects or plants with dangerous power such as are the dams, banks and nuclear power stations, without choosing the target to aim at hospitals or places where sick or wounded people are gathered and other civil facilities being under special protection of the international law, prohibited places and demilitarized zones, cities, villages, settlements or buildings that are not being defended and are not considered military target; long-term and to great extent to damage the natural environment which may cause harm to the health and life of the population and to the cultural goods under intensive protection or to its direct surrounding to be used as backing in a military action, destruction or adoption of the cultural goods to a greater extent, protected by international law, stealing or transferring or vandalistic attacks to cultural goods protected by international law, to whosoever commits one of the abovementioned crimes.

(3) Whosoever, by violating the rules of international law during war, armed conflict or occupation, as an occupier, orders or executes migration or deportation of the whole or part of the civil population on the occupied territory or settles part of his own civil population to the occupied territory, shall be sentenced to imprisonment of at least five years.

**War crime against wounded and sick**

## **Article 405**

Whosoever, by violating the rules of international law, during a war or an armed conflict, orders commission of murder of wounded, ill, castaways or medical personnel, and orders against them torture, inhuman actions, biological, medical or other scientific experiments, taking of tissue or organs for transplantation, or inflicting great suffering or injury to the bodily integrity or health, or illegal and willful destruction or appropriation of a large extent of materials, means for medical transport and reserves of medical or religious institutions, or from units, which is not justified by the military needs, or whosoever commits any of the above-mentioned crimes, shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

## **War crimes against prisoners of war**

### **Article 406**

Whosoever by violating the rules of international law, orders against prisoners of war, committing of murders, torture, inhuman behavior, biological, medical or other scientific experiments, taking of tissues or organs for transplantation, inflicting serious suffering or injury to the bodily integrity or to health, forcing to serve in the armed forces of the enemy, or depriving of the right to a proper and impartial trial or to implement sentence or execution without prior verdict of a legally based court and procedure which provides the generally accepted court guarantees or illegally to be deported, displaced or held in custody or whosoever commits any of the above-mentioned crimes, shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

## **Use of not allowed battle means**

### **Article 407**

(1) Whosoever during a war or an armed conflict orders the use of poisons or poisonous weapons, poisonous gases, gasses for suffocation or other type of gases or similar liquids, material or devices, anti-personnel mines, bullets that are easily spread in the human body, such as bullets with hard capsule that does not cover the whole bullet or is bored, weapons, projectiles, material or other way of war that according to their nature cause unnecessary injuries or sufferings or which have characteristics that are against the international war law, do not make difference between military and civil targets or other targets of battle means or a manner of battle which are prohibited by the rules of international law, or uses them himself, shall be sentenced to imprisonment of at least one year.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever by violating international law during a war or an armed conflict, orders that in the war there should be no surviving members of the enemy, or that the battle against the enemy should be on those basis.

(3) If the crime from paragraph 1 caused mass death, the offender shall be sentenced to imprisonment of at least ten years or to life imprisonment.

## **Approving or justifying genocide, crimes against humanity or war crimes**

#### **Article 407-a**

(1) Whosoever publicly negates, roughly minimizes, approves and justifies the crimes stipulated in Articles 403 to 407, through information system shall be sentenced to imprisonment of one to five years.

(2) If the negation, minimizing, approval or the justification is performed with the intent to instigate hate, discrimination or violence against a person or group of persons due to their national, ethnic or racial origin or religion, the offender, shall be sentenced to imprisonment of at least four years.

#### **Abuse of chemical or biological weapons**

##### **Article 407-b**

(1) Whosoever manufactures or improves, produces, purchases, stores, sells or buys, or mediates in buying or selling; owns, transfers or transports chemical or biological weapons or any type of war device forbidden by the rules of the international law, shall be sentenced to imprisonment of three months to three years.

(2) Whosoever, during a war or an armed conflict, will order use of chemical or biological weapons or any type of battle means or will fight in a manner that is prohibited by the rules of the international law shall be sentenced to imprisonment of at least one year.

(3) If as a result of the crime stipulated in paragraphs 1 and 2, death of larger number of people occurs, the offender shall be sentenced to imprisonment of at least five years or to life sentence.

(4) The objects of the paragraphs 1 and 2 and the means for their manufacture, transportation and distribution shall be seized.

#### **Organizing a group and initiating commission of genocide and war crimes**

##### **Article 408**

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#### **Unlawful killing and wounding of an enemy**

##### **Article 409**

(1) Whosoever by violating the rules of international law during a war or an armed conflict, kills or wounds an enemy who has laid down his weapons, or who unconditionally surrendered, or remained without defense means, shall be sentenced to imprisonment of at least one year.

(2) Whosoever wounds or kills enemy in a cruel or subversive manner, out of self-interest or with other immoral motives, or if several persons are killed, the offender shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

## **Unlawful confiscation of objects from killed and wounded on the battlefield**

### **Article 410**

(1) Whosoever orders the unlawful seizure of objects from the killed or wounded on the battlefield or the person who commits such a seizure, shall be sentenced to imprisonment of one to five years.

(2) If the crime referred to in paragraph 1 is committed in a cruel way, the offender shall be sentenced to imprisonment of one to ten years.

## **Harming a parliamentarian**

### **Article 411**

Whosoever by violating the rules of international law during a war or an armed conflict insults, maltreats or holds a parliamentarian or his accompany, or who hinders their return, or in some other way violates their inviolability, shall be sentenced to imprisonment of six months to five years.

## **Cruel behavior with wounded, sick or with prisoners of war**

### **Article 412**

Whosoever by violating the rules of international law behaves cruelly with the wounded, the sick or with the prisoners of war, or who makes it impossible or who prevents them from using the rights which belong to them according to those rules, shall be sentenced to imprisonment of six months to five years.

## **Unjustified delay in repatriation of prisoners of war**

### **Article 413**

Whosoever by violating the rules of international law, after the termination of the war or the armed conflict, orders or executes an unjustified delay in the repatriation of the prisoners of war or of civil persons shall be sentenced to imprisonment of six months to five years.

## **Destruction of goods under temporary protection or cultural heritage**

### **Article 414**

(1) Whosoever by violating the rules of international law during a war or an armed conflict, destroys goods under temporary protection or cultural heritage and constructions, religious facilities or institutions intended for science, art, education or for humanitarian purposes, shall be sentenced to imprisonment of at least one year.

(2) If with the crime from paragraph 1 a clearly distinctive facility is destroyed, which as a cultural and spiritual inheritance of the nationality is under special protection of the international law, the offender shall be sentenced to imprisonment of at least five years.

### **Instigation of aggressive war**

#### **Article 415**

Whosoever calls for or instigates to aggressive war shall be sentenced to imprisonment of one to ten years.

### **Abuse of international signs**

#### **Article 416**

(1) Whosoever abuses or without authorization carries the flag or the sign of the United Nations organization, or the signs or flag of the Red Cross, or signs that correspond to them, international telecommunication signs, signs of cultural heritage or other acknowledged international signs with which certain facilities are marked, shall be sentenced to imprisonment of three months to three years.

(2) The sentence stipulated in paragraph 1 shall be also imposed to whosoever by abusing truce flag, war signs or uniform of the enemy causes death or severe bodily injury to some person.

(3) Whosoever commits the crime from paragraphs 1 and 2 in a zone of military operations shall be sentenced to imprisonment of six months to five years.

### **Organizing group and instigating commission of genocide and war crimes**

#### **Article 416-a**

(1) Whosoever organizes a group with the intent to commit crimes stipulated in Articles 403 to 416, shall be sentenced to imprisonment of at least eight years.

(2) Whosoever becomes a member of the group stipulated in paragraph 1 shall be sentenced to imprisonment of at least four years.

(3) Member of the group stipulated in paragraph 2, who discloses the group before committing crime as its member or on its behalf, shall be acquitted from the sentence.

(4) Whosoever calls for or instigates commitment of the crimes stipulated in Articles 403 to 416 shall be sentenced to imprisonment of one to ten years.

### **Liability of the commandants and other superiors**

#### **Article 416-b**

(1) The military commandant or the person that acts on such position is criminally liable for all crimes stipulated in Articles 403 to 416-a, committed during war or any type of armed conflict, international or domestic, by members of regular or paramilitary armed formations under his direct command and control, if he knew or according to all circumstances was obliged and could have known that they prepare or commit such crimes, or if he failed to take all necessary and reasonable measures to prevent their commission or if he prevented or failed to initiate criminal prosecution against the offenders of the crimes.

(2) The superior is criminally liable for all crimes stipulated in Articles 403 to 416-a, committed during armed conflict or in peace by his inferiors during performing official or other duty or working obligation, if he knew or according to all circumstances was obliged and could have known that they prepare or commit such crimes, or if he failed to take all necessary and reasonable measures to prevent their commission or if he prevented or failed to press criminal charges against the offenders of the crimes.

### **Liability of the inferior for crime committed upon order by the superior**

#### **Article 416-c**

(1) The commission of the crimes stipulated in Articles 403 to 416-a upon an order by a military commandant or other superior does not release the inferior of criminal liability.

(2) The inferior who will commit a crime stipulated in Articles 403 to 416-a upon an order by the superior or upon lawful decision, if he had legal obligation to obey the order or decision, and he did not know that it is illegal, and from the circumstances it was not obvious, shall not be sentenced.

### **Racial or other discrimination**

#### **Article 417**

(1) Whosoever based on the difference in race, color of skin, nationality or ethnic origin, violates the basic human rights and freedoms, acknowledged by the international community, shall be sentenced to imprisonment of six months to five years.

(2) The sentence referred to in paragraph 1 shall also be imposed to whosoever prosecutes organizations or individuals because of their efforts for equality of the people.

(3) Whosoever spreads ideas about the superiority of one race over another, or who advocates racial hate, or instigates racial discrimination, shall be sentenced to imprisonment of six months to three years.

### **Founding slavery and transportation of persons in slavery**

#### **Article 418**

(1) Whosoever by violating the rules of international law places another in slavery or in some similar relation, or keeps him under such relation, buys, sells, hands him over to another, or mediates in the buying, selling or handing over of such a person, or instigates another to sell his freedom or the freedom of a person he supports or who supports him, shall be sentenced to imprisonment of one to ten years.

(2) Whosoever transports persons under slavery or similar relation from one country to another shall be sentenced to imprisonment of six months to five years.

(3) Whosoever commits the crime referred to in paragraphs 1 and 2 against a juvenile, shall be sentenced to imprisonment of at least five years.

## **Human trafficking**

### **Article 418-a**

(1) Whosoever by force, serious threat causes delusions or other forms of coercion, by kidnapping, by deceit and abuse of his own position and abusing the pregnancy or the position of weakness of somebody else, or the physical or mental disability of another, or, by giving or receiving money or other benefits in order to obtain agreement of the person that has control over another person, or in any other manner turns, transports, transfers, buys, sells, harbors or accepts persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or similar relations to it or illicit transplantation of human organs, shall be sentenced to imprisonment of at least four years.

(2) Whosoever seizes or destroys the ID, passport or other identification document in order to commit the crime from paragraph (1) of this Article, shall be sentenced to imprisonment of at least four years.

(3) Whosoever uses or makes it available for another to use sexual services or other type of exploitation of persons knowing that they are victims of human trafficking, shall be sentenced to imprisonment from six months to five years.

(4) If the crime referred to in paragraphs (1), (2) and (3) of this Article is committed by an official person while performing his service, he shall be sentenced to imprisonment of at least eight years.

(5) The consent of the human trafficking with the intent to exploit them, as anticipated in paragraph 1, is not significant to the presence of the crime from paragraph 1.

(6) If the crime referred to in this Article is committed by a legal entity, shall be fined.

(7) The immovables and objects and transport means used for the commission of the crime, shall be seized.

## **Trafficking of migrants**

### **Article 418-b**

(1) Whosoever by force or by serious threat commits an assault on the life and body, by kidnapping, deception, covetousness, by abuse of his official position and the position of weakness of another, illegally transfers migrants over the state border, and the one that makes, procures or possesses a false traveling documents for such purpose shall be sentenced to imprisonment of at least 4 years.

(2) Whosoever turns, transports, transfers, buys, sells, harbors or accepts migrants shall be sentenced to imprisonment of one to five years.

(3) If during the commission of the crimes from paragraphs 1 and 2, the life and health of a migrant is threatened, or the migrant is subject to particularly humiliating conduct or brutality, or the migrant is prevented from exercising the rights determined by international law, the offender shall be sentenced to imprisonment of at least eight years.

(4) If the crime from paragraphs 1 and 2 is committed against a juvenile, the offender shall be sentenced to imprisonment of at least eight years.

(5) If the crime referred to in paragraphs (1), (2), (3) and (4) of this Article is committed by an official person while performing his service, he shall be sentenced to imprisonment of at least ten years.

(6) The objects and means of transport used for committing the crime shall be seized.

## **Organizing a group and instigating performance of crimes of human trafficking, trafficking in juveniles and migrants**

### **Article 418-c**

(1) Whosoever organizes a group, gang or other association for committing the crimes from Articles 418-a, 418-b, 418-d and 418-e, shall be sentenced to imprisonment of at least eight years.

(2) Whosoever becomes member of the group, gang or other association from paragraph 1, or in some other way helps the group, the gang or the association, shall be sentenced to imprisonment of at least one year.

(3) A member of the group from paragraph 1, who reveals the group before it commits the crime within it or on its behalf, shall be acquitted from the sentence.

(4) Whosoever calls for, instigates or supports the commission of the crimes referred to in Articles 418-a, 418-b, 418-d and 418-e, shall be sentenced to imprisonment of one to ten years.

## **Trafficking juveniles**

#### **Article 418-d**

(1) Whosoever persuades, transports, transfers, buys, sells, harbors or accepts a juvenile for the purpose of exploiting him in prostitution or other forms of sexual exploitation, pornography, forces work or servicing, slavery, forced marriages, forced fertilization, illegal adoption or relation similar to it or illegally transplants human organs, shall be sentenced to imprisonment of minimum eight years.

(2) Whosoever commits the crime from paragraph 1 by use of force, serious threat, delusion or other form of forcing, kidnapping, defraud, abuse of the position or pregnancy, powerlessness or physical or mental disability of another, or by giving and receiving money of other benefit for the purpose of obtaining consent of a person controlling another person, shall be sentenced to imprisonment of minimum ten years.

(3) Whosoever uses or enables another to use sexual services or other type of exploitation of a juvenile knowing, or being obliged to know that he is a victim of human trafficking, shall be sentenced to minimum imprisonment of eight years.

(4) Whosoever seizes or destroys an ID, passport or another's personal identification document, for the purpose of committing the crime referred to in paragraphs 1 and 2, shall be sentenced to imprisonment of minimum four years.

(5) If the crime referred to in paragraphs (1), (2), (3) and (4) of this Article is committed by an official person while performing his service, he shall be sentenced to at least ten years of imprisonment.

(6) The consent of the juvenile for the actions anticipated in paragraph 1 is not significant to the existence of the crime from paragraph 1.

(7) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(8) The immovables, objects and means of transport used for the commission of the crime, shall be seized.

#### **Article 418-e**

#### **Abuse of the visa-free regime with the member states of the European Union and of the Schengen Agreement**

(1) Whosoever recruits, instigates, organizes, shelters or transports persons to a member state of the European Union or of the Schengen Agreement in order to acquire or exercise social, economy or other rights, contrary to the law of the European Union, to the regulations of the member states of the European Union and of the Schengen Agreement and to the international law shall be sentenced to minimum four years of imprisonment.

(2) If the offender referred to in paragraph (1) was obliged and might have known that the transport is made in order to acquire or exercise the rights referred to in paragraph (1), contrary

to the law of the European Union, to the regulations of the member states of the European Union and of the Schengen Agreement and to the international law, he/she shall be sentenced to imprisonment from one to five years.

(3) If the crime is committed out of covetousness, the offender shall be sentenced for the crime referred to in paragraph (1) to imprisonment of minimum eight years, and for the crime referred to in paragraph (2) to imprisonment of minimum four years.

(4) If the crime is committed by a legal entity, it shall be fined.

(5) The items and means of transport used to commit the crime shall be seized.

## **International terrorism**

### **Article 419**

(1) Whosoever with the intent to harm a foreign state or some international organization, commits a kidnapping of another or some other act of violence, causes an explosion or fire, or with some other generally dangerous act or by generally dangerous means causes a danger to the human life and to property to a greater extent, shall be sentenced to imprisonment of at least three years.

(2) If because of the crimes from paragraph 1, one or more persons die or damage is caused of a great extent, the offender shall be sentenced to imprisonment of at least five years.

(3) If when committing the crimes from paragraph 1, the offender premeditatively kills another, he shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

## **Endangering persons under international protection**

### **Article 420**

(1) Whosoever commits kidnapping or some other act of violence against a person under international legal protection, or who attacks his official premises, private home or transportation means, shall be sentenced to imprisonment of at least one year.

(2) If because of the crimes from paragraph 1, one or more persons die, the offender shall be sentenced to imprisonment of at least five years.

(3) If when committing the crime from paragraph 1, the offender premeditatively kills another, he shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

(4) Whosoever endangers the safety of a person from paragraph 1 with a serious threat to attack him, his official premises, private home or transportation means, shall be sentenced to imprisonment of one to ten years.

## **Taking hostages**

#### **Article 421**

(1) Whosoever commits a kidnapping of another and threatens to kill him, to hurt him or to keep him as a hostage, with the intent to coerce some state or international organization to do or not to do something, as an explicit or silent condition for freeing the hostage, shall be sentenced to imprisonment of at least one year.

(2) If because of the crime from paragraph 1, the kidnapped person dies, the offender shall be sentenced to imprisonment of at least five years.

(3) If during the commission of the crime from paragraph 1 the offender kills the kidnapped person premeditatively, he shall be sentenced to imprisonment of at least ten years, or to life imprisonment.

#### **Piracy**

#### **Article 422**

(1) A member of the crew or a passenger of a ship or an aircraft, who with the intent to acquire benefit for himself or for another, or to cause damage to another, at a place which does not fall under the authority of any state, commits an act of violence or some other coercion against a ship or aircraft, or against the persons who find themselves in it, or a theft of the objects from the ship or the aircraft, shall be sentenced to imprisonment of at least one year.

(2) If because of the crimes from paragraph 1, one or more persons die, or the ship or aircraft are destroyed or other damage to a great extent occurs, the offender shall be sentenced to imprisonment of at least five years.

#### **Chapter thirty-five**

## **TRANSITIONAL AND FINAL PROVISIONS**

### **Adopting instruction for court operation in keeping of criminal records**

#### **Article 423**

*Abolished* [11](#)

#### **Article 423-a**

The Court Rules of Procedure shall determine the actions of the courts for keeping the criminal records according to the article 106 of the Criminal Code, within 30 days from the day this Law enters into force.

### **Transfer of data from the criminal records**

#### **Article 424**

(1) The Ministry of Interior is obliged within one year from the day this Code enters into force to transfer all the data from the criminal records kept by the bodies of this ministry to the criminal records of the competent courts.

(2) After this period from paragraph 1 expires, the Ministry of Justice shall review the records of the Ministry of Interior in order to determine whether the data on the convicted persons has been removed, and it shall inform the Government of the Republic of Macedonia on this matter.

#### **Termination of validation of the criminal-legal provisions**

#### **Article 425**

As of the day this Code enters into force, the criminal-legal provisions of the Criminal Code of the Republic of Macedonia - General and Special Part ("Official Gazette of SFRY", No. 44/76, 34/84, 74/87, 57/89, 3/90, and 38/90, and "Official Gazette of the Republic of Macedonia ", No. 25/92 and 32/93), and the Criminal Code of the Republic of Macedonia ("Official Gazette of SRM" No. 25/77, 23/84, 50/87, 36/89, 7/90, and "Official Gazette of the Republic of Macedonia " No. 28/91, 24/92, and 49/93), as well as item 1 - Crimes, and Articles 278, 279, 280, 281 and 282 of the Law on Customs ("Official Gazette of the Republic of Macedonia", No. 20/93), and Articles 26, 27 and 28 of the Law on the Conditions for Taking, Exchange, Transfer and Transplantation of Parts of the Human Body for Medical Treatment ("Official Gazette of the Republic of Macedonia ", No. 30/95), cease to be valid.

#### **Entry into force of the Code**

#### **Article 426**

This Code shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia", and shall be applied as of 1st November, 1996.

#### **PROVISIONS OF OTHER LAW**

Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" no. 80/1999):

#### **Article 44**

As of the day this Law enters into force, Article 52 paragraph 1 point 10) in the part "with gaffs, underwater guns, with fire arms, explosive, chemical means, electricity or other fishing means kill, poison or daze the fish", Article 56 point 4) in the part "as well as with fire arms, underwater guns, explosive or chemical and other means that kill, poison and daze the fish" and Article 57 paragraph 1 point 5) from the Law on Fisheries ("Official Gazette of the Republic of Macedonia" number 62/93).

Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" no. 19/2004):

#### **Article 234**

The safety measures imposed by legally valid verdict until the day this Law enters into force, shall be enforced in accordance with the Criminal Code in force at the time of their imposing.

Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" no. 19/2004):

**Article 236**

This Law shall enter into force on the eight day of its publication in the "Official Gazette of the Republic of Macedonia" and the provisions from Article 32 referring to Article 58-b regarding the conditions for imposing a community work measure, Article 34 referring to Article 59-a regarding the conditions for imposing a house arrest measure and the provision from Article 49 referring to Article 96-a to 96-f for sentencing the legal entities, shall be applied as of 1st September, 2004.

Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" no. 114/2009):

**Article 121**

The state bodies shall be obliged, within a period of six months as of the day this Law enters into force, to harmonize the laws wherefore the crimes are prescribed with the amendments as determined in this Law.

Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" no. 114/2009):

**Article 122**

This Law shall enter into force on the eight day of its publishing in the "Official Gazette of the Republic of Macedonia", and shall be applied after six months as of the day it enters into force, except for Articles 7 and 8 which shall be applied as of January 1st, 2011.

Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" no. 51/2011):

**Article 35**

The provision referred to in Article 3 of this Law shall apply as of the day of entry into force of the provisions of the Law on Juvenile Justice regulating the procedure for keeping a special register for persons convicted by a legally valid verdict for crimes against the gender freedom and morality and for the crime referred to in Article 418-d, committed against juveniles.