A criminal offense or penalty do not exist without a law

Article 1

A penalty or other criminal sanction cannot be pronounced to a person for an act that had not been defined as a criminal offense before it was done, and a punishment or other criminal sentence cannot be pronounced to that person that had not been prescribed before the criminal offense was done.

No penalty without guilt

Article 2

A penalty and measures of warning can be imposed only to a perpetrator who is guilty of a committed criminal offense.

Basis and limits of criminal justice

Article 3

Protection of a human being and other fundamental social values shall constitute the basis and scope of defining criminal offenses, prescribing criminal sanctions and their enforcement to a degree necessary for prevention of these offences.

Criminal sanctions and their general purpose

Article 4

(1) Criminal sanctions shall be the following: penalties, warning measures, security measures and educational measures.

(2) General purpose of prescribing and imposing criminal sanctions shall be the prevention of offenses that violate or jeopardize the values protected by criminal legislation.
CHAPTER TWO
APPLICABILITY OF CRIMINAL LEGISLATION OF THE REPUBLIC OF SERBIA

Temporal applicability of criminal legislation

Article 5

(1) The law that was in force at the time of perpetration of a criminal offense shall be applied to a perpetrator of a criminal offense.

(2) If the law was amended after the commission of a criminal offense, once or more, that law which is most favourable to the perpetrator shall be applied.

(3) To a perpetrator of a criminal offense prescribed by the law of a limited temporal applicability this law shall be applied regardless of the time of the trial, if not otherwise stipulated by that law.

Applicability of criminal legislation in the territory of Serbia

Article 6

(1) Criminal legislation of the Republic of Serbia shall apply to any person who commits a criminal offense in its territory.

(2) Criminal legislation of Serbia shall also apply to any person who commits a criminal offense on board of a national ship, regardless of the location of the ship at the time of the commission of the criminal offense.

(3) Criminal legislation of Serbia shall also apply to any person who commits a criminal offense on board a national civilian aircraft while in the air or of a national military aircraft, regardless of the location of the aircraft at the time of the perpetration of the criminal offense, if the perpetrator of a criminal offense is a national of Serbia.

(4) If a criminal proceeding was initiated or completed in a foreign country in the cases referred to in Paragraphs 1 to 3 of this Article, criminal prosecution in Serbia shall only be launched upon the approval of the Republic Prosecutor.

(5) Criminal prosecution of a foreigner in the cases referred to in Paragraphs 1 to 3 of this Article may be ceded to the foreign country, under the condition of reciprocity.
Applicability of criminal legislation of Serbia to perpetrators of some criminal offenses committed abroad

Article 7

Criminal legislation of Serbia shall apply to any person who commits, abroad, the criminal offense referred to in Articles 305 through 316 and Articles 318 to 321 of this Code or in Article 223 of this Code if counterfeiting refers to the national money.

Applicability of criminal legislation of Serbia to a national of Serbia who commits a criminal offense abroad

Article 8

Criminal legislation of Serbia shall also apply to a national of Serbia if s/he commits abroad other criminal offense than those referred to in Article 7 of this Code, should s/he be in the territory of Serbia or Montenegro or extradited to the state union of Serbia and Montenegro.

Applicability of criminal legislation of Serbia to a foreigner who commits a criminal offense abroad

Article 9

(1) Criminal legislation of Serbia shall also apply to a national of a foreign country who, outside the territory of Serbia, commits a criminal offense against it or its national even outside the offenses referred to in Article 7 of this Code, should s/he be in the territory of Serbia or Montenegro or extradited to SCG.

(2) Criminal legislation of Serbia shall also apply to a national of a foreign country who, abroad, commits against a foreign country or a foreign national, a criminal offense punishable by a sentence of imprisonment under the law of the country it was committed in, in duration of five years or more, should s/he be in the territory of Serbia, and is not extradited to a foreign country. If not otherwise prescribed by this Code, a court of law may not in such an instance pronounce a penalty more severe than the one prescribed by the law of the country in which the criminal offense was committed.

Special requirements for criminal prosecution for a criminal offense committed abroad

Article 10

(1) In the event from Articles 8 and 9 of this Code, criminal prosecution shall not be undertaken:

1) if the perpetrator has fully served the sentence he had been convicted to abroad;
2) if the perpetrator has been released abroad by a final judgment or if his/her penalty has been statute-barred or pardoned;
3) if a corresponding security measure has been applied abroad against the mentally incompetent perpetrator;
4) if, under the foreign law, prosecution could be undertaken for a criminal offense on a request of an injured party, but such a request has not been filed.

(2) In the case referred to in Articles 8 and 9 of this Code, criminal prosecution shall be undertaken only when the criminal offense in question is also punishable by the law of the country in which it was committed. When in the case referred to in Article 8 and Article 9, Paragraph 1 of this Code, the law of the country in which the criminal offense was committed does not punish the criminal offense in question, criminal prosecution may only be undertaken if approved by the Republic Prosecutor.

(3) In the case referred to in Article 9, Paragraph 2 of this Code, if the offense in question is, at the time of perpetration, regarded a criminal offense in accordance with the general legal principles recognized by the international law, prosecution may be undertaken in Serbia upon the approval of the Republic Prosecutor, regardless of the law of the country in which the criminal offense was committed.

Creditting of pre-trial custody and sentence served abroad

Article 11

Pre-trial custody, any other deprivation of liberty related to a criminal offense, deprivation of liberty during the process of extradition, as well as the sentence served by a perpetrator as adjudicated by a foreign court, shall be credited to the penalty pronounced by a national court for the same criminal offense; should the penalties be of diverse types, such crediting shall be based on the court’s appraisal.

Applicability of a member state’s law that recognizes a criminal offense

Article 12

(1) Criminal legislation of a member state that recognizes a criminal offense shall apply to any person who commits, in the territory of that member state, a criminal offense recognized in its criminal legislation, regardless of where the perpetrator is tried for the offense in question.

(2) If a criminal offense recognized in the criminal legislation of a member state was committed in the territories of both member states law of the member state in which the perpetrator is tried shall be applied.

(3) For criminal offenses recognized in the law of a member state, when such offenses were committed outside the territory of SCG or on board a national ship or aircraft while outside the territory of SCG, the law of the member state in which the perpetrator is tried shall be applied.
Applicability of the general part of this Code

Article 13

Provisions of the general part of this Code shall apply to all criminal offenses prescribed by this Code or other law.

CHAPTER THREE
CRIMINAL OFFENSE

1. General provisions on criminal offense

Criminal offense

Article 14

(1) A criminal offense is an action or failure to act that the law defined as a criminal act, unlawful and committed with premeditation or out of negligence.

(2) A criminal offense shall not exist if unlawfulness or guilt have been excluded, although there are all major features of a criminal offense defined by the law.

Commission of a criminal offense by failure to act

Article 15

(1) A criminal offense shall be committed by failure to act when the law defines failure to take specific action as a criminal offense.

(2) Failure to act may also result in a criminal offense that was not defined as such by the law, if the perpetrator realized the features of a criminal offense by failure to act duly.

Time of perpetration of a criminal offense

Article 16

(1) A criminal offense is committed at the time when a perpetrator was acting or was obligated to act, irrespective of when the consequence of that act occurred.

(2) An accomplice committed a criminal offense at the time when he was acting or was obligated to act.
Place of perpetration of criminal offense

Article 17

(1) A criminal offense is committed at the place in which the perpetrator was acting or was obligated to act and in the place where the consequence of act occurred, in full or partially.

(2) An attempted offense shall be considered committees in the place where the perpetrator was acting and in the place where the consequence was to occur, as planned by the perpetrator, or could occur.

(3) An accomplice committed the offense also in the place where s/he acted as an accomplice.

An offense of minor significance

Article 18

(1) An offense that represents an offense of minor significance, although it has elements of a criminal offense, is not a criminal offense.

(2) A criminal offense is an offense of minor significance if the degree of guilt of the perpetrator is small, if there is no effect or the effect is mild, or the perpetrator eliminated harmful effects, and if the general purpose of criminal sanction does not require a criminal sanction to be imposed.

(3) The provisions of Paragraphs 1 and 2 of this Article cannot be applied to criminal offenses punishable by a sentence of imprisonment exceeding three years.

Self-defense

Article 19

(1) An act committed in self-defense shall not be considered a criminal offense.

(2) Self-defense is a defense that is absolutely necessary for a perpetrator to avert a concurrent unlawful attack from his/her or someone else’s well being.

(3) The perpetrator who exceeded the limits of self-defense may be punished by a milder penalty. If s/he has exceeded the limits of self-defense due to strong exasperation or fear caused by the assault s/he can also be exempted from sanction.

Necessity

Article 20

(1) An act committed in extreme necessity shall not be considered a criminal offense.
(2) Necessity is when an act is committed in order for the perpetrator to avert from his/her or someone else’s well being a concurrent, unprovoked danger which could not have been eliminated in any other way, when the evil created thereby does not exceed the one that posed the threat.

(3) If a perpetrator negligently provoked the danger or exceeded the limits of necessity, s/he can be punished by a milder penalty. If the perpetrator exceeded the limits of necessity, under particularly mitigating circumstances s/he can be acquitted.

(4) Necessity shall not exist if the perpetrator was under an obligation to expose her/himself to the threatening danger.

**Force and threat**

**Article 21**

(1) An act done under the influence of force that cannot be fought shall not be considered a criminal offense.

(2) If a criminal offense has not been committed under the influence of a force that cannot be fought or of a threat, and it is not possible to apply the provisions of Article 20 of this Code, the perpetrator’s penalty may be reduced.

(3) In the cases from Paragraphs 1 of this Article, the person who applied the force or threat shall be considered the perpetrator.

**Guilt**

**Article 22**

(1) An offender shall be guilty if s/he was mentally competent and acted with intent at the time of the commission of a criminal offense, and was aware or had to and could have been aware that his/her act is forbidden.

(2) An offender who acted negligently shall also be guilty of a criminal offense, if so defined in the law.

**Mental incapacity**

**Article 23**

(1) A perpetrator who at the moment of commission of an unlawful act prescribed by the law as a criminal offense was not able to understand the significance of his/her act or was not able to control his/her actions due to a mental illness, mental retardation or other severe mental disorder (mental incapacity) shall not be considered guilty.

(2) A perpetrator whose ability to comprehend the significance of his/her act or ability to control his/her actions was substantially diminished due to any of the
conditions stipulated in Paragraph 1 of this Article (substantially diminished mental capacity) may receive a reduced punishment.

**Mental incapacity caused by the perpetrator**

**Article 24**

(1) Guilt of a perpetrator of a criminal offense who by consumption of alcohol, drugs or in another way, brought him/herself into a state in which s/he was not able to comprehend the significance of his/her acts, or control his/her actions, shall be determined according to the time immediately before bringing him/herself in that condition.

(2) The perpetrator who committed a criminal offense in the state of substantially under the circumstances referred to in Paragraph 1 of this Article cannot receive reduced sentence on those grounds.

**Premeditation**

**Article 25**

A criminal offense has been committed with premeditation if the perpetrator had been aware of his/her act and wanted it to be committed, or when the perpetrator was aware that s/he could commit the act and consented to it.

**Negligence**

**Article 26**

A criminal offense has been committed by negligence if a perpetrator had been aware that by s/he could commit an offense by an action, but had carelessly assumed that it would not happen or that s/he would be able to prevent it; or when s/he was not aware of the possibility to commit an offense by his/her act, although, under the circumstances in which the act was committed, and according to his/her personal traits, s/he had a duty to and could have been aware of that possibility.

**Liability for a graver consequence**

**Article 27**

When a graver consequence has resulted from a criminal offense due to which a more severe punishment is foreseen by law, the more severe punishment may be imposed if the perpetrator was negligent towards the consequence, and with intent, if by that the perpetrator has not performed elements of some other criminal offense.
Mistake of fact

Article 28

(1) A perpetrator shall not be guilty if at the time of committing a criminal offense s/he was not aware of some of its features defined in the law, or if s/he mistakenly believed that circumstances existed which, had they really existed, would have rendered such a conduct permissible.

(2) If the perpetrator’s mistake derived from negligence, s/he shall be guilty of a criminal offense by negligence, insofar as the offense is defined by the law.

Mistake of law

Article 29

(1) A perpetrator who could not and did not have to know that his/her act is prohibited shall not be held criminally liable.

(2) The perpetrator who did not know that his/her act was prohibited, but could have known or had a duty to have known, can receive a milder punishment.

2. Attempted criminal offense

Attempt

Article 30

(1) Anyone who with intent commences the commitment of a criminal offense, but does not finish it, shall be punished for attempted criminal offense which the law prescribes as punishable with imprisonment of five years or more, whereas the second attempted criminal offense shall be punished only when the law explicitly prescribes punishing the attempt.

(2) Use of a certain tool or application of a certain manner of commitment shall also be considered as a commencement of a criminal offense if the law defines them as elements of criminal offense.

(3) A perpetrator shall be punished for an attempted offense by punishment prescribed for the criminal offense, or by a reduced penalty.

Inappropriate attempt

Article 31

A perpetrator who attempts a criminal offense with inappropriate instrument or against an inappropriate object may be exempted from punishment.
Voluntary abandonment

Article 32

(1) An offender who has attempted to commit a criminal offense, but has voluntarily desisted its completion or prevented the consequence, may be exempted from punishment.

(2) The provisions of Paragraph 1 of this Article shall not apply if the perpetrator desisted the completion of the criminal offense due to circumstances that prevented or considerably impeded the commission of the criminal offense, or due to belief that such circumstances existed.

(3) Accomplice, instigator or aider who voluntarily prevented the commission of a criminal offense may also be exempted from punishment.

(4) If in cases referred to in Paragraphs 1 to 3 the perpetrator completed the commission of a separate criminal offense, not included in the criminal offense the commission of which s/he abandoned, the perpetrator cannot be exempted from punishment for the second offense on the same grounds.

3. Complicity in criminal offense

Complicity

Article 33

If several persons commit a criminal offense by jointly taking part in criminal conduct or substantially contribute to the commission of the criminal offense by realizing a joint decision through another action, each shall be punished with the penalty prescribed for the offense in question.

Abetting

Article 34

(1) Any person who with intent abets another to commit a criminal offense shall be punished as prescribed for that criminal offense.

(2) Any person who with intent abets another to commit a criminal offense the attempt of which is punishable by the law, shall be punished for attempted criminal offense even if the offense has not been attempted.
Aiding

Article 35

(1) Any person who with intent aids another person in the commission of a criminal offense shall be punished for the criminal offense, or a reduced punishment.

(2) The following shall in particular be considered as aiding in the commission of a criminal offense: giving instructions or counseling about how to commit a criminal offense, supplying the perpetrator with instruments for the commission of a criminal offense, creation of conditions or removal of obstacles for the commission of a criminal offense as well as the promise given prior to the commission to conceal the criminal offense, the perpetrator, instrument for the commission of the criminal offense, the traces of the criminal offense or the items gained through the commission of the criminal offense.

Scope of liability and punishment of accomplices

Article 36

(1) An accomplice shall be criminally liable for the committed criminal offense within the limits of his/her intent or negligence, and the abettor and aider within the limits of their intent.

(2) Personal relations, characteristics and circumstances on the basis of which the law excludes criminal liability or allows acquittal of punishment or the existence of which affect meting out the punishment can be taken into consideration only for the perpetrator, accomplice, abettor or aider with whom such relations, characteristics and circumstances exist.

(3) Personal relations, characteristics and circumstances that represent a major feature of a criminal offense do not have to exist in the case of abettor or aider. The abettor or aider who does not have such personal capacity can receive a milder penalty.

Punishing an abettor and aider for an attempt and minor criminal offense

Article 37

(1) If a criminal offense remained in attempt the abettor and aider shall be punished for an attempt.

(2) If a perpetrator has committed a lesser criminal offense than the one abetted or aided, and which would have been comprised by it, the abettor and aider shall be punished for the criminal offense that has been committed.
(3) The provision of Paragraph 2 of this Article shall not be applied if the abettor would be punished more severely by applying Article 34, Paragraph 2, of this Code.

4. Special provisions on criminal offenses committed through the printed or other media

Criminal liability of editor-in-chief

Article 38

(1) The author of information shall be considered the perpetrator of the criminal offense committed by publishing the information in a daily newspaper or another periodical publication, on the radio, television or in a movie magazine.

(2) As an exception from Paragraph 1 of this Article, the editor-in-chief or a person who acted in his/her capacity at the time when the information was published shall be considered the perpetrators of criminal offenses committed through a newspaper or other periodically printed publication, on the radio, television or a movie magazine:

1) if the author remains unknown until the end of the main hearing before the first instance court and the criminal offense in question is punishable by law by sentence of imprisonment of five years or more;
2) if the information was published without the author’s consent;
3) if at the time when the information was published there were factual or legal impediments for prosecution of the author and still are.

(3) The editor-in-chief or a person acting in his/her capacity shall not be held liable if out of justifiable reasons s/he did not know about some of the circumstances referred to in Paragraph 2, Items 1 through 3 of this Article.

Criminal liability of a publisher, printer and manufacturer

Article 39

(1) If there are circumstances set forth in Article 38 of this Code, the following persons shall be considered perpetrators:

1) a publisher – for a criminal offense committed through irregular printed publication and, if there is no publisher or there are actual or legal obstacles for his/her prosecution - the printer who had the knowledge of it;
2) a manufacturer – for the criminal offense committed through compact disc, phonograph record, magnetic tape and other audio means, film for public or private display, slides, videos or other similar means of communication intended for wider audience.
(2) If a publisher, printer or manufacturer is a legal person or a state authority, the person in charge of publishing, printing or manufacturing shall be held criminally liable.

Application of provisions of Articles 38 and 39

Article 40

The provisions of Articles 38 and 39 of this Code shall be applied only provided that these persons cannot be considered perpetrators of criminal offense under the general provisions of this Code.

Protection of the source of information

Article 41

The persons referred to in Articles 38 and 39 of this Code shall not have a duty to reveal the author of the information or the sources thereof unless the criminal offense committed is the one punishable by law with a sentence of imprisonment of five years or more, or in order to prevent such criminal offense.

CHAPTER FOUR

PUNISHMENTS

1. Purpose of punishment, types of punishment, conditions for their imposition

Purpose of punishment

Article 42

The purpose of punishment within the framework of the general purpose of criminal sanctions (Article 4, Paragraph 2) shall be:

1) preventing a perpetrator to commit criminal offenses and influencing him/her not to commit criminal offenses thereafter;
2) influencing the others not to commit criminal offenses;
3) expressing social condemnation for a criminal offense, strengthening of moral and the duty to respect the law.

Types of punishment

Article 43

The following punishments can be imposed on the perpetrator of criminal offenses:

1) sentence of imprisonment;
2) a fine;
3) community service;
4) forcible taking of driver’s license.
Principal and secondary punishments

Article 44

(1) Imprisonment and community service may be pronounced only as principal punishments.

(2) A fine and forcible taking of driver’s license may be imposed both as the principal and as a secondary punishment.

(3) If several punishments are prescribed for one criminal offense, only one of these can be pronounced as the principal punishment.

Imprisonment

Article 45

(1) A sentence of imprisonment cannot be shorter than thirty days or longer than twenty years.

(2) The sentence of imprisonment referred to in Paragraph 1 of this Article shall be pronounced in full years and months, and those shorter than six months, in months and days.

(3) Up to forty years in prison can be prescribed for the most serious criminal offenses, provided that it cannot be prescribed as the only punishment for a certain criminal offense.

(4) A forty years’ imprisonment sentence cannot be pronounced to a person who was under 21 at the time of commission of a criminal offense.

Release on parole

Article 46

(1) A convicted person who has served half of the prison sentence can be released on parole by the court if in the course of serving the prison sentence s/he has so improved that it is reasonable to expect that s/he will behave well while at liberty and, particularly that s/he will refrain from committing criminal offenses until the end of time the prison sentence had been imposed. When assessing whether to release a convict on parole, his/her conduct during the period of serving the sentence, performance of work tasks, in view of his/her working abilities, as well as other circumstances indicating that the purpose of punishment has been achieved shall be taken into consideration.
(2) In the case referred to in Paragraph 1 of this Article, if the parole is not revoked, the convicted person shall be considered to have served the sentence.

Revocation of parole

Article 47

(1) The court shall revoke parole if a convicted person commits one or more criminal offenses while on parole, for which imprisonment sentence of more than a year is pronounced.

(2) The court may revoke parole if a person on parole commits one or more criminal offenses for which imprisonment sentence of less than one year is pronounced. While determining whether to revoke the parole, the court shall particularly consider whether criminal offenses are related, motives and other circumstances which thereby represent justification for revocation of parole.

(3) Paragraphs 1 and 2 of this Article shall be applied even if a person on parole is tried for a criminal offense that s/he had committed before release on probation.

(4) When the court revokes parole it shall pronounce punishment by applying provisions of Article 48 and Article 50, Paragraph 2, of this Code and it shall consider previously pronounced sentence as the already defined. A part of the sentence the convicted person had already served according to previous conviction shall be credited in the new sentence, while the time spent on probation shall not be credited for.

(5) If a person on parole is sentenced to imprisonment of less than a year and the court does not revoke the parole, the parole shall be extended for the period of the imprisonment sentence which the convicted person has served.

(6) In the case referred to in Paragraphs 1 to 3 of this Article, the parole can be revoked at latest within two years of the date the parole expired.

General provisions of the fine

Article 48

(1) A fine may be meted out and pronounced in daily amounts (Article 49) or in a defined amount (Article 50).

(2) For criminal offenses committed out of greed the fine as an accessory punishment can be pronounced even if it is not prescribed by the law, or when the law prescribes that the perpetrator shall be punished by imprisonment sentence or fine and the court pronounces imprisonment as the principal sentence.
Fine in daily amounts

Article 49

(1) A fine in daily amounts is meted out so as to first establish the number of daily amounts and then the daily amount. The court shall calculate the amount of the fine by multiplying the meted out number of daily amounts with the ascertained value of one daily amount.

(2) The number of daily amount cannot be less than ten or more than three hundred and sixty days. The number of daily amounts for the committed criminal offense is meted out based on the general principles for meting out punishments (Article 53).

(3) The value of a daily amount of a fine shall be determined in such a manner as to divide the difference between the last year revenues and expenditures of the perpetrator of the offense with the number of days in the year. One daily amount cannot be under YUD 500 or larger than YUD 50,000.

(4) It is for the purpose of ascertaining the value of daily amounts of a fine that the court may request from banks or other financial institutions, state authorities and legal entities to submit the data and they shall be obliged to present the data requested without referring to the protection of business or other secrets.

(5) The number of daily amounts of a fine shall be defined within the following ranges:
   1) up to sixty pecuniary amounts for criminal offenses punishable with imprisonment sentence of maximum three months;
   2) from thirty to one hundred and twenty pecuniary amounts for criminal offenses punishable with imprisonment sentence of maximum six months;
   3) from sixty to one hundred and eighty pecuniary amounts for criminal offenses punishable with imprisonment sentence of maximum one year;
   4) from one hundred and twenty to two hundred and forty pecuniary amounts for criminal offenses punishable by imprisonment sentence of maximum two years;
   5) at least one hundred and eighty pecuniary amounts for criminal offenses punishable by imprisonment sentence of maximum three years.

Fine in a fixed amount

Article 50

(1) In the cases when revenues and expenditures of a perpetrator of a criminal offense cannot be determined, or the validity of the data of his/her revenues and expenditures is under serious suspicion, the court shall pronounce a fine in a fixed amount within the range between the smallest and the largest fine.
A fine cannot be less than YUD 10,000. A fine cannot exceed YUD 1,000,000, and for the criminal offenses committed out of greed, it cannot exceed YUD 10,000,000.

A fine pronounced as the principal punishment shall be pronounced in the following amounts:

1) up to YUD 100,000 for criminal offenses punishable with imprisonment sentence of maximum three months;
2) from YUD 20,000 to YUD 200,000 for criminal offenses punishable with imprisonment sentence of maximum six months;
3) from YUD 30,000 to YUD 300,000 for criminal offenses punishable with imprisonment sentence of maximum one year;
4) from YUD 50,000 to YUD 500,000 for criminal offenses punishable by imprisonment sentence of maximum two years;
5) at least YUD 100,000 for criminal offenses punishable with imprisonment sentence of maximum three years;
6) within the prescribed amount for criminal offense for which a fine is envisaged as the sole punishment.

Collection of a fine

Article 51

(1) The judgment shall set the deadline for payment of a fine that may not be shorter than fifteen days or longer than three months. In justified cases, the court may allow the convicted person to pay the fine in instalments, provided that the deadline is not longer than one year.

(2) If the convicted person fails to pay the fine within the set deadline, the court shall convert the fine into sentence of imprisonment, by ordering one day of prison sentence for each YUD 1,000 fine, provided that the sentence of imprisonment cannot exceed six months, and if the pronounced fine is larger than YUD 700,000, the sentence of imprisonment cannot exceed one year.

(3) If the convicted person pays only a portion of the fine, the court will convert the remainder into imprisonment sentence accordingly; if the convicted person pays out the remainder of the fine, the execution of the sentence of imprisonment shall be discontinued.

(4) After the death of a convicted person the fine shall not be effectuated.

Community service

Article 52

(1) Community service can be imposed for criminal offenses punishable by a fine or imprisonment sentence of up to three years.

(2) Community service shall be any socially useful work that does not offend human dignity and is not done for the purpose of gaining profit.
(3) Community service cannot last shorter than sixty hours or longer than three hundred and sixty hours. Community service shall last sixty hours within one month and shall be ordered for the period that cannot be shorter than one month or longer than six months.

(4) When pronouncing this punishment, the court shall, having in mind the purpose of the punishment, consider the type of the criminal offense committed, the character of the offender and his/her willingness to do community service. Community service cannot be pronounced without the perpetrator’s consent.

(5) If a criminal offender does not perform community service, this punishment shall be converted into imprisonment sentence, thus that each sixty hours of community service that have been started shall be converted into one-month imprisonment sentence.

(6) If a criminal offender fulfills all his/her duties related to community service, the court may reduce the length of the pronounced community service by one fourth.

Article 53

Forcible taking of driver’s license

(1) The driver’s license of a perpetrator of a criminal offense jeopardizing traffic or of another criminal offense in the commission of which or preparation a motor vehicle has been used may be forcibly taken.

(2) The court shall define the duration of the penalty from Paragraph 1 of this Article that may not be under one year or exceed three years, counting from the date when the judgment has become final, provided that the time spent in prison is not credited to the duration of this penalty.

(3) The penalty from Paragraph 1 of this Article may be pronounced as the secondary sentence, along with the sentence of imprisonment or fine. It may also be pronounced as the principal penalty for criminal offenses punishable by sentence of imprisonment of up to two years.

(4) If the convicted person drives a motor vehicle in the course of the period of penalty of forcible taking of the driver’s license, the court shall convert this penalty into a prison sentence so as to exchange one year of forcible taking of the driver’s license by one month in prison.

Meting out a punishment

General principles of meting out punishments

Article 54

(1) The court shall determine a punishment for a perpetrator of a criminal offense within the limits stipulated in the law for the criminal offense in question, having
in mind the purpose of punishment and taking into account all circumstance that have bearing on the magnitude of the punishment (mitigating and aggravating circumstances), and particularly the following: a degree of culpability, the motives from which the offense was committed, the intensity of danger or injury to the protected good, the circumstances in which the offense was committed, past conduct of the offender, his/her personal situation, his/her behaviour after the commission of the criminal offense, particularly his attitude towards the victim of the criminal act and other circumstances related to the personality of the offender.

(2) In determining a fine in the fixed amount (Article 50), the court shall give particular consideration to the financial status of an offender, as well.

(3) The circumstance which is a feature of a criminal offense cannot be also taken into consideration either as an aggravating or a mitigating circumstance, except if it exceeds the measure required for establishing the existence of the criminal offense, or certain form of the criminal offense, or if there are two or more such circumstances, when only one is sufficient for the existence of aggravated or less serious type of criminal offense.

Recidivism

Article 55

When meting out a punishment to an offender for a criminal offense which s/he has committed after sentence served, sentence pardoned or acquittal, after the expiry of the deadline for revocation of parole or after court admonition has been pronounced, the court can take this circumstance as aggravating, particularly assessing the seriousness of a previously committed criminal offense, whether the former offense is of the same kind as the latest, whether both offenses were committed out of the same motives, the circumstances in which the offenses were committed and how much time elapsed from the earlier conviction or from the pronounced, pardoned or expired sentence, from acquittal from punishment, from the expiry of the deadline for revocation of earlier parole or from the pronounced court admonition.

Reduction of punishment

Article 56

(1) The court may impose to the perpetrator of a criminal offense the penalty below the limit prescribed by the law or a more lenient type of punishment when:

1) the law prescribes that an offender`s punishment can be reduced;
2) the law prescribes that an offender can be acquitted of sentence, whereas the court does not acquit him/her;
3) it is established that there are particularly mitigating circumstances and determines that the purpose of punishment is achievable with reduced punishment, as well.
Limits of reduction of punishment

Article 57

(1) If the conditions for reduction of the punishment referred to in Article 56 of this Code were met, the court shall reduce the punishment within the following limits:

1) if the lowest prescribed punishment for the criminal offense is a prison sentence of minimum five years, the sentence can be reduced by not more than two years of prison;
2) if the lowest prescribed punishment for the criminal offense is a prison sentence of three years, the sentence can be reduced by not more than one year of prison;
3) if the lowest prescribed punishment for the criminal offense is a prison sentence of two years, the sentence can be reduced by not more than six months of prison;
4) if the lowest prescribed punishment for the criminal offense is a prison sentence of one year, the sentence can be reduced by not more than three months of prison;
5) if the lowest prescribed punishment for the criminal offense is a prison sentence less then one year, the sentence can be reduced by not more than thirty days of prison;
6) if the prescribed punishment for the criminal offense is the sentence of imprisonment without specifying the minimum, the prison sentence can be replaced by a fine or community service;
7) if the prescribed punishment for the criminal offense is a fine with prescribed minimum amount, the fine can be reduced up to the amount of YUD 10,000.

(2) When the court is authorized to acquit an offender of any punishment, it can reduce his/her punishment without limitations prescribed for reduction of punishment.

Remission

Article 58

(1) The court can remit a punishment to a criminal offender only when so explicitly prescribed by the law.

(2) The court can also remit a punishment to the criminal offender who has committed an offense out of negligence, if the consequences of that offense affect the offender so strongly that the pronouncement of a sentence in that case would obviously not serve the purpose of punishment.
Settlement between the perpetrator and the injured party

**Article 59**

(1) The court may acquit of punishment a perpetrator of a criminal offense punishable by the sentence of imprisonment of up to three years or a fine, if the perpetrator met all obligations stated in the agreement reached with the injured party.

(2) The court can also acquit of punishment the perpetrator of a criminal offense punishable by maximum five years in prison, if s/he removes the effects of the offense or compensates the damage caused by the criminal offense after s/he had committed the criminal offense and before s/he learned that s/he was detected.

Concurrence of criminal offenses

**Article 60**

(1) If a perpetrator, by one action or several actions, has committed several criminal offenses for which he is tried at the same time, the court shall first determine penalties for each of the offenses respectively and shall then pronounce a single sentence.

(2) The court shall pronounce a single sentence in line with the following rules:

1) if a 40-year imprisonment sentence has been determined by the court for one of the criminal offenses in concurrence, it shall pronounce that punishment only;

2) if the court has determined imprisonment sentences for criminal offenses in concurrence, it shall increase the most severe punishment determined provided that the cumulative punishment does not reach the sum of determined punishments nor exceed twenty years of imprisonment;

3) if prison sentences of maximum three years are prescribed for all criminal offenses in concurrence, the cumulative punishment must not exceed ten years of imprisonment;

4) if for criminal offenses in concurrence only fines are determined, the court shall pronounce one fine in the amount of the sum of determined fines, but it must not exceed the amount of YUD 1,000,000 or YUD 10,000,000 when one or more criminal offenses have been committed out of greed;

5) if for some criminal offenses in concurrence the court determined the penalties of imprisonment and for the other offenses the fines, the court shall pronounce one sentence of imprisonment and one fine pursuant to the provisions of Items 2-4 of this Paragraph.

(3) The court shall pronounce a fine as a secondary punishment if it has been prescribed for even one of the criminal offenses in concurrence, and if the court has determined more than one fine, it shall pronounce one fine pursuant to the provisions of Paragraph 2, Item 4 of this Article. If the court determines
a fine as the principal penalty and fine as the secondary penalty, the court shall pronounce one fine applying the rules from Paragraph 2, Item 4 of this Article.

(4) If the court determined sentences of imprisonment and juvenile imprisonment for concurrent criminal offenses, it shall pronounce the sentence of imprisonment as the single punishment by applying the rules from Paragraph 2, Item 2 of this Article.

Multiple criminal offense

Article 61

(1) Multiple criminal offense comprises several identical criminal offenses or criminal offenses of the same category committed in temporal continuity by the same offender that represent a whole per se due to the existence of at least two of the following circumstances: the same injured party, the same category of the object of a criminal offense, use of the same situation or the same permanent relationship, identical places or premises for the commission of the offense or the single intent of the offender.

(2) Criminal offenses against a person can comprise a multiple criminal offense only provided that they were committed against the same person.

(3) The offenses that by their character do not allow combination in one offense cannot represent a multiple criminal offense.

(4) If a multiple criminal offense comprises minor and grave forms of the same offense, it shall be considered that the severest form of the committed offenses has been committed through the multiple criminal offense.

(5) If a multiple criminal offense consists of criminal offenses, the significant characteristic of which is a definite amount of money, it shall be considered that the multiple criminal offense resulted in the sum of amounts acquired by individual offenses, if it is part of single intent of a perpetrator.

Meting out of punishment to a convicted person

Article 62

(1) If a convicted person is tried for a criminal offense committed before s/he had started serving the sentence for a prior conviction, or for a criminal offense committed in the course of serving the prison sentence or juvenile imprisonment, the court shall pronounce a single sentence for all the criminal offenses by applying the provisions of Article 60 of this Code, taking the earlier pronounced sentence as already determined. The sentence or a portion of the sentence already served by the convicted person shall be credited to the pronounced sentence of imprisonment.

(2) For a criminal offense committed in the course of serving the prison sentence or juvenile custody, the court shall pronounce a sentence to the offender
regardless of the previously pronounced sentence if application of the provisions of Article 48 of this Code, in the light of the gravity of the criminal offense thereof and the remaining part of the sentence that has not been served, the purpose of the punishment could not be achieved.

(3) A convict who in the course of serving the prison sentence or juvenile custody commits a criminal offense for which the law prescribes a fine or prison sentence of maximum one year shall be punished disciplinary.

**Crediting detention and earlier sentence**

**Article 63**

(1) The time spent in pre-trial custody, as well as any other deprivation of liberty in relation with a criminal offense shall be credited to the pronounced sentence of imprisonment, fine and the penalty of community service.

(2) If the criminal proceeding has been conducted for several concurrent criminal offenses and pre-trial custody has not been ordered for each offense, the time spent in pre-trial custody shall be credited to the pronounced prison sentence, fine and the penalty of community service for the criminal offenses the convicted person has been sentenced to.

(3) Prison sentence or a fine which the offender has served, or paid for a misdemeanour or economic offense, as well as a sentence or the disciplinary measure of deprivation of liberty served by the offender for violation of military discipline shall be credited to the sentence pronounced for a criminal offense whose characteristics include the characteristics of a misdemeanour, economic offense or violation of military discipline.

(4) For each crediting, one day spent in pre-trial custody, one day of deprivation of liberty, one day in prison, eight hours of community service and YUD 1,000 shall be deemed equal.

**CHAPTER FIVE**

**MEASURES OF WARNING**

1. **Suspended sentence and court admonition**

**The purpose of suspended sentence and court admonition**

**Article 64**

(1) Measures of warning are: suspended sentence and court admonition.

(2) Within the general purpose of criminal sanctions (Article 4, Paragraph 2), the purpose of the suspended sentence and court admonition shall be that a sentence for minor criminal offenses be not imposed on the guilty offender
when it can be expected that an admonition under the threat of punishment (suspended sentence) or an admonition alone (court admonition) will sufficiently influence the offender to deter him/her from committing criminal offenses.

Suspended sentence

Article 65

(1) When imposing a suspended sentence, the court shall determine a punishment to a criminal offender and at the same time it orders that it shall not be carried out provided the convicted person does not commit another criminal offense for a period of time determined by the court, which can not be shorter than one year or longer than five years (probation period).

(2) By a suspended sentence, the court may order that the sentence be carried out also if the convicted person fails to restore the material gain acquired through the commission of the criminal offense, compensate for the damage s/he has caused by commission of the criminal offense or fails to meet other obligations prescribed in criminal law regulations. The court shall define the deadline for meeting these obligations within the specified period of probation.

(3) Security measures, ordered alongside of the suspended sentence, shall be enforced.

Conditions for pronouncing a suspended sentence

Article 66

(1) A suspended sentence may be pronounced when the offender received a sentence of imprisonment of up to two years.

(2) Suspended sentence cannot be pronounced for criminal offenses punishable by prison sentence of ten years or more.

(3) A suspended sentence can not be pronounced unless more than five years have elapsed from the day when the offender’s sentence punishing him/her for an intentional criminal offense became irrevocable.

(4) When determining whether to pronounce a suspended sentence the court shall, taking care of the purpose of the suspended sentence, especially consider the personality of the offender, his/her earlier conduct, his/her conduct after the commission of the criminal offense, degree of criminal liability and other circumstances under which the offense has been committed.

(5) If both sentence of imprisonment and a fine have been pronounced to an offender, suspended sentence may be pronounced only for the sentence of imprisonment.
Revocation of suspended sentence due to the commission of another criminal offense

Article 67

(1) The court shall revoke a suspended sentence if a convicted person during the probation period commits one or more criminal offenses for which the sentence of imprisonment of two years or more is pronounced.

(2) If a convicted person during the probation period commits one or more criminal offenses for which the sentence of less than two years in prison or a fine has been pronounced, the court shall decide whether to revoke the suspended sentence, after it had assessed all the circumstances referring to the committed offenses and the offender, and particularly similarity of the committed offenses, their importance and motives from which they were committed. The court shall be limited by the ban on pronouncing suspended sentence, if the offender should be sentenced with more than two years in prison for the criminal offenses established in the suspended sentence and for the new criminal offenses (Article 66, Paragraph 1).

(3) If the court revokes the suspended sentence, it shall pronounce a single prison sentence by applying the provisions of Article 60 of this Code for both the previously committed and the new criminal offense by taking the sentence from the revoked suspended sentence as the already determined sentence.

(4) If the court does not revoke a suspended sentence, it can pronounce a suspended sentence or a penalty for the newly committed criminal offense. A convicted person who gets a prison sentence for the new criminal offense shall not have that period served in prison credited to the probation period determined by the suspended sentence for the previous offense.

(5) If the court decides that a suspended sentence should be pronounced for the new criminal offense as well, it shall, by applying the provisions of Article 60 of this Code, determine a single sentence for both the earlier committed offense and for the new criminal offense and shall specify a new probation period which cannot be shorter than one or longer than five years counting from the day when the new judgment became final. If the convicted person commits a criminal offense in the course of the new probation period, the court shall revoke the suspended sentence and pronounce a prison sentence by applying the provisions of Paragraph 3 of this Article.

Revocation of suspended sentence due to a previously committed criminal offense

Article 68

(1) The court shall revoke a suspended sentence if, after its pronouncement, the court establishes that the convicted person committed a criminal offense prior to the imposition of a suspended sentence and if it finds that there would have been no grounds for the imposition of the suspended sentence had the
existence of that offense been known. In such a case, the court shall apply the provision of Article 67, Paragraph 3 of this Code.

(2) If the court does not revoke a suspended sentence, it shall apply the provision of Article 67, Paragraph 4 of this Code.

Revocation of suspended sentence due to failure to meet particular obligations

Article 69

If a suspended sentence prescribes a convicted person to meet some obligations set forth in Article 65, Paragraph 2 of this Code, and s/he fails to meet that obligation within the deadline set forth in the judgment, the court may, within the probation period, extend the deadline for meeting the obligation or it can revoke the suspended sentence and pronounce the punishment set forth in the suspended sentence. If the court establishes that the convicted person cannot meet the obligation out of justified reasons, the court shall relieve him/her of meeting that obligation or substitute it by other appropriate obligation envisaged by law.

Time-limit for revocation of a suspended sentence

Article 70

(1) A suspended sentence can be revoked during the probation period. If in this period a convicted person commits a criminal offense which entails a revocation of the suspended sentence, whereas it is determined by the judgment only after the expiry of the probation time, the suspended sentence may be revoked at latest within a year from the day when the probation period has expired.

(2) If a convicted person fails to meet an obligation referred to in Article 53, Paragraph 2 of this Code within the specified time limit, the court may order that the punishment set forth by the suspended sentence be enforced, not later than within one year from the day when the probation period has expired.

Suspended sentence under preventive custody

Article 71

(1) The court may order that the offender to whom a suspended sentence has been pronounced be placed under preventive custody for a particular period during the probation period.

(2) Preventive custody shall comprise measures of assistance, care, supervision and protection, prescribed by law.

(3) If the court establishes that in the course of preventive custody the purpose of this measure has been achieved, it can terminate the preventive custody before expiration of the specified time period.
(4) If a convicted person who has been placed under preventive custody fails to comply with the obligations ordered to him/her by the court, the court may warn him/her or replace the earlier obligations with other obligations or extend the preventive custody within the specified probation period or revoke the suspended sentence.

Conditions for determining the preventive custody

Article 72

(1) When the court pronounces a suspended sentence, it may order that an offender be placed under preventive custody if on the basis of his/her personality, former conduct, conduct after the commission of the criminal offense, and particularly his attitude to the victim of the criminal offense and circumstances of the commission of the criminal offense, it may be expected that the preventive custody will better serve the purpose of the suspended sentence.

(2) Preventive custody shall be ordered by the court in the judgment by which it pronounces the suspended sentence and determines the measures of preventive custody, duration thereof and manner for their implementation.

The contents of preventive custody

Article 73

Preventive custody can comprise one or more of the following obligations:

1) reporting to a competent authority in charge of execution of preventive custody within the time limits specified by that authority;
2) training of the offender for a particular profession;
3) accepting a job appropriate to the abilities of the offender;
4) fulfillment of the obligation to support family, care and bringing up of children and performing other family obligations;
5) refraining from visiting certain places, bars or events, if that can be a chance or incentive for repeated commission of criminal offenses;
6) timely reporting the change of residence, address or job;
7) refraining from drug or alcohol consumption;
8) medical treatment in an appropriate medical institution;
9) visitation of particular professional and other counseling wards or institutions and following their instructions;
10) elimination or mitigation of the damage caused by the criminal offense in question, particularly reconciliation with the victim of the offense.
Selection of measures of preventive custody

Article 74

When selecting the obligations set forth in Article 73 of this Code and deciding their duration, the court shall particularly take into account the age of the offender, his/her health condition, affinities and habits, motives from which s/he has committed a criminal offense, conduct after s/he had committed a criminal offense, earlier conduct, personal and family situation, condition to meet the ordered obligations as well as other circumstances pertinent to the personality of the offender which bear relevance to the selection of the measures for preventive custody and duration thereof.

Duration of preventive custody

Article 75

(1) The duration of the measures of preventive custody shall be determined within the probation period specified by the suspended sentence.

(2) Preventive custody shall be terminated by revocation of a suspended sentence.

(3) During the period of preventive custody the court may, depending on the results achieved, cancel certain obligations or replace them with other obligations.

(4) If the court finds that in the course of preventive custody the purpose of this measure has been achieved, it may terminate the preventive custody before expiration of the specified time period.

Consequences of failure to meet the obligations under preventive custody

Article 76

If a convicted person to whom preventive custody has been pronounced fails to meet the obligations that the court has ordered, the court can warn him/her or it can substitute the previous obligations with others or extend the preventive custody within the time of probation, or revoke the suspended sentence.

Court admonition

Article 77

(1) Court admonition may be pronounced for criminal offenses punishable by a prison sentence of up to one year or a fine, which have been committed under such extenuating circumstances that render them particularly insignificant.
(2) For certain criminal offenses and under the circumstances stipulated in the law, a court admonition may be pronounced even when punishable by up to three years in prison.

(3) Court admonition may be pronounced by the court for several concurrently committed criminal offenses, provided that the conditions referred to in Paragraphs 1 and 2 of this Article exist for each of these criminal offenses.

(4) When deciding whether to pronounce a court admonition, the court shall, taking into account the purpose of the court admonition, particularly consider the personality of the offender, his/her past conduct, his/her conduct after the commission of the criminal offense, specifically his/her relationship towards the injured party, as well as the degree of criminal liability and other circumstances under which the offense has been committed.

(5) A court admonition cannot be pronounced to a member of the military for criminal offenses against the Army of Serbia and Montenegro.

CHAPTER SIX
SECURITY MEASURES

Purpose of security measures

Article 78

Within the general purpose of criminal sanctions (Article 4, Paragraph 2), the purpose of security measures is to eliminate the situations or conditions that might influence an offender to commit criminal offenses in future.

Types of security measures

Article 79

The following security measures may be imposed on an offender:

1) mandatory psychiatric treatment and custody in a medical institution;
2) mandatory psychiatric treatment at liberty;
3) mandatory medical treatment of a drug addict;
4) mandatory medical treatment of an alcoholic;
5) prohibition from practising a profession, activity or duty;
6) prohibition of driving a motor vehicle;
7) confiscation of objects;
8) expulsion of a foreigner from the country;
9) publishing of a judgment.
Pronouncement of security measures

Article 80

(1) The court may pronounce one or more security measures against a criminal offender provided that there are grounds for their pronouncement envisaged by this Code.

(2) Mandatory psychiatric treatment and custody in a medical institution and mandatory psychiatric treatment at liberty shall be pronounced as an individual sanction to a mentally incompetent criminal offender. Besides these measures, the court ay also order prohibition from practising a profession, activity or duty, prohibition of driving a motor vehicle and confiscation of objects.

(3) The measures set forth in Paragraph 2 of this Article may be pronounced to a criminal offender whose mental capacity has been substantially reduced, if a sentence or suspended sentence has been pronounced to her/him.

(4) Mandatory medical treatment of a drug addict, mandatory medical treatment of an alcoholic, prohibition from practicing a certain profession, activity or duty, prohibition on driving a motor vehicle, confiscation of objects and publishing of the judgment may be pronounced if a sentence, suspended sentence or court admonition has been pronounced to the offender or if the criminal offender has been acquitted.

(5) Expulsion of a foreigner from the country can be pronounced if a sentence or suspended sentence has been pronounced to a criminal offender.

(6) A security measure shall be imposed for criminal offenses committed in concurrence if the court determines it for one of the concurrent criminal offenses.

Mandatory psychiatric treatment and custody in a medical institution

Article 81

(1) The court shall pronounce mandatory psychiatric treatment and custody in a medical institution to a criminal offender who has committed a criminal offense in the state of substantially impaired mental capacity if it ascertains that in relation to the committed offense and the state of mental disturbance there is serious danger of the offender committing a more serious criminal offense and that it is necessary to order his/her medical treatment in such an institution for the sake of eliminating the danger.

(2) If the conditions set forth in Paragraph 1 of this Article have been met, the court shall order mandatory treatment and custody in such a health institution to an offender who has committed an unlawful act that the law defined as a criminal offense in the state of mental incompetence.
(3) The court shall suspend the measure set forth in Paragraphs 1 and 2 of this Article once it ascertains that the need for treatment and custody of the offender in a medical institution has ceased.

(4) The measure set forth in Paragraph 1 of this Article pronounced alongside of the prison sentence may exceed the pronounced sentence in length.

(5) The time the perpetrator who committed a criminal offense in the state of substantially impaired mental capacity and who has been sentenced to prison has spent in a medical institution shall be credited to the duration of the pronounced sentence. If the period spent in a medical institution is shorter than the duration of the pronounced prison sentence, the court shall order that the convicted person is forwarded to serving the remaining prison sentence or release her/him on parole once the security measure is terminated. When deciding about the release on parole, the court shall particularly give consideration to how successful the convict’s treatment was, his/her health condition, the time spent in a medical institution and the remaining sentence that the offender has not served, in addition to the conditions set forth in Article 37 of this Code.

**Mandatory psychiatric treatment at liberty**

**Article 82**

(1) The court shall pronounce mandatory psychiatric treatment at liberty to an offender who has committed an unlawful act that is prescribed by law as a criminal offense in the state of mental incapacity if it ascertains that there is a danger that the offender will commit such act and that, for the sake of eliminating this danger, his/her treatment at liberty would suffice.

(2) The measure set forth in Paragraph 1 of this Article may be pronounced also to a mentally incapacitated offender who was ordered mandatory psychiatric treatment and custody in an adequate medical institution when the court, on the basis of the results of the treatment, ascertains that his/her custody and treatment in such institution is no longer needed, but that his/her treatment at liberty would suffice.

(3) On conditions set forth in Paragraph 1 of this Article, the court can also pronounce mandatory psychiatric treatment at liberty to an offender whose mental capacity is substantially impaired, if s/he has received a suspended sentence or has been released on parole pursuant to Article 81, Paragraph 5 of this Code.

(4) Mandatory psychiatric treatment at liberty may be conducted in a certain medical institution from time to time if this is necessary for a more successful treatment thereof, but the periodical treatment in a medical institution cannot last for more than fifteen days consecutively, or longer than two months altogether.
Mandatory psychiatric treatment at liberty shall last as long as there is a need for treatment, but not longer than three years.

If in the case referred to in Paragraphs 1 to 3 of this Article the offender does not undergo treatment at liberty or terminates it at his/her own will, or if despite treatment a danger occurs that s/he will recommit an unlawful act envisaged by the law as a criminal offense that may render his/her treatment and custody in a relevant medical institution necessary, the court may pronounce mandatory psychiatric treatment and custody in such an institution.

Mandatory medical treatment of a drug addict

Article 83

(1) The court shall pronounce mandatory treatment to an offender who has committed a criminal offense due to addiction to narcotic drugs and if there is a serious danger that s/he might continue committing criminal offenses due to this addiction.

(2) The measure set forth in Paragraph 1 of this Article shall be carried out in a penitentiary institution or in an appropriate medical or other specialized institution and shall last for as long as there is a need for treatment, but not longer than three years.

(3) When the measure referred to in Paragraph 1 of this Article is pronounced alongside the imprisonment sentence, it may last longer than the pronounced sentence but its total duration cannot exceed three years.

(4) The time spent in the institution for medical treatment shall be credited to the prison sentence.

(5) If a measure referred to in Paragraph 1 of this Article has been pronounced alongside a fine, a suspended sentence, court admonition or acquittal of sentence, it shall be carried out at liberty and cannot last for more than three years.

(6) If an offender without justified reasons does not undergo treatment at liberty or leaves the treatment at his/her will, the court shall order compulsory enforcement of the measure in an appropriate medical or other specialized institution.

Mandatory medical treatment of an alcoholic

Article 84

(1) The court shall pronounce mandatory medical treatment to an offender who has committed a criminal offense because of alcohol addiction and if there is a
serious danger that s/he might continue committing criminal offenses due to this addiction.

(2) The measure set forth Paragraph 1 of this Article shall be carried out in a penitentiary institution or in an appropriate medical or other specialized institution and shall last for as long as there is a need for treatment, but not longer than the pronounced prison sentence.

(3) The time spent in an institution for medical treatment shall be credited to the prison sentence.

(4) If a measure set forth in Paragraph 1 of this Article is pronounced alongside of a fine, suspended sentence, court admonition or acquittal of sentence, it shall be carried out at liberty and cannot last for more than two years.

(5) If an offender does not undergo treatment at liberty or leaves the treatment at his/her will without justified reasons, the court shall order the compulsory enforcement of the measure in an appropriate medical or other specialized institution.

**Prohibition from practicing a certain profession, activity or duty**

**Article 85**

(1) The court may prohibit a criminal offender to practice a certain profession, activity, all or some of duties related to the disposition, use, management or handling of someone else’s property or safeguarding that property, if it is reasonably believed that his/her further exercise of that duty would be dangerous.

(2) The court shall determine the duration of the measure referred to in Paragraph 1 of this Article and it cannot be shorter than one or longer than ten years counting from the day when the judgment has become final, provided that the time spent in a prison or in medical institution in which the security measure has been implemented shall not be credited to the term of this measure.

(3) When imposing a suspended sentence, the court may decide that the sentence shall be revoked if the offender violates the prohibition to practice a certain profession, activity or duty.

**Prohibition on driving a motor vehicle**

**Article 86**

(1) The court can pronounce a prohibition on driving a motor vehicle to a person who has committed a criminal offense jeopardizing traffic safety.
(2) When pronouncing the measure referred to in Paragraph 1 of this Article, the court shall determine to which type and category of vehicles the prohibition applies.

(3) The measure referred to in Paragraph 1 of this Article can be pronounced by the court if it ascertains that the gravity of the committed offense, the circumstances under which the offense has been committed or previous violations of traffic regulations by the offender indicate that this person is dangerous in driving a motor vehicle of a certain type or category.

(4) The court shall determine the duration of the measure set forth in Paragraph 1 of this Article, which cannot be shorter than three months or longer than five years, counting from the day when the judgment has become final, provided that the time served in prison or in an institution in which the security or corrective measure is carried out shall not be credited to the term of this measure.

(5) If the measure referred to in Paragraph 1 of this Article is pronounced to a person who holds a foreign driver’s license for a motor vehicle, the prohibition shall refer to driving a motor vehicle in the territory of Serbia.

(6) If the court pronounces a suspended sentence, it can determine that the sentence shall be revoked if an offender violates the prohibition of driving a motor vehicle.

(7) Mandatory prohibition on driving a motor vehicle may be prescribed by the law.

Confiscation of objects

Article 87

(1) The objects which have been used or have been intended for the commission of a criminal offense or which resulted from the commission of a criminal offense can be confiscated if they are the property of the offender.

(2) The objects referred to in Paragraph 1 of this Article can be confiscated even if they are not the property of the offender if so required by the interests of general safety or if necessitated by the reasons of moral, provided however the rights of third persons to the compensation of damages by the offender shall not be encroached.

(3) The law can stipulate a mandatory confiscation of objects. The law can also stipulate the conditions for confiscation of certain objects in specific cases.
Expulsion of a foreigner from the country

Article 88

(1) The court may expel a foreigner who has committed a criminal offense from the territory of Serbia for the period between one and ten years.

(2) When assessing whether to pronounce the measure referred to in Paragraph 1 of this Article, the court shall take into consideration the time and gravity of the committed offense, motives behind the criminal offense, manner in which it was committed as well as other circumstances that indicate that further stay of the foreigner in Serbia is undesirable.

(3) The period of expulsion shall be counted as of the day of coming into effect of the decision, provided the time spent in prison shall not be credited to the term of this measure.

(4) The measure referred to in Paragraph 1 of this Article cannot be pronounced against an offender who enjoys protection pursuant to the ratified international treaties.

Publishing of the judgment

Article 89

(1) When pronouncing a sentence for a criminal offense committed by means of the media or for a criminal offense that caused danger to the life or health of people the court may decide to publish the judgment either fully or in summary through the media or in other appropriate way and at the offender’s expense, when the publishing of the judgment would contribute to diminishing or eliminating this danger.

(2) Mandatory publishing of the judgment can be prescribed by law. In that case the court shall decide through which public medium the judgment in question shall be publicized and whether it shall be publicized either fully or in brief.

(3) Publicizing of the judgment can be done at latest within 30 days of the day the decision has become effective.

Termination of security measures on the basis of a court decision

Article 90

(1) The court can pass a decision by which it shall terminate the security measures of prohibition of practicing a profession, activity or duty and prohibition of driving a motor vehicle if three years have elapsed from the day of enforcement of these measures.
When assessing whether to order termination of the security measure referred to in Paragraph 1 of this Article, the court shall take into consideration the conduct of the convicted person after the conviction, whether the offender has compensated the damage caused by the criminal offense, whether s/he has returned material gain obtained through the commission of the criminal offense and other circumstances that indicate the justifiability of termination of such measures.

CHAPTER SEVEN

SEIZURE OF MATERIAL GAIN

Grounds for seizure of material gain

Article 91

(1) No one shall be allowed to retain any material gain obtained by a criminal offense.

(2) The gain referred to in Paragraph 1 of this Article shall be seized under the conditions provided by this Code and through a court decision that ascertained that the criminal offense has been committed.

Conditions and manner of seizure of material gain

Article 92

(1) Money, valuables and all other property gains obtained by a criminal offense shall be sequestered from the offender; should such sequestration be not possible, the perpetrator shall be obliged to pay an amount of money corresponding to the obtained property gain.

(2) A material gain obtained by a criminal offense shall also be forcibly taken from the persons it has been transferred to without compensation or against compensation that obviously does not correspond to its real value.

(3) Any property gain obtained by a criminal offense for another person shall be seized.

Protection of injured party

Article 93

(1) If, in the course of a criminal proceeding, a property claim of the injured party be approved, the court shall decide on the seizure of material gain only if such property gain in that amount exceeds the property claim adjudicated to injured party.
(2) The injured party, who in the course of a criminal proceeding has been referred to civil lawsuit in respect to each and every property claim, may ask to be compensated from the property gain, should s/he institute a civil lawsuit within six months as of the day of coming into effect of the decision referring him/her to a civil lawsuit.

(3) The injured party who, within a criminal proceeding, has failed to lodge a property claim, may request to be compensated from the seized property if, for the purpose of establishing his/her claim, s/he has instituted a civil lawsuit within three months of the day of learning of the sentence pronouncing seizure of a material gain, and at latest within three years of the day of coming into effect of the decision on seizure of a material gain.

(4) In the cases referred to in Paragraphs 2 and 3 of this Article, the injured party must request to be compensated out of the seized material gain within three months of the day of coming into effect of the decision approving his/her property claim.

CHAPTER EIGHT

LEGAL CONSEQUENCES OF A CONVICTION

Occurrence of legal consequences of a conviction

Article 95

(1) Convictions for certain criminal offenses or to imposition of certain sentences may have as a legal consequence the cessation i.e. forfeiture of specific rights or prohibition to acquire certain rights.

(2) Legal consequences of a conviction cannot occur when a fine has been imposed on the offender for a criminal offense, or a suspended sentence, should it not be repealed, or a court admonition, or when the offender has been acquitted of punishment.

(3) Legal consequences of a conviction can be provided for by law exclusively and shall come into effect by the force of the law prescribing them.

Types of legal consequences of a conviction

Article 95

(1) Legal consequences of conviction related to the cessation or forfeiture of specific rights are the following:
   1) cessation of public functions;
   2) cessation of an employment or practicing of a profession or occupation;
3) loss of certain permits or licenses issued by the decision of a state authority or a body of local self-governance.

(2) Legal consequences of conviction consisting of the prohibition of acquisition of specific rights shall be:
1) prohibition of acquiring certain public functions;
2) prohibition of acquiring a specific title, profession or occupation, or promotion in service;
3) prohibition to be awarded a rank of a military officer;
4) prohibition of obtaining certain permits or licenses issued by a decision of state authorities or bodies local self-governance.

**Beginning and duration of legal consequences of a conviction**

**Article 96**

(1) Legal consequences of conviction shall begin on the day of rendering of a final judgement.

(2) Should it happen that, upon coming into effect of a judgement on the basis of which legal consequences occurred, that sentence be amended in compliance with an extraordinary legal remedy, commencement or further continuation of legal effects of the sentence shall be harmonized with a new decision.

(3) Legal consequences of conviction consisting in the prohibition of acquisition of certain rights, can be prescribed for a period not exceeding ten years.

(4) The time spent on serving a sentence shall not be credited to the period of duration of the legal effects of the conviction.

(5) Legal consequences of conviction envisaged by provisions of Article 95, Paragraph 2 of this Code, shall be discontinued by rehabilitation.

**CHAPTER NINE**

**REHABILITATION, DISCONTINUANCE OF LEGAL CONSEQUENCES OF CONVICTION AND DISCLOSURE OF DATA FROM CRIMINAL RECORDS**

**General notion of rehabilitation**

**Article 97**

(1) It is by rehabilitation that conviction shall be obliterated and all its legal consequences cease, and the convicted person shall be deemed as not having prior convictions.

(2) Rehabilitation shall come into effect either on the grounds of the law (legal rehabilitation) or upon a motion by a convicted person based on the court decision (judicial rehabilitation).
(3) No rights of third persons based on conviction shall be encroached by rehabilitation.

**Legal rehabilitation**

**Article 98**

(1) Legal rehabilitation shall be granted solely to persons who, prior to the conviction the rehabilitation is related to, had no prior convictions or who were deemed by law not to have had prior convictions.

(2) Legal rehabilitation shall be granted in the following instances:

1) if a person was found guilty but acquitted of punishment, or a person to whom a court admonition was pronounced, does not commit any new criminal offense within the period of one year of coming into effect of judgment;

2) if a person punished by a suspended sentence does not commit any new criminal offense during the probation period and within the period after the probation period had expired;

3) if a person sentenced to a fine, community service or sentence of up to six months in prison, does not commit any new criminal offense within the period of three years of the day of enforcement of the sentence, its falling under the statute of limitations or pardoning.

4) if a person sentenced to imprisonment of over six months to one year, does not commit any new criminal offense within the period of five years of the day of enforcement of the sentence, its falling under the statute of limitations or pardoning;

5) if a person sentenced to imprisonment of more than one and up to three years, does not commit any new criminal offense within the period of ten years of the day of enforcement of the sentence, its falling under the statute of limitations or pardoning;

(3) Legal rehabilitation shall not commence if an accessory penalty has not yet been executed or if security measures are still in force.

**Judicial rehabilitation**

**Article 99**

(1) Judicial rehabilitation may be approved to a person sentenced to imprisonment exceeding three years and up to five years, if s/he does not commit another criminal offense within ten years as of the day when the sentence was served, fell under the statute of limitations or pardoned.

(2) In the case referred to in Paragraphs 1 and 2 of this Article, a court of law shall approve rehabilitation if it ascertains that the convicted person has deserved to be rehabilitated by his/her proper conduct and if s/he has compensated for the damage caused by his/her criminal offense according to his/her abilities, where the court shall be obliged to also take into
consideration all other circumstances of relevance for approving rehabilitation, and specifically the very nature and significance of the criminal offense.

(3) Judicial rehabilitation cannot be approved if the secondary penalty has not yet been executed or if security measures are still in force.

**Judicial rehabilitation of persons with multiple prior convictions**

**Article 100**

A person who has been convicted several times can be granted a rehabilitation by the court solely if conditions referred to in Articles 98 and 99 of this Code are met in terms of each of the criminal offenses that person has been convicted for. When assessing whether to grant rehabilitation in such a case, the court shall take into consideration all circumstances referred to in Article 99, Paragraph 2 of this Code.

**Cessation of legal consequences of conviction**

**Article 101**

(1) After three years have passed as of day of a served, barred by limitation or pardoned penalty, a court of law may decide on discontinuation of legal effects of a sentence related to the prohibition of acquisition of a specific right, if it has not already ceased due to rehabilitation.

(2) When deciding on discontinuation of legal consequences of conviction, the court shall take into consideration the convicted person’s conduct after the conviction, whether s/he has compensated the damage caused by his/her criminal offense and returned the property gain obtained by perpetration of the criminal offense, as well as other circumstances that may indicate the justifiability of discontinuation of legal consequences of conviction.

**Contents and disclosure of data from criminal records**

**Article 102**

(1) Official criminal records shall contain the personal data of an offender, data on a penalty, suspended sentence, court admonition, acquittal and pardoned sentence, as well as data on legal consequences of conviction. Subsequent changes of data comprised in the criminal records, data on serving a sentence and cancellation of record on a wrongfully pronounced sentence shall be entered in the criminal records.

(2) Data filed in official criminal record may be disclosed only to a court of law, the state prosecutor and to authorities of internal affairs, related to the ongoing criminal proceeding against a person who has prior convictions, as well as to the body in charge of execution of criminal sanctions and the body that participates in the procedure of granting amnesty, pardon, rehabilitation or
deciding on cessation of legal consequences of a sentence, same as to the
tutelary authorities when so needed for the conduct of duties within their
competence.

(3) Data from the criminal records may also be disclosed, upon a reasoned
request, to a state authority, enterprise, other organization or entrepreneur, if
legal consequences of a sentence or security measures are still lasting and if
there is a justified interest based on the law.

(4) No one shall be entitled to request a citizen to submit any evidence on his
prior convictions or non-existence of such prior convictions.

(5) On citizens’ requests, data on the existence or non-existence of prior
convictions may be presented to them solely if such data are needed for the
purpose of exercising their rights.

CHAPTER TEN
STATUTE OF LIMITATIONS

Statute of limitations on criminal prosecution

Article 103

(1) If not otherwise prescribed by this Code, criminal prosecution may not take
place after the expiration of the following periods of time:
1) twenty-five years from the perpetration of a criminal offense for
which a prison sentence of forty years may be pronounced by law;
2) twenty years from the perpetration of a criminal offense for which a
prison sentence exceeding fifteen years may be pronounced by law;
3) fifteen years from the perpetration of a criminal offense for which a
prison sentence exceeding ten years can be pronounced by law;
4) ten years from the perpetration of a criminal offense for which a
prison sentence exceeding five years can be pronounced by law;
5) five years from the perpetration of a criminal offense for which a prison
sentence exceeding three years can be pronounced by law;
6) three years from perpetration of a criminal offense for which a prison
sentence exceeding one year can be pronounced by law;
7) two years of perpetration of a criminal offense for which a prison
sentence not exceeding one year or a fine can be pronounced by law.

Course and interruption of statute of limitations on criminal prosecution

Article 104

(1) Statute of limitations on criminal prosecution shall run as of the day of
perpetration of a criminal offense.

(2) Statute of limitations shall not run for the time period in which, under the law,
prosecution cannot commence or be resumed.
(3) Statute of limitations shall be interrupted by each procedural action undertaken for the purpose of discovering a criminal offense or discovering and prosecuting an offender due to the committed criminal act.

(4) Statute of limitations shall also be interrupted when a perpetrator, during the period of the statue of limitations, commits another serious or more serious criminal offense.

(5) Upon each interruption, statute of limitations shall start to run again.

(6) Statute of limitations shall take effect in any case after the double amount of time has passed required by the law for the statute of limitations on criminal prosecution.

Statute of limitations on enforcement of a penalty

Article 105

(1) If not otherwise specified by this Code, the pronounced sentence cannot be enforced after the expiration of:

1) twenty-five years from a conviction to forty years’ imprisonment;
2) twenty years from a conviction to more than fifteen years’ imprisonment;
3) fifteen years from a conviction to more than ten years’ imprisonment;
4) ten years from a conviction to more than five years’ imprisonment;
5) five years from a conviction to more than three years’ imprisonment;
6) three years from a conviction to more than one year imprisonment;
7) two years from a conviction to a sentence of imprisonment of one year, a fine, penalty of community service or to the penalty of forcible taking of the driver’s license.

Statute of limitations on the enforcement of the secondary penalty and a security measure

Article 106

(1) Statute of limitations on enforcement of a fine and forcible taking of the driver’s license, if these have been pronounced as secondary penalties shall take place after the expiration of two years of the day when the judgment pronouncing these penalties had become final.

(2) Statute of limitations on enforcement of a security measure consisting of mandatory psychiatric treatment and custody in a medical institution, mandatory psychiatric treatment at liberty, mandatory medical treatment of a drug addict, mandatory medical treatment of an alcoholic and confiscation of an item shall take place after five years expired of the day when the ruling pronouncing the aforesaid measures had been pronounced. Statute of limitations on enforcement of a security measure consisting of prohibition
from practising a profession, business activity and duty, prohibition of driving a motor vehicle and expulsion of foreigner from the country, shall take place after the time period, to which these measures had been pronounced, expired.

Course and interruption of the statute of limitations on enforcement of a penalty and a security measure

Article 107

(1) Statute of limitations on enforcement of a penalty shall commence on the day when the judgment by which the penalty had been pronounced became final, and should suspended sentence be repealed – of the day when the decision on repeal became final.

(2) Should by the act of amnesty or pardon or judicial decision on an extraordinary legal remedy the pronounced penalty be reduced, the time period required for the commencement of the statute of limitations shall be determined against a new penalty, but the course of prescription shall be calculated from the former final and valid judgment.

(3) Statute of limitations shall not run during the time period in which, under the law, enforcement of a penalty cannot be undertaken.

(4) Statute of limitations shall be interrupted by each act of a competent authority undertaken for the purpose of enforcement of a penalty.

(5) Upon each interruption, prescription shall commence to run again.

(6) Statute of limitations on enforcement of a penalty shall take place in any case after the double amount of time had expired required by the law for the statute of limitations on enforcement of a penalty.

(7) In the event of commencement of the statute of limitations from Paragraph 6 of this Article, the already commenced execution of a penalty shall be discontinued.

(8) Provisions of Paragraphs 2 to 5 of this Article shall also be applied accordingly to the statute of limitations on enforcement of a security measure.

Criminal prosecution and enforcement of penalties not subject to statute of limitations

Article 108

Criminal prosecution and enforcement of a penalty for criminal offenses stipulated in Articles 370 through 375 of this Code shall not be subject to statute of limitations, as well as the criminal offenses for which according to the international treaties statute of limitations cannot take place.
CHAPTER ELEVEN
AMNESTY AND PARDON

Amnesty

Article 109

(1) Persons under amnesty shall be released from criminal prosecution or fully or partially released from execution of a penalty, the pronounced penalty shall be substituted by a milder penalty, rehabilitation shall be granted or specific or all legal effects of a sentence shall be repealed.

(2) Amnesty may serve to revoke the following security measures: prohibition from performing a profession, business activity and duty, prohibition from driving a motor vehicle and expulsion of a foreigner from the country.

Pardon

Article 110

(1) Pardon shall serve to grant a person, individually, release from criminal prosecution, or complete or partial release from execution of a penalty, to replace the pronounced penalty by a milder penalty or a suspended sentence, rehabilitation, to order reduced duration of a legal consequence or to revoke some or all legal consequences of the conviction.

(2) Pardon may serve to revoke or shorten the duration of a security measure of prohibition from performing a profession, business activity and a duty, prohibition from driving a motor vehicle and expulsion of a foreigner from the country.

Effect of amnesty and pardon on third persons’ rights

Article 111

Granting of amnesty or pardon shall not mean the encroachment of third persons’ rights that are grounded on a conviction.

CHAPTER TWELVE
DEFINITIONS OF THE TERMS

Definitions of terms in this Code

Article 112

(1) The territory of Serbia shall be considered to include the land territory, water surfaces within its borders and the air above.
(2) Criminal legislation of Serbia shall be considered to mean this Code, as well as all the other criminal law provisions comprised in the other laws of Serbia.

(3) An official person shall mean:
   1) a person who performs official duties within a state authority;
   2) elected, appointed or designated person in a state authority, a local self-government body or a person who performs, on a permanent or temporary basis, official duties or official functions in these bodies;
   3) a person in an institution, company or other organ entrusted with performance of public authority, who decides on rights, obligations or interests of natural or legal persons or of public interest;
   4) a person de facto entrusted with certain official duties or tasks shall also be considered official;
   5) a member of the military, with the exception of provisions of Chapter thirty four (Criminal Offenses against Official Duty) of this Code.

(4) A foreign official shall be a person who is a member of a legislative, executive or judicial authority of a foreign state, a public official or an official of an international organization and its bodies, judges and other officials of an international court.

(5) A responsible person shall be the owner of a business entity or other organization, or a person within an enterprise, institution or other organization entrusted with, by virtue of his function, invested funds, or his powers, a specific scope of duties in the management of property, production or other business activity or in supervision thereof or who is de facto in charge of specific tasks. An official person shall also be deemed a responsible person in the case of criminal offenses for which a responsible person is designated as the perpetrator, that have not been prescribed by this Code in the chapter dealing with criminal offenses against official duties i.e. as criminal offenses of an official.

(6) A member of the military shall mean a professional soldier (professional senior and lower army officer, senior and lower officer on contract and soldier on contract), conscripted soldier, military academy cadet, military highschool student, person from reserve military troops while serving the army subject to conscription and a civilian performing a specific military duty.

(7) When an official person, a responsible person or a member of the military has been designated as a perpetrator of specific criminal offenses, persons referred to in Paragraphs 3, 5 and 6 of this Article may be perpetrators of these offenses, unless the nature of an individual offense or a regulation implies that the perpetrator can only be one of these persons.
A person who has not reached the age of fourteen shall be considered a child.

A person who has reached the age of fourteen but not the age of eighteen shall be considered a juvenile/minor.

A person who has not yet reached the age of eighteen shall be considered an underage person.

The perpetrator of a criminal offense/offender, accomplice, abettor and aider shall be deemed the persons who have committed a criminal offense.

Force shall also mean the use of hypnosis or intoxicating substances with an intent of making someone unconscious or unable to give resistance against his/her will.

Elections shall mean the elections for the Assembly of SCG, President of SCG, Assembly of the Republic of Serbia, President of the Republic of Serbia, local self-governance bodies and other elections called for and conducted on the basis of the Constitution and the law.

Referendum shall mean the voting of the citizens deciding on the issues specified by the Constitution and law.

Narcotics shall be the substances and preparations declared narcotics by the relevant regulations based on the law.

Movables shall also be any generated or collected energy emanating light, heat or movement, telephonic impulse, a computer datum and a computer program.

A computer datum shall be a presented information, knowledge, fact, concept or order that is entered, processed or memorized, or has already been entered, processed or memorized in a computer or computer network.

A computer network shall be an assembly of interlinked computers that communicate by exchanging data.

A computer program shall be a regulated group of orders serving to control the computer operation, as well as to solve a specific task by means of a computer.

A computer virus is a computer program or another group of orders entered into a computer or computer network designed to replicate and affect other programs or data in a computer or computer network by adding that program or a group of orders to one or more computer programs or data.

A business entity shall be an enterprise/company, other legal person that conducts a business activity, as well as an entrepreneur. A legal person that, in addition to its primary activity, also conducts a business activity
shall be deemed a business entity solely when engaging in that business activity.

(22) An organized group shall be a group consisting of at least three person joined to commit criminal offenses.

(23) Money shall mean metal coins and paper money or money manufactured using some other material that is in circulation in the member states of SCG or a foreign country, based on the law.

(24) Symbols of value shall also mean foreign symbols of value.

(25) A motor vehicle shall be any motor-driven means of transportation used in ground, water and air transportation.

(26) A document shall be deemed any item suitable for or designated to serve as proof of a specific fact relevant for legal relations, as well as a computer datum.

(27) A paper, letter, mail package and document may also have an electronic form.

(28) A family member shall also include former spouses and their children, as well as parents of former spouses.

(29) The term “shall not be punished” shall mean that no criminal offense occurred.

(30) When a criminal act is presented by a verb in a continuous tense it shall mean that the offense has been committed, if the action has been performed one or more times.

(31) Abbreviation “SCG” shall mean the state union of Serbia and Montenegro and the abbreviation “Serbia” shall designate the Republic of Serbia.

SPECIAL PART

CHAPTER THIRTEEN
CRIMINAL OFFENSES AGAINST LIFE AND BODY

Homicide

Article 113

A person who deprives of life other person shall be sentenced to between five and fifteen years of imprisonment.
Murder

Article 114

A person who does the following shall be sentenced to at least ten years or forty year in prison:

1) deprives other person of life in a brutal or perfidious manner;
2) deprives other person of life behaving in an unscrupulous and violent manner;
3) deprives other person of life and thereby intentionally endanger another person’s life;
4) deprives a person of life while committing a criminal offense of robbery or aggravated robbery;
5) deprives other person of life out of lucrativness, for the purpose of perpetration or concealment of other criminal offense, from unscrupulous revenge or other base motives;
6) deprives of life an official or a member of the military while serving or related to serving an official duty;
7) deprives of life a child or a woman with child;
8) deprives of life a member of own family after prior molestation;
9) deprives several persons of life with intent, provided that it is not murder committed while in the state of strong excitation, infanticide or mercy-killing.

Homicide committed in the heat of passion

Article 115

Anyone who commits homicide in the heat of passion who was, without fault on his/her part, been severely provoked by assault, abuse or heavy insult by the dead person, shall be sentenced between one to eight years of imprisonment.

Infanticide

Article 116

A mother who takes the life of her child while giving birth or immediately thereafter, while affected by disorder caused by delivery, shall be sentenced between six months to five years of imprisonment.

Mercy-killing

Article 117

Anyone who takes the life of an adult out of mercy due to his/her seriously deteriorated health, and at his/her sincere and explicit request, shall be sentenced between six months to five years of imprisonment.
Manslaughter

Article 118

Anyone who deprives of life other person by manslaughter, shall be sentenced between six months to five years of imprisonment.

Counselling and aiding suicide

Article 119

(1) Anyone who incites another person to suicide or aids him/her in committing suicide, and the suicide be committed or attempted, shall be sentenced to prison of one to eight years.

(2) Anyone who aids another person in committing suicide subject to conditions referred to in Article 117 of this Code, and the suicide be committed or attempted, shall be sentenced to prison of three months to three years.

(3) Anyone who commits the act referred to in Paragraph 1 of this Article against a juvenile or a person in the state of substantial mental incapacitation, shall be sentenced to prison of two to ten years.

(4) Should the act referred to in Paragraph 1 of this Article be committed against a child or a mentally incompetent person, the perpetrator shall be punished under Article 114 of this Code.

(5) Anyone who mercilessly or inhumanely treats a person subordinate or dependant on him/her, and should the latter person, due to such treatment, commit or attempt suicide attributable to the offender’s negligence, shall be sentenced to prison from six months to five years.

Unlawful termination of pregnancy

Article 120

(1) Anyone who, contrary to the regulations governing termination of pregnancy, with the consent of the pregnant woman, carries out abortion, starts carrying out abortion or assists the pregnant woman in termination of her pregnancy, shall be sentenced to prison from three months to three years.

(2) Anyone who habitually commits the offense referred to in Paragraph 1 of this Article, shall be sentenced to prison from six months to five years.

(3) Anyone who terminates pregnancy or starts terminating pregnancy without the consent of the woman with child, and, if she is less than sixteen years of age, without her consent and a written consent of her parents, adoptive parents or guardians,
shall be sentenced to prison from one to eight years.

(4) If the acts referred to in Paragraphs 1 through 3 of this Article resulted in the death, heavily impairment of health or another serious bodily injury of a woman whose pregnancy has been terminated, the offender shall be punished for the offense referred to in Paragraphs 1 and 2 of this Article with one to seven years of imprisonment and for the offense referred to in Paragraph 3 of this Article with two to twelve years of imprisonment.

**Serious bodily injury**

**Article 121**

(1) Anyone who inflicts heavy bodily injury to other person or seriously impairs his/her health, shall be sentenced to prison from six months to five years.

(2) Anyone who inflicts heavy bodily harm to other person or impairs his/her health so seriously that the injured person’s life is endangered or a vital part or organ of his/her body was destroyed or permanently or considerably damaged or weakened, or caused permanent disability to work of the injured person or permanent and serious impairment of his/her health or disfiguration, shall be sentenced to prison from one to eight years.

(3) If the acts referred to in Paragraphs 1 and 2 of this Article resulted in the death of the injured person, the perpetrator shall be sentenced to prison from two to twelve years.

(4) Anyone who commits the act referred to in Paragraphs 1 and 2 of this Article out of negligence shall be sentenced to imprisonment not exceeding three years.

(5) Anyone who commits the act referred to in Paragraphs 1 to 3 of this Article in the heat of passion caused, without fault on his/her part, by an assault, abuse, or heavy insult by the injured, shall be sentenced to imprisonment not exceeding three years for the act referred to in Paragraph 1, three months to four years for the act referred to in Paragraph 2, and six months to five years for the act referred to in Paragraph 3.

**Light bodily injury**

**Article 122**

(1) Anyone who inflicts a light bodily injury upon another person or impairs his/her health less seriously, shall be sentenced to a fine or imprisonment not exceeding one year.
(2) Should such an injury be inflicted by a weapon, dangerous tool or other instrument suitable for inflicting serious bodily injuries or seriously impairing health, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(3) A court of law may pronounce a court admonition to the perpetrator of the offense referred to in Paragraph 2 of this Article, if the perpetrator was provoked by rude or vulgar conduct of the injured party.

(4) Prosecution of the offense from Paragraph 1 of this Article shall be launched upon a private complaint.

**Participation in affray**

**Article 123**

Anyone who participates in an affray in which someone has been deprived of life or other person has sustained serious bodily injury, shall be punished for mere participation by a fine or sentenced to imprisonment not exceeding three years.

**Threat by dangerous tools in affray or altercation**

**Article 124**

Anyone who in an affray or altercation reaches for weapons, dangerous tool or other instrument suitable to seriously injure the body or heavily impair health, shall be punished by a fine or sentenced to imprisonment not exceeding six months.

**Exposure to danger**

**Article 125**

(1) Anyone who leaves another person without help or in the circumstances dangerous to life or health caused by himself/herself, shall be sentenced to three months to three years in prison.

(2) Should it happen that, due to the act referred to in Paragraph 1 of this Article, the abandoned person’s health seriously deteriorated or the abandoned person sustained other heavy bodily injury, the perpetrator shall be sentenced to one to five years in prison.

(3) Should the abandoned person pass away in consequence of the act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to one to eight years in prison.
Abandonment of a helpless person

Article 126

(1) Anyone who leaves a helpless person committed to his custody or a helpless person of whom s/he is anyway obliged to take care, without help, in the condition and under the circumstances dangerous to life or health, shall be sentenced to three months to three years in prison.

(2) Should it happen that the abandoned person’s health be seriously impaired or other serious bodily injury be inflicted upon him/her due to the act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to one to five years of imprisonment.

(3) Should the abandoned person pass away in consequence of the act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to one to eight years in prison.

Failure to provide help

Article 127

(1) Anyone who fails to provide help to a person in imminent life danger, though s/he could have done it with endangering himself/herself or other person shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should, due to failure to provide help, the health of a person in imminent life danger be seriously impaired or other serious bodily injury be inflicted upon such a person, the perpetrator shall be sentenced to a fine or imprisonment not exceeding two years.

(3) Should it happen that, due to denial of help, the person in imminent life danger pass away, the perpetrator shall be sentenced to three months to three years of imprisonment.

CHAPTER FOURTEEN
CRIMINAL OFFENSES AGAINST THE RIGHTS AND LIBERTIES OF MAN AND CITIZEN

Infringement of equality of citizens

Article 128

(1) Anyone who, due to nationality or ethnicity, race or religion, or due to absence of such nationality or ethnicity, or due to differences in political or other beliefs, gender, language, education, social status, social background,
financial status or other personal characteristic denies or restricts the rights of man and citizen set forth by the Constitution, laws or other regulations or general enactments or accepted international treaties or, on the grounds of such differences, grants privileges or exemptions, shall be sentenced to imprisonment not exceeding three years.

(2) Should the act referred to in Paragraph 1 of this Article be committed by an official person in the course of duty, s/he shall be sentenced to three months to five years in prison.

**Infringement of the right to use a language and alphabet**

**Article 129**

Anyone who, contrary to the legislation governing the use of language and alphabet of peoples or members of minority national and ethnic groups living in SCG denies or restricts citizens the use of their language or alphabet when exercising their rights or addressing authorities or organizations, shall be sentenced to a fine or imprisonment not exceeding one year.

**Infringement of the right to express national or ethnic background**

**Article 130**

(1) Anyone who prevents other persons to express their national or ethnic background or culture, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) The punishment referred to in Paragraph 1 of this Article shall also be imposed to a person who coerces other person to declare his/her national or ethnic background.

(3) Should the act referred to in Paragraphs 1 and 2 of this Article be committed by an official person in the course of duty, s/he shall be sentenced to imprisonment not exceeding three years.

**Infringement of freedom of confession of religion and performance of religious rites**

**Article 131**

(1) Anyone who stands in the way of or restricts freedom of faith or practicing of religion shall be sentenced to a fine or imprisonment not exceeding two years.

(2) The punishment referred to in Paragraph 1 of this Article shall also be imposed to anyone who prevents or interferes with the performance of religious rites.

(3) Anyone who coerces others to declare their religious beliefs
shall be sentenced to a fine or imprisonment not exceeding one year.

(4) An official who commits the act referred to in Paragraphs 1 to 3 of this Article shall be sentenced to imprisonment not exceeding three years.

Unlawful deprivation of liberty

Article 132

(1) Anyone who arrests, keeps in detention or in any other manner unlawfully deprives another person of freedom or limits their freedom of movement, shall be sentenced to imprisonment not exceeding one year.

(2) Should the act referred to in Paragraph 1 of this Article be committed by a person an official person through abuse of his/her function or powers, s/he shall be sentenced to six months to five years of imprisonment.

(3) Should the act of unlawful deprivation of freedom be longer than thirty days, or should it be conducted in a cruel manner, or should the health of the person unlawfully deprived of freedom be heavily impaired due to that or other serious consequences occur, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) Should it happen that, due to the acts referred to in Paragraphs 1 and 3 of this Article, a person illegally detained dies, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(5) Sentence shall also be pronounced for an attempt of the offense referred to in Paragraph 1 of this Article.

Infringement of freedom of movement and residence

Article 133

(1) Anyone who unlawfully denies or restricts freedom of movement or residence in the territory of SCG to a citizen of Serbia shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should the act referred to in Paragraph 1 of this Article be committed by a an official person in the course of duty, that person shall be sentenced to imprisonment not exceeding three years.

Kidnapping

Article 134

(1) Anyone who, by use of violence, threat, fraudulent persuasion or in another manner, leads away or keeps a person with the intent to extort money or other property gain from that person or others, or coerce that person or another person to do or not do something or to endure something,
shall be sentenced to one to eight years of imprisonment.

(2) Anyone who for the purpose of kidnapping threatens by murder or heavy bodily injuries to the kidnapped person, shall be sentenced to two to ten years of imprisonment.

(3) Should the kidnapped person be kept more than ten days or brutally treated or should the kidnapped person’s health be heavily impaired or other serious consequences occur, or should the offense referred to in Paragraph 1 of this Article be committed against a juvenile, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(4) Should it happen that, due to the act referred to in Paragraphs 1, 2 and 3 of this Article, the kidnapped person dies or should the act be committed by an organized group, the perpetrator shall be sentenced to five to fifteen years of imprisonment.

Coercion

Article 135

(1) Anyone who by use of force or threat forces someone to do or not to do something or to endure something, shall be sentenced to imprisonment not exceeding three years.

(2) Anyone who commits the act referred to in Paragraph 1 of this Article in a cruel manner or by threat of murder or serious bodily injuries or kidnapping, shall be sentenced to six months to five years of imprisonment.

(3) Should it happen that, due to the act referred to in Paragraphs 1 and 2 of this Article, a serious bodily injury be inflicted or other serious consequences occur, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) Should, due to the act referred to in Paragraphs 1 and 2 of this Article, the person under coercion die, or should the act be committed by an organized group, the perpetrator shall be sentenced to two to twelve years of imprisonment.

Extortion of confession

Article 136

(1) An official person who, in the course of duty, uses force or threat or other inadmissible means or unlawful method with the intention to extort a confession or another statement from an accused, a witness, an expert or other person shall be sentenced to three months to five years of imprisonment.
(2) Should the extortion of confession or statement be accompanied by heavy violence, or should extremely serious consequences occur for an accused in the criminal proceeding due to extorted confession, the perpetrator shall be sentenced to two to ten years of imprisonment.

**Abuse and torture**

**Article 137**

(1) Anyone who abuses others or treats them in the manner humiliating to human dignity shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Anyone who causes great suffering of others with the aim to obtain an information or confession from them or a third party, or to intimidate them or a third party, or to exert pressure on them, or who does it from some other motives grounded on any form of discrimination, shall be sentenced to imprisonment not exceeding three years.

(3) Should the acts referred to in Paragraphs 1 and 2 of this Article be committed by an official person in the course of duty, that person shall be sentenced to imprisonment not exceeding three years for the act referred to in Paragraph 1, and to imprisonment of one to five years of for the act referred to in Paragraph 2.

**Threat to safety**

**Article 138**

(1) Anyone who endangers security of a person by threatening to his/her life or body or those of a person close to him shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Anyone who commits the act referred to in Paragraph 1 of this Article against more than one person, or if the act that have caused unrest among citizens or other serious consequences, shall be punished to three months to three years of imprisonment.

**Infringement of inviolability of home**

**Article 139**

(1) Anyone who without permission enters somebody else’s dwelling or somebody else’s closed premises or does not leave the dwelling or premises on an authorized person’s request, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should the act referred to in Paragraph 1 of this Article be committed by an official person in the course of duty,
that person shall be sentenced to imprisonment not exceeding three years.

(3) A sentence shall also be pronounced for the attempt to commits the act referred to in Paragraphs 1 and 2 of this Article.

**Illegal search**

**Article 140**

An official person who conducts and illegal search of a dwelling, premises or persons, in the course of duty, shall be sentenced to imprisonment not exceeding three years.

**Unauthorized disclosure of a secret**

**Article 141**

(1) A lawyer, a physician or other person who discloses, without authorization, a secret that has come to his/her knowledge during performance of his/her professional duties, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) No one who discloses a secret in a public or in other person’s interest, this being of larger significance than the interest of keeping secrets shall be punished for the act referred to in Paragraph 1 of this Article.

**Infringement of privacy of letter and other mail packages**

**Article 142**

(1) Anyone who without authorization opens somebody else’s letter, telegram or other closed correspondence or package or infringes their inviolability in any other way or who withholds, conceals, destroys or delivers to other person, without authorization, somebody else’s letter, telegram or other package or who infringes privacy of electronic mail, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) The sentence referred to in Paragraph 1 of this Article shall also be imposed on a person who communicates to another person the contents he has learned of by infringement of privacy of somebody else’s letter or other documents or package, telegram or other sealed correspondence or package or who makes use of such contents.

(3) Should the act referred to in Paragraphs 1 and 2 of this Article be committed by an official person in the course of duty, that person shall be sentenced to imprisonment not exceeding three years.
Unauthorized wiretapping and recording

Article 143

(1) Anyone who, without authorization, taps or records a conversation, statement or any other information not intended for his/her use, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) The sentenced referred to in Paragraph 1 of this Article shall also be imposed on a person who enables an unknown person to be informed about the conversation, statement or other information wiretapped i.e. audio recorded without permission.

(3) Should the act referred to in Paragraphs 1 and 2 of this Article be committed by an official person in the course of duty, that person shall be sentenced to imprisonment not exceeding three years.

Unauthorized photographing

Article 144

(1) Anyone who makes a photographic, film, video or other recording of someone and thereby considerably violates the privacy of his life or who delivers or shows such recordings to a third party or enables a third party to come to the knowledge of such recordings in other ways, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should the act referred to in Paragraph 1 of this Article be committed by an official person in the course of duty, that person shall be sentenced to imprisonment not exceeding three years.

Unauthorized publication and presentation of somebody else’s written texts, portraits and recordings

Article 145

(1) Anyone who publishes or publicly presents a written text, a portrait, a photograph, a film or a phonogram of personal character without consent of a person who has drawn up the written text or to whom it is related i.e. without the consent of a person shown on the portrait, photograph or film or whose voice is recorded on a phonogram or without the consent of other person whose consent is required by the law, and thereby considerably violates the privacy of life of that person, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should the act referred to in Paragraph 1 of this Article be committed by an official person in the course of duty, that person shall be sentenced to imprisonment not exceeding three years.
Unauthorized collection of personal data

Article 146

(1) Anyone who provides, communicates to others or uses for unintended purposes and without permission the personal data that are collected, processed and used in keeping with the law, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) The sentenced referred to in Paragraph 1 of this Article shall also be imposed on the person who, in contradiction with the law, collects personal data or utilizes the data so collected.

(3) Should the act referred to in Paragraph 1 of this Article be committed by an official person in the course of duty, that person shall be sentenced to imprisonment not exceeding three years.

Infringement of the right to legal remedies

Article 147

(1) Anyone who prevents another person to exercise the right to submit a plea, petition, complaint, appeal, motion report, or other legal remedy, as well as other writ, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should the act referred to in Paragraph 1 of this Article be committed by an official person in the course of duty, that person shall be sentenced to imprisonment not exceeding three years.

Infringement of the freedom of speech and public appearance

Article 148

(1) Anyone who denies or restricts freedom of speech or public appearance of other person in an unlawful manner, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should the act referred to in Paragraph 1 of this Article be committed by an official person in the course of duty, the person shall be sentenced to imprisonment not exceeding three years.

Prevention of printing and dissemination of prints and broadcasting

Article 149

(1) Anyone who, without authorization, prevents or impedes printing, recording, sale or distribution of books, magazines, newspapers, audio and video cassettes or other printed or recorded matters,
shall be sentenced to a fine or imprisonment not exceeding one year.

(2) A person who, without authorization, prevents or impedes broadcasting of radio or radio and TV programs shall also be sentenced to the penalty referred to in Paragraph 1 of this Article.

(3) Should the act referred to in Paragraph 1 of this Article be committed by an official person in the course of duty, the person shall be sentenced to imprisonment not exceeding three years.

**Prevention of publication of responses and corrections**

**Article 150**

(1) Anyone who, contrary to the final decision by a court of law, rejects or prevents the publication of a response or correction of an incorrect information which violates someone’s rights or interest, shall be sentenced to a fine or imprisonment not exceeding one year.

**Prevention of public gathering**

**Article 151**

(1) Anyone who, by use of force, threat, deceit or in other manner prevents or disturbs a public gathering organized in accordance with the law, and if there are not elements of another, graver crime, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should the act referred to in Paragraph 1 of this Article be committed by an official person in the course of duty, that person shall be sentenced to three months to three years of imprisonment.

**Prevention of political, trade union or other association and activities**

**Article 152**

Anyone who by knowing violation of the law or in any other unlawful manner prevents or disturbs political, trade union or other association or activities of citizens or activities of their political, trade union or other organizations shall be sentenced to a fine or imprisonment not exceeding one year.

**Prosecution for criminal offenses against freedoms and rights of man and citizen**

**Article 153**

(1) Prosecution for offenses referred to in Article 138, Paragraph 1, Article 139, Paragraph 1, Article 142, Paragraphs 1 and 2, Article 143, Paragraphs 1 and 2,
Article 144, Paragraph 1, Article 145, Paragraph 1, Article 146, Paragraphs 1 and 2 and Article 147, Paragraph 1 of this Code, shall be initiated at a private action.

(2) Prosecution for the offense referred to in Article 141, Article 149, Paragraphs 1 and 2, Article 150, Article 151, Paragraph 1 and Article 152 of this Law of this Code shall be initiated at a private action.

CHAPTER FIFTEEN
CRIMINAL ACTS AGAINST ELECTORAL RIGHTS

Violation of the right to run for elections

Article 154
Anyone who violates the law or in other unlawful manner prevents or hinders a person to run for elections, shall be punished by a fine or sentenced to prison not exceeding one year.

Violation of the right to vote

Article 155
(1) Anyone who unlawfully fails to register a person in the voter register, deletes a person from the register or in another illicit manner prevents or impedes a person to vote, with an intention to prevent that person to exercise the right to vote, shall be punished by a fine or imprisonment sentence not exceeding one year.

(2) Anyone who by use of force or threat coerces another person to exercise or not exercise the right to vote or to vote for or against some candidate, i.e. proposal in the elections, voting on revocation of office or in a referendum, shall be sentenced to three months to three years in prison.

Bribing and taking bribe in relation to voting

Article 156
(1) Anyone who offers, gives, promises a reward, present or other benefit to another person to vote or not vote in the elections or a referendum or to vote in favor or against a particular person or proposal, shall be punished by a fine or sentenced to prison not exceeding three years.

(2) The penalty referred to in Paragraph 1 of this Article shall be also be imposed on a person who requests or takes a present or other benefit to vote or not vote, or vote in favor or against a particular person or proposal in the elections or a referendum.
(3) If the act from Paragraph 1 of this Article be performed by a member of the polling station committee or some other person performing duties related to voting, s/he shall be punished by sentence to three months to three years in prison.

(4) A present or other benefit accepted shall be confiscated.

**Abuse of the right to vote**

**Article 157**

(1) Anyone who in the elections or a referendum votes instead of another person under his/her name or casts more than one vote or uses more than one ballot in the same voting, s/he shall be punished by a fine or sentence of imprisonment not exceeding one year.

(2) A member of the polling station committee who provide another person with an opportunity to commit the act referred to in Paragraph 1 of this Article shall be punished by a fine or sentence of imprisonment not exceeding two years.

**Compilation of inaccurate voter lists**

**Article 158**

Anyone who with the intent to influence the results of elections or a referendum compiles an inaccurate voter list, shall be punished by a fine or sentence of imprisonment not exceeding three years.

**Obstructing the holding of elections**

**Article 159**

(1) Anyone who by force, threat or in any other unlawful manner obstructs voting at a polling station shall be punished by sentence of imprisonment not exceeding three years.

(2) Anyone who obstructs voting by causing disorder at the polling station, due to which the voting is interrupted, shall be punished by a fine or a sentence of imprisonment not exceeding two years.

**Violating the secrecy of voting**

**Article 160**

(1) Anyone who in the elections or a referendum violates the secrecy of voting,
shall be punished by a fine or sentence of imprisonment not exceeding six months.

(2) If the act referred to in Paragraph 1 of this Article is committed by a member of the polling station committee or some other person performing duties pertaining to voting, shall be punished by a fine or sentence of imprisonment not exceeding two years.

Fabrication of the voting results

Article 161

(1) A member of the body for holding elections or a referendum, or some other person performing duties related to voting, who by adding or taking away ballots or votes during counting, or in some other way alters the number of ballots or votes or publishes an incorrect result of voting, shall be punished by a fine or sentence of imprisonment not exceeding three years.

Destroying documentation on voting

Article 162

(1) Anyone who destroys, damages, takes away or conceals a ballot or some other document on voting in the elections or a referendum, shall be punished by a fine or imprisonment sentence not exceeding one year.

(2) If the act referred to in Paragraph 1 of this Article is committed by a member of the polling station committee or some other person while performing duty related to voting, s/he shall be punished by an imprisonment sentence of three months to three years.

CHAPTER SIXTEEN
CRIMINAL OFFENSE AGAINST LABOR RIGHTS

Violation of labor and social security rights

Article 163

Anyone who knowingly fails to observe the law or other regulations, collective bargaining agreements and other general enactments on labor rights and on special protection of youth, women and disabled persons at work, or on social security rights, and thereby deprives or restricts another person’s right, shall be punished by a fine or a sentence of imprisonment not exceeding two years.
Violation of the rights related to equality at employment and during unemployment

Article 164

(1) Anyone who knowingly violates the regulations or in any other unlawful manner deprives or limits the right of citizens to be freely employed in the territory of Serbia under equal conditions, shall be punished by a fine or a sentence of imprisonment not exceeding one year.

(2) The penalty referred to in Paragraph 1 of this Article shall also be imposed on a person who knowingly fails to observe the law or other regulations or general enactments on the rights of citizens in the periods when they are unemployed and thereby deprives or restricts the right of an unemployed.

Violation of the right to manage

Article 165

(1) Anyone who by force, threat, deliberate violation of regulations or in any other unlawful manner prevents or impedes decision-making of managing bodies, or a member of a managing body to participate in the work and deciding in that body, shall be punished by a fine or sentence of imprisonment not exceeding one year.

(2) If the act referred to in Paragraph 1 of this Article is performed by an official person or a responsible person through abuse of office or authority, s/he shall be punished by a fine or an imprisonment sentence not exceeding two years.

Violation of the right to strike

Article 166

(1) Anyone who uses force, threat or in any other unlawful way prevents or obstructs the employees to go on strike, participate in a strike or exercise their right to go on strike in another way, in accordance with law, shall be punished by a fine or a sentence of imprisonment not exceeding one year.

(2) Penalty referred to in Paragraph 1 of this Article shall be imposed on an employer or a responsible person who discharges one or more employees on the grounds of them taking part in a strike organized in accordance with the law or institutes other measures against them violating their labor rights.
Abuse of the right to go on strike

Article 167

Anyone who organizes or leads a strike contrary to the law or other regulations and thereby jeopardizes human lives or health or considerable property, or if it resulted in other heavy consequences, unless it created elements of some other criminal offense, s/he shall be punished by an imprisonment sentence not exceeding three years.

Abuse of the right to social security benefits

Article 168

Anyone who by simulating illness or by causing an illness or incapacitation for work or in another unlawful manner manages that one of the social security rights be acknowledged to him/her to which s/he is not entitled to according to law or other regulations or general enactments, s/he shall be punished by a fine or a sentence of imprisonment not exceeding one year.

Disregard for measures of safety at work

Article 169

(1) A person responsible for undertaking measures of safety at work who knowingly does not observe the law or other regulations or general enactments on measures of safety at work, possibly causing jeopardy to lives or health of employees, shall be punished by a fine or a sentence of imprisonment not exceeding one year.

(2) If a suspended sentence is pronounced by a court of law it can oblige the perpetrator to act in compliance with the measures of safety at work within a specified time limit.

CHAPTER SEVENTEEN
CRIMINAL OFFENSES AGAINST HONOUR AND REPUTATION

Insult

Article 170

(1) Anyone who insults another person shall be punished by a fine or a sentence of imprisonment not exceeding three months.
(2) Should the offense referred to in Paragraph 1 of this Article be performed through the press, radio, television or similar instruments or at a public gathering, the perpetrator shall be punished by a fine or a sentence of imprisonment not exceeding six months.

(3) If the insulted person returned the insult, the court may punish both parties or punish one party and release the other from.

(4) The perpetrator shall not be punished for the offense referred to in Paragraphs 1 to 3 of this Article if the statement has been given within a serious critique in a scientific, literary or artistic work, in the course of performing an official duty, journalist profession, political activity, in defense of a right or to protect justifiable interests, if the manner in which the statement has been given or other circumstances indicate it has not been done with the intent to discredit a person.

Defamation

Article 171

(1) Anyone who speaks or transmits untrue information about someone that may harm the latter’s honour or reputation shall be punished by a fine or sentence of imprisonment not exceeding six months.

(2) Should the act referred to in Paragraph 1 of this Article be performed through the press, radio, television or similar instrument, or at a public gathering, the perpetrator shall be punished by a fine or sentence of imprisonment not exceeding one year.

(3) If an untrue information said or transmitted has caused significant harm to the injured party, the perpetrator shall be punished by a sentence of imprisonment not exceeding three years.

(4) If the culprit proves to have had founded reasons to believe in the truthfulness of what s/he was saying or transmitting s/he shall not be punished for libel, but may be punished for insult (Article 170), if the requirements for the existence of this act have been met.

Disclosure of circumstances in the private and family life

Article 172

(1) Anyone who spreads or transmits information about personal or family life of a person that may potentially harm his/her honour or reputation shall be punished by a fine or sentence of imprisonment not exceeding six months.
(2) If the act referred to in Paragraph 1 of this Article is performed through the press, radio, television or similar instrument, or at a public gathering, the perpetrator shall be punished by a fine or sentence of imprisonment not exceeding one year.

(3) If what is being said or transmitted has led or could have resulted in grave consequences for the injured party, the perpetrator shall be punished by a sentence of imprisonment not exceeding three years.

(4) The perpetrator shall not be punished for speaking about or transmitting information about personal or family life in the course of performing an official duty, journalist profession, in defense of a right or to protect justifiable interests, if s/he proves the truthfulness of his/her claims or if s/he proves to have had a founded reasons to believe the truthfulness of what s/he was saying or transmitting.

(5) The truthfulness or untruthfulness of what is being said or transmitted pertaining to personal or family life of a person shall not be liable to supporting by evidence, except in cases referred to in Paragraph 4 of this Article.

**Dishonouring SCG and a member state**

**Article 173**

Anyone who exposes SCG or one of its member states, the flag, coat of arms or anthem to ridicule, shall be punished by a fine or sentenced to imprisonment not exceeding three months.

**Violation the reputation of nations, national and ethnic groups of SCG**

**Article 174**

Anyone who exposes the nation, national or ethnic group living in SCG to ridicule, shall be punished by a fine or a sentence of imprisonment not exceeding three months.

**Violation of the reputation of a foreign country or an international organization**

**Article 175**

(1) Anyone who exposes to mockery a foreign country, its flag, coat of arms or anthem, shall be punished by a fine or a sentence of imprisonment not exceeding three months.
The punishment referred to in Paragraph 1 of this Article shall also be imposed on the person who publicly ridicules the Organization of the United Nations, International Red Cross or another international organization of which SCG or Serbia is a member.

Impunity for criminal offenses referred to in Articles 173 to 175

Article 176

The perpetrator of the act referred to in Article 173 through Article 175 of this Code shall not be punished if the statement has been given within a serious critique in a scientific, literary or artistic work, in the course of performing an official duty, journalist profession, political activity, in defense of a right or to protect justifiable interests, if the manner of expression or other circumstances indicate it has not been done with the intent to discredit or if s/he proves the truthful character of his/her claims or that s/he has had founded reasons to believe in the truthfulness of what s/he was saying or transmitting.

Prosecution for offenses against honour and reputation

Article 177

(1) Prosecution for the offense referred to in Articles 170 to 172 of this Code shall be undertaken upon a private complaint.

(2) If the offenses referred to in Articles 170 to 172 of this Code have been committed against a deceased, the prosecution shall be initiated by a private complaint of his/her spouse or person who lived with the deceased in a permanent extramarital community, a relative in the direct line, adoptive parent, adopted child, sibling of the deceased.

(3) Prosecution for the offense referred to in Article 175 of this Code shall be undertaken after obtaining the approval of the Republic Prosecutor.

CHAPTER EIGHTEEN
CRIMINAL ACTS AGAINST SEXUAL FREEDOM

Rape

Article 178

(1) Anyone who forces another person to sexual intercourse or an act equal to it by using coercion or by threat to directly attack the life or body of that or some other person, shall be sentenced to two to ten years of imprisonment.
(2) If a person commits the act referred to in Paragraph 1 of this Article by threatening another person with revealing something that would harm his/her honour or reputation or by threatening with some other atrocity, s/he shall be sentenced to one to eight years of imprisonment.

(3) If due to the acts referred to in Paragraphs 1 and 2 of this Article a severe bodily injury is inflicted on the person against whom the offense has been committed, or if the act has been committed by several persons or in an especially cruel or humiliating manner, or to a juvenile, or if the act resulted in pregnancy, the perpetrator shall be sentenced to three to fifteen years of imprisonment.

(4) If due to the acts referred to in Paragraphs 1 and 2 of this Article the person against whom the act has been committed has passed away or the act has been committed against a child, the perpetrator shall be sentenced to five to eighteen years of imprisonment.

**Sexual intercourse with a helpless person**

**Article 179**

(1) Anyone who performs sexual intercourse or an equal act taking advantage of a person's mental illness, mental retardation, other mental disorder, disability or some other state of that person due to which s/he is not capable of resistance, shall be sentenced to one to ten years of imprisonment.

(2) If due to the acts referred to in Paragraph 1 of this Article a severe bodily injury has been inflicted on a disabled person or if the act has been committed by several persons or in a specially cruel or humiliating manner or if it has been committed against a juvenile or the act resulted in a pregnancy, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(3) If due to the act referred to in Paragraphs 1 and 2 of this Article the person against whom the act has been committed passed away or if the act has been committed against a child, the perpetrator shall be sentenced to five to eighteen years of imprisonment.

**Sexual intercourse with a child**

**Article 180**

(1) Anyone who performs sexual intercourse or an equal act with a child shall be sentenced to one to ten years of imprisonment.

(2) If due to the act referred to in Paragraph 1 of this Article a severe bodily injury has been inflicted on the child against whom the act has been committed, or the act has been performed by several persons or it resulted in pregnancy, the perpetrator shall be sentenced to two to twelve years of imprisonment.
(3) If due to the acts referred to in Paragraphs 1 and 2 of this Article the child deceased, the perpetrator shall be sentenced to five to eighteen years of imprisonment.

(4) The perpetrator of the act referred to in Paragraph 1 of this Article shall not be punished if the difference between the perpetrator and the child in mental and physical development is insignificant.

**Sexual intercourse by abuse of position**

**Article 181**

(1) Anyone who by abuse of his/her position induces to sexual intercourse or an equal act a person, who is in a subordinate or dependent position to him/her, shall be sentenced to three months to three years of imprisonment.

(2) A teacher, teacher in a pre-school institution, guardian, adoptive parent, parent, stepfather, stepmother or some other person who by abuse of his/her position or authorities performs sexual intercourse or an equal act with a minor entrusted to him for education, upbringing, custody or care, shall be sentenced to one to ten years of imprisonment.

(3) If the act referred to in Paragraph 2 of this Article has been performed with a child, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(4) If the act referred to in Paragraphs 1 through 3 of this Article resulted in pregnancy, the perpetrator shall be punished for the act referred to in Paragraph 1 by an imprisonment sentence of six months to five years, for the act referred to in Paragraph 2 by an imprisonment sentence of two to twelve years, and for the act referred to in Paragraph 3 by an imprisonment sentence of three to fifteen years.

(5) If due to the act as of Paragraph 3 of this Article the child died, the perpetrator shall be sentenced to five to eighteen years of imprisonment.

**Prohibited sexual acts**

**Article 182**

(1) Anyone who on conditions referred to Article 178, Paragraphs 1 and 2, Article 179, Paragraph 1, Article 180, Paragraph 1 and Article 181, Paragraphs 1 through 3 of this Code, performs some other sexual act, shall be sentenced to a fine or imprisonment not exceeding three years.

(2) Anyone who in another way inflicts a major injury on the human dignity in the area of intimate life of a person, without undertaking the action from Paragraph 1 of this Article, shall be fined or sentenced to six months in prison.
(3) If due to the act referred to in Paragraph 1 of this Article a severe bodily injury has been inflicted on the person against whom the act has been committed, or if the act has been performed by several persons or if it has been committed in an especially cruel or humiliating manner, the perpetrator shall be sentenced to two to ten years of imprisonment.

(4) If due to the act referred to in Paragraph 1 of this Article the person against whom the act has been committed died, the perpetrator shall be sentenced to three to fifteen years of imprisonment.

Pimping and facilitating a sexual intercourse

Article 183

(1) Anyone who procures a minor for the purpose of sexual intercourse, an act equal to it or some other sexual act, shall be sentenced to three months to five years of imprisonment.

(2) Anyone who facilitates performing sexual intercourse, an act equal to it or some other sexual act with a minor, shall be sentenced to imprisonment not exceeding three years.

Mediation in prostitution

Article 184

(1) Anyone who leads or incites another person to prostitution or participates in handing over of a person to another for the purpose of prostitution, or who promotes or advertises prostitution through the media and similar means, shall be fined or sentenced to imprisonment not exceeding three years.

(2) If the act referred to in Paragraph 1 of this Article has been committed against a minor, the perpetrator shall be sentenced to one to ten years of imprisonment.

Displaying pornographic material and abusing children to make pornography

Article 185

(1) Anyone who sells, displays or by public displaying or in some other way makes available texts, pictures, audio-visual or other items of pornographic contents or displays a pornographic show to a child, shall be fined or sentenced to imprisonment not exceeding six months.

(2) Anyone who uses a child to produce pictures, audio-visual or other objects of pornographic nature or for a pornographic show, shall be sentenced to six months to five years of imprisonment.
(3) Anyone who sells, shows, publicly exhibits or in an electronic or some other way makes available pictures, audio-visual or other objects of pornographic character resulting from the act referred to in Paragraph 2 of this Article shall be sentenced to imprisonment not exceeding two years.

(4) Objects referred to in Paragraphs 1 to 3 of this Article shall be confiscated.

**Prosecution for criminal acts against sexual freedom**

**Article 186**

Prosecution for the criminal offenses from Articles 178 and 179 of this Code committed against the spouse, and for the criminal offense from Article 182, Paragraph 1 shall be taken at a motion.

**CHAPTER NINETEEN**

**CRIMINAL ACTS AGAINST MARRIAGE AND FAMILY**

**Bigamy**

**Article 187**

(1) Anyone who enters into a new marriage despite being already married, shall be fined or sentenced to imprisonment not exceeding two years.

(2) Anyone who marries a person for whom s/he knows s/he is married shall also be punished by the sentence referred to in Paragraph 1 of this Article.

**Concluding a void marriage**

**Article 188**

(1) Anyone who on the occasion of concluding a marriage withholds from the other party a fact that makes the marriage void or causes another party’s misguided belief or maintains the misguided belief of the other party about that fact, shall be sentenced to three months to three years of imprisonment.

(2) Prosecution may be undertaken only if the marriage concluded in the aforesaid way has been annulled for the reasons stated in Paragraph 1 of this Article.

**Enabling of an unlawful marriage**

**Article 189**

An official person authorized to conclude a marriage, who in the course of official duty, knowingly allows a marriage forbidden or void by the law, shall be sentenced to three months to three years of imprisonment.
Extramarital community with a minor

Article 190

(1) An adult person who lives in an extramarital community with a minor, shall be sentenced to three months to three years of imprisonment.

(2) A parent, adoptive parent or a guardian who enables a minor to live in an extramarital community with another person or incites him/her into it shall be punished by the sentence referred to in Paragraph 1 of this Article.

(3) If the act referred to in Paragraph 2 of this Article has been committed in expectance of a gain, the perpetrator shall be sentenced to six months to five years of imprisonment.

(4) If a marriage is concluded, prosecution shall not be undertaken, and if it is undertaken it shall be stopped.

Kidnapping of a minor

Article 191

(1) Anyone who unlawfully detains or takes away a minor from his/her parents, adoptive parent, guardian, other person or an institution, s/he had been entrusted with, or prevents the enforcement pursuant to the minor has been entrusted with a particular person, shall be fined or sentenced to imprisonment not exceeding two years.

(2) Anyone who prevents the enforcement of a decision of a competent body stipulating the way in which personal relationships between a minor and his/her parent or another relative are to be maintained, shall be fined or sentenced to imprisonment not exceeding one year.

(3) If the act referred to in Paragraph 1 of this Article has been committed in expectance of a gain or other base motives or if health, upbringing or education of the minor have been seriously endangered due to the offense, the offender shall be sentenced to three months to five years of imprisonment.

(4) The offender referred to in Paragraphs 1 and 3 of this Article, who voluntarily delivers a minor to the person or an institution s/he has been entrusted with or enables the enforcement of the decision on entrusting a minor, may be remitted from penalty by a court of law.

(5) If the court pronounces a suspended sentence for the offense referred to in Paragraphs 1 to 3 of this Article, it may pose an obligation to the offender to deliver the minor within the specified time limit to the person or an institution the minor had been entrusted with or to enable the enforcement of the decision on entrusting the minor to a specific person or an institution, i.e. of the decision stipulating the manner of maintaining personal relationships between the minor and his/her parents or another relative.
Change in the family status

Article 192

(1) Anyone who changes the family status of a child by setting up, substitution or in some other way, shall be sentenced to three months to three years of imprisonment.

(2) Anyone who by substitution or in some other way, out of negligence, changes the family status of a child, shall be sentenced to imprisonment not exceeding one year.

(3) An attempted offense from Paragraph 1 of this Article shall be punished.

Neglecting and abusing a minor

Article 193

(1) A parent, adoptive parent, a guardian or any other person who by gross negligence of his/her duty to take care and bring up a minor s/he is obliged to take care of, neglects him/her shall be sentenced to imprisonment not exceeding three years.

(2) A parent, adoptive parent, guardian or other person who abuses a minor or forces him/her to excessive labor or labor not suited to his/her age or to mendicity or for gain instigates him/her into doing other acts detrimental for his/her development, shall be sentenced to three months to five years of imprisonment.

Domestic violence

Article 194

(1) Anyone who by use of violence, threat to assault body or life, or by impudent or ruthless behaviour endangers peace, physical integrity or mental condition of a member of his family shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should any weapons, dangerous tools or other instruments suitable to inflict heavy bodily injury or seriously impair health be used for the commission of an act referred to in Paragraph 1 of this Article, the perpetrator shall be sentenced to three months to three years of imprisonment.

(3) Should the offenses referred to in Paragraphs 1 and 2 of this Article result in a heavy bodily injury or serious deterioration of health, or should the offenses be committed against a minor, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) Should the offense referred to in Paragraphs 1, 2 and 3 of this Article cause death of a family member,
the perpetrator shall be sentenced to three to twelve years of imprisonment.

**Failure to give maintenance**

**Article 195**

(1) Anyone who fails to provide maintenance to a person s/he is obligated to maintain under the law and the obligation has been set in an enforceable court decision or enforceable settlement before a court of law or another competent body, in the amount and in the manner determined by the decision or the settlement, shall be fined or sentenced to imprisonment not exceeding one year.

(2) The offender from Paragraph 1 of this Article shall not be punished if s/he failed to provide maintenance out of justified reasons.

(3) Should the offense from Paragraph 1 of this Article result in hard consequences for the person maintained, the perpetrator shall be sentenced to three months to three years of imprisonment.

(4) Should the court pronounce a suspended sentence, it can impose the obligation on the offender to settle the due obligations and to regularly pay for the maintenance.

**Violation of family obligations**

**Article 196**

(1) Anyone who violates family obligations prescribed by the law thereby leaving a family member in a difficult position when s/he is not capable of taking care of himself, s/he shall be sentenced to three months to three years of imprisonment.

(2) Should the offense from Paragraph 1 of this Article result in grave deterioration of health of a family member, the perpetrator shall be sentenced to one to five years of imprisonment.

(3) Should the offense from Paragraph 1 of this Article result in the death of a family member, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) If a court of law pronounces a suspended sentence for the offense referred to in Paragraphs 1 and 2 of this Article, it may impose the obligation on the offender to carry out his/her family duties stipulated in the law.
Incest

Article 197

An adult who performs a sexual intercourse or an equal act with a minor relative in direct line, or with a minor sibling, shall be sentenced to imprisonment not exceeding three years.

CHAPTER TWENTY
CRIMINAL OFFENSES AGAINST COPYRIGHT, INVENTOR'S AND RELATED RIGHTS

Violation of copyright

Article 198

(1) Anyone who in his own name or in the name of another person, publishes, performs, presents, transmits a performance or presentation, or broadcasts someone else’s author work or records, copies, transmits or broadcasts other person's performance, in entirety or as an extract, shall be punished by a fine or sentenced to imprisonment not exceeding three years.

(2) Anyone who without a permission of the author or other copyright holder amends or re-makes other person's author work or amends other persons recorded performance, shall be punished by a fine or sentence of imprisonment not exceeding one year.

(3) Anyone who uses other person's author work or other person's performance in a manner insulting for the author’s or performer’s honor and reputation, shall be punished by a fine or sentence of imprisonment not exceeding six months.

(4) Prosecution for the offense from Article 203, Paragraph 2 of this Article shall be taken upon a motion and for the offense from Paragraph 3 of this Article shall be taken upon private action.

Unauthorized use of an author's work or of a piece of work under a related right

Article 199

(1) Anyone who without permission of the author or other copy right holder or holder of a related right publishes, performs, presents, transmits a performance or presentation, records, copies, puts on the market, broadcasts, leases or keeps illegally copied or illegally placed on the market copies of an author work, or in some other manner utilizes it or a piece of work under a related right, in entirety or as an extract,
shall be punished by a fine or an imprisonment sentence not exceeding two years.

(2) The perpetrator of the offense referred to in Paragraph 1 of this Article, who with the intent of obtaining illegal property gain for him/herself or other persons, puts on the market or leases copies of an author work, recordings of performance or shows, or copies of phonograms, videograms or of a computer program or data base s/he obtained through the offense from Paragraph 1 of this Article, shall be sentenced to three months to five years of imprisonment.

(3) Anyone who, with the intent to obtain illegal property gain for him/herself or other persons, places on the market or leases copies of an author work, recordings of a performance or of a show, or copies of a phonogram, videogram, or computer program or database, which s/he knows to have been illegally made public, recorded or copied, shall be sentenced to imprisonment not exceeding three years.

**Violation of an inventor's right**

**Article 200**

(1) Anyone who in an unauthorized manner uses other person's registered invention or an invention protected by a patent, in production process or commercial transaction, shall be punished by a fine or imprisonment sentence not exceeding three years.

(2) Anyone who in an unauthorized manner publishes the essence of other person's invention before this invention has been published in the manner prescribed by the law, shall be punished by a fine or an imprisonment sentence not exceeding two years.

**Unlawful use of other person's model or sample**

(ask Markovic - industrial design)

**Article 201**

(1) Anyone who, in transactions, on his/her own product illegally uses other person's registered form, image or drawing, or the form, image or drawing protected by a model or sample, shall be punished by a fine or an imprisonment sentence not exceeding three years.

(2) Anyone who unlawfully publishes the subject of registration of other person’s model or sample, shall be punished by a fine or sentenced to imprisonment not exceeding one year.
False registration of copyright, inventor's and other related right

Article 202

A copyright holder, holder of the inventor or a related rights, who during registration and depositing of his/her author work, invention or object of protection of a related right into the public register of the competent authority, provides false or conceals true data on his/her author work, invention or a piece of work under a related right, shall be punished by fine or an imprisonment sentence not exceeding one year.

CHAPTER TWENTY-ONE
CRIMINAL OFFENSES AGAINST PROPERTY

Theft

Article 203

(1) Anyone who takes other person’s movable thing with the intent to obtain illegal property gain for himself/herself or for another person by its taking, shall be punished by a fine or an imprisonment sentence not exceeding three years.

(2) An attempted offense from Paragraph 1 of this Article shall be punished.

Compound larceny

Article 204

(1) The perpetrator of act of theft (Article 203) shall be punished by an imprisonment sentence of one to eight years if the theft is done:
   1) by forcible opening or breaking an entry into closed buildings, rooms, safes, wardrobes or other closed spaces, or by overcoming major obstacles;
   2) by several persons;
   3) in a particularly dangerous or particularly impudent manner;
   4) by a person who had a weapon or a dangerous tool for attack or defense;
   5) during a fire, flood, earthquake or other disaster;
   6) by taking advantage of helplessness or other grievous condition of a person;

(2) If the value of the stolen items exceeds the amount of YUD 300,000 or if a stolen item is a cultural or natural good, the perpetrator shall also be punished by the penalty referred to in Paragraph 1 of this Article.

(3) If the value of the stolen items exceeds the amount of YUD 1,000,000,
the perpetrator shall be punished by an imprisonment sentence of two to ten years.

**Aggravated robbery**

**Article 205**

(1) Anyone who was caught committing a theft (Article 203), and uses force against a person or threatens to directly attack the life or body of the person, with the intention to retain the stolen item, shall be punished by an imprisonment sentence of one to ten years.

(2) If the value of stolen items exceeds the amount of YUD 1,000,000, the perpetrator shall be punished by an imprisonment sentence of two to twelve years.

(3) If the offense from Paragraphs 1 to 3 of this Article has been committed by more persons or a serious bodily injury has intentionally been inflicted upon a person, the perpetrator shall be sentenced to imprisonment of three to fifteen years.

**Robbery**

**Article 206**

(1) Anyone who by use of force against a person or threat to directly attack his/her life or body takes away a person’s movable thing with the intention to obtain illegal property gain for her/himself or for someone else by appropriating it, shall be sentenced to two to ten years of imprisonment.

(2) If the value of things taken away exceeds the amount of YUD 1,000,000, the perpetrator shall be sentenced to three to fifteen years of imprisonment.

(3) If the act from Paragraphs 1 to 2 of this Article has been done by several persons or heavy bodily injury has been intentionally inflicted on a person, the perpetrator shall be sentenced to three to fifteen years of imprisonment.

(4) If the value of stolen things from Paragraph 1 of this Article does not exceed the amount of YUD 10,000 and the perpetrator intended to gain small property benefit, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(5) An attempt of committing the offense from Paragraph 4 of this Article shall be punished.
Embezzlement

Article 207

(1) Anyone who, with the intent of obtaining unlawful property gain for him/herself or another person, appropriates other person's movable thing entrusted to him/her, shall be punished by a fine or sentence to imprisonment not exceeding two years.

(2) If the fiduciary commits the offense from Paragraph 1 of this Article, s/he shall be sentenced to three months to three years of imprisonment.

(3) If the value of the embezzled things exceeds the amount of YUD 300,000, the perpetrator shall be sentenced to one to six years of imprisonment.

(4) If the value of the embezzled things exceeds the amount of YUD 1,000,000, or the embezzled thing is a cultural good, the perpetrator shall be sentenced to one to eight years of imprisonment.

(5) Anyone who unlawfully appropriates another's movable thing he found or came by, intending to obtain material gain for him/herself or another person, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(6) The prosecution of the offenses from Paragraphs 1, 3 and 4 of this Article shall be undertaken upon a motion, if the embezzled things are the property of citizens.

Fraud

Article 208

(1) Anyone who, with the intent to obtain unlawful property gain for him/herself or someone else, by false presentation or covering up facts causes somebody’s misguided belief or keeps him/her under the misguided belief and thereby leads him/her to do or fail to do something to the detriment of his/her property or other person's property, shall be punished by a fine or a sentence of imprisonment not exceeding three years.

(2) Anyone who commits the offense from Paragraph 1 of this Article only with the intent to make detriment to another, shall be punished by a fine or sentenced to imprisonment not exceeding six months.

(3) If property gain has been obtained through the offense from Paragraphs 1 and 2 of this Article, or damage has been incurred in the amount exceeding YUD 300,000, the perpetrator shall be sentenced to one to eight years of imprisonment.
(4) If property gain has been obtained through the offense from Paragraphs 1 and 2 of this Article, or damage has been incurred in the amount exceeding YUD 1,000,000, the perpetrator shall be sentenced to two to ten years of imprisonment.

Ungrounded getting and using of loans and other benefits

Article 209

(1) Anyone who by false presentation or covering up of facts obtains for him/herself or other person a loan, subsidy or other benefit, although s/he does not meet the prescribed requirements, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) Anyone who uses a credit, subsidy or other benefit obtained for a purposes other than the purpose for which the loan, subsidy or other benefit approved, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(3) The responsible person in a company or other business entity shall be punished by a prescribed penalty for the act referred to in Paragraphs 1 and 2 of this Article, if the loan, subsidy or other benefit have been obtained for the company or other business entity, or if have not been used by those entities for the intended purposes.

Petty theft, embezzlement and fraud

Article 210

(1) Anyone who commits a petty theft, embezzlement or fraud, shall be punished by a fine or sentenced to imprisonment not exceeding six months.

(2) Theft, embezzlement or fraud shall be considered petty if the value of the things stolen or embezzled i.e. the damage caused by fraud does not exceed the amount of YUD 10,000, and the perpetrator intended to make small property gain i.e. to cause small damage.

(3) For the offense from Paragraph 1 of this Article, if it has been committed to the detriment of citizens’ property, prosecution shall be undertaken by a private action.
Taking other person’s belonging

Article 211

(1) Anyone who, without the intent to obtain property gain, unlawfully takes a movable thing from a person, shall be punished by a fine or sentenced to imprisonment not exceeding six months.

(2) If the value of thing taken away exceeds the amount of YUD 1,000,000, or if the thing is a cultural good, the perpetrator shall be sentenced to three months to three years in prison.

(3) For the act referred to in Paragraphs 1 and 2 of this Article, if the thing taken is private property, prosecution shall be undertaken by a private action.

Destroying and damaging another's things

Article 212

(1) Anyone who destroys, damages or renders useless another person's thing, shall be punished by a fine or sentenced to imprisonment not exceeding six months.

(2) If the offense from Paragraph 1 of this Article caused damage exceeding YUD 300,000, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(3) If the offense from Paragraph 1 of this Article caused damage in the amount exceeding YUD 1,000,000 or the offense has been done against a cultural good, the perpetrator shall be sentenced to six months to five year of imprisonment.

(4) For the offense referred to in Paragraphs 1 to 3 of this Article, if the thing damaged represents the property of citizens, prosecution shall be taken at a private action.

Unauthorized use of another person’s vehicle

Article 213

(1) Anyone who without the consent of an authorized person uses another person’s motor vehicle, shall be fined or sentenced to imprisonment not exceeding two years.

(2) If the offense from Paragraph 1 of this Article has been committed by breaking an entry or forcible opening of the motor vehicle, or by use of force or threat,
the perpetrator shall be sentenced to three months to five years of imprisonment.

(3) Attempt to commit the offense from Paragraph 1 of this Article shall be punished.

Extortion

Article 214

(1) Anyone who, with the intention to obtain unlawful property gain for him/herself or other person, by force or threat forces another person to do or omit to do something to the detriment of his/her property or other person's property, shall be sentenced to one to eight years of imprisonment.

(2) If the act from Paragraph 1 of this Article resulted in property gain in the amount exceeding YUD 300,000, the perpetrator shall be sentenced to two to ten years of imprisonment.

(3) If the act from Paragraph 1 of this Article resulted in property gain in the amount exceeding YUD 1,000,000, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(4) Anyone who is engaged in committing the offenses referred to in Paragraphs 1 to 3 of this Article, or if the act has been performed by an organized group, shall be sentenced to three to fifteen years of imprisonment.

Blackmail

Article 215

(1) Anyone who, with the intent to obtain unlawful property gain for him/herself or another person, threatens a person with revealing something harmful to the honor or reputation of that person or persons close to him/her, thereby forcing him/her to do something or not do something to the detriment of his/her or another's property, shall be sentence to three months to five years of imprisonment.

(2) If the act from Paragraph 1 of this Article resulted in property gain in the amount exceeding YUD 300,000, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) If the act from Paragraph 1 of this Article resulted in property gain in the amount exceeding YUD 1,000,000, the perpetrator shall be sentenced to two to ten years of imprisonment.

(4) Anyone who engages in the offense referred to in Paragraphs 1 to 3 of this Article, or if the offense has been committed by an organized group, shall be sentenced to two to twelve years of imprisonment.
Abuse of trust

Article 216

(1) Anyone who acting as a fiduciary abuses property interests of another person, or taking care of another person's property abuses authorities granted to him/her, with the intention to make material gain for him/herself or others or to damage the person whose interests he/she represents or whose property s/he takes care of, shall be punished by a fine or an imprisonment sentence not exceeding three years.

(2) If through the act referred to in Paragraph 1 of this Article, material gain has been obtained or damage caused in the amount exceeding YUD 300,000, the perpetrator shall be punished by an imprisonment sentence of one to six years.

(3) If through the act referred to in Paragraph 1 of this Article material gain has been obtained or damage caused exceeding the amount of YUD 1,000,000, the perpetrator shall be punished by an imprisonment sentence of one to eight years.

(4) If the act referred to in Paragraphs 1 to 3 of this Article has been committed by a custodian or a lawyer, s/he shall be punished for the act referred to in Paragraph 1 herein by an imprisonment sentence of six months to five years, for the act referred to in Paragraph 2 by an imprisonment sentence of one to eight years and for the act referred to in Paragraph 3 by an imprisonment sentence ranging of two to ten years.

Usury

Article 217

(1) Anyone who receives or stipulates for him/herself or for another a disproportionate material benefit in exchange for giving money or other consumable things on loan to another person, taking advantage of a dire financial situation, hard living, need, foolishness or the injured party’s insufficient ability to form a judgment, shall be sentenced to imprisonment not exceeding three years and fined.

(2) If the acts referred to in Paragraph 1 of this Article resulted in heavy consequences for the injured party, or the perpetrator obtained material gain in the amount exceeding YUD 300,000, s/he shall be sentenced to prison to six months to five years and fined.

(3) If the act referred to in Paragraph 1 of this Article resulted in material gain in the amount exceeding YUD 1,000,000, the perpetrator sentenced to one to eight years of imprisonment and fined.
(4) The act referred to in Paragraph 1 of this Article shall be prosecuted at a motion.

**Unlawful occupying of land**

**Article 218**

(1) Anyone who unlawfully occupies another's land, shall be punished by a fine or an imprisonment sentence not exceeding one year.

(2) If the land occupied is part of a protective forest, a national park or other land intended for special purposes, the perpetrator shall be punished by an imprisonment sentence of three months to three years.

(3) The act referred to in Paragraph 1 of this Article shall be prosecuted at a private action.

**Unlawful occupation of premises**

**Article 219**

(1) Anyone who unlawfully occupies another person's apartment building, apartment, business or other premises, shall be fined or sentenced to imprisonment not exceeding one year.

(2) If the court pronounces a suspended sentence for the offense from Paragraph 1 of this Article, it may impose the obligation to the perpetrator to leave and vacate the premises s/he has unlawfully occupied in a specified period of time.

(3) The act referred to in Paragraph 1 of this Article shall be prosecuted at a private action.

**Injury of another's right**

**Article 220**

(1) Anyone who, with the intention of preventing the exercise of the right to possessions takes away, destroys, damages or deprives his/her thing to which another person has the right of pledge or the right of usufruct and thereby damages that person, shall be punished by a fine or imprisonment not exceeding six months.

(2) The punishment referred to in Paragraph 1 of this Article shall be imposed upon anyone who, with the intention to obstruct defraying of debts during compulsory enforcement, takes away, destroys, damages or conceals parts of his/her property and thereby causes damage to the creditor.
(3) For the acts referred to in Paragraph 1 and 2 of this Article, if the damaged persons are citizens, prosecution shall be initiated at a private action.

Concealment

Article 221

(1) Anyone who conceals, trades with, purchases, accepts as a pawn or in some other way obtains an object known to be gained through a criminal act, or the proceeds of the sale or exchange thereof, shall be punished by a fine or imprisonment not exceeding three years, provided that it shall not exceed the penalty stipulated for the act by which the thing has been obtained.

(2) Anyone who commits the act referred to in Paragraph 1 of this Article and who could have been and was obligated to know that the thing has been obtained through a criminal act shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(3) If a perpetrator is engaged in the commission of the criminal offense referred to in Paragraph 1 of this Article or the act has committed by an organized group, or if the value of the concealed objects exceeds the amount of YUD 1,000,000, s/he shall be sentenced to six months to five years of imprisonment.

Prosecution in case when the perpetrator is closely related to the injured party

Article 222

The criminal offenses referred to in Articles 203, 204, 208, 213, 216, Paragraphs 1 to 3, and Article 221 of this Code, if committed against the spouse, the person the injured party lives with in common law marriage, a direct blood relative, a brother or a sister, adoptive parent or adopted child, or other persons the perpetrators lives with in a household, prosecution shall be prosecuted at a private action.

CHAPTER TWENTY-TWO
CRIMINAL OFFENSES AGAINST COMMERCE

Counterfeiting money

Article 223

(1) Anyone who makes counterfeit money with the intention of placing it into circulation as genuine or who alters genuine money with the same intention, shall be sentenced to two to twelve years of imprisonment.
(2) Anyone who acquires counterfeit money with the intention of placing it into circulation as genuine or who places counterfeit money into circulation, shall be sentenced to one to ten years of imprisonment.

(3) If as a result of the act as of Paragraphs 1 and 2 of this Article counterfeit money is made, altered, placed into circulation or acquired in the amount exceeding YUD 1,000,000 or an equivalent amount in foreign currency, the perpetrator shall be sentenced to five to fifteen years in prison.

(4) Anyone who accepted counterfeit money as genuine and after learning it is counterfeit releases it into circulation or who knows that money is counterfeit or that counterfeit money is placed into circulation and does not report it, shall be punished by a fine and sentenced to imprisonment not exceeding one year.

(5) Counterfeit money shall be confiscated.

Counterfeiting securities

Article 224

(1) Anyone who makes counterfeit securities or alters genuine securities with the intention of using them as genuine or gives them to another for use, or who uses such securities as genuine or obtains them with such intention, shall be sentenced to one to five years of imprisonment.

(2) If the total amount of counterfeit securities referred to in Paragraph 1 of this Article exceeds the amount of YUD 1,000,000, the perpetrator shall be sentenced to two to ten years of imprisonment.

(3) Anyone who accepts counterfeit securities as genuine and having learned the securities are counterfeit places them into circulation, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(4) Counterfeit securities shall be confiscated.

Counterfeiting and abuse of credit cards and cards for non-cash payment

Article 225

(1) Anyone who makes a counterfeit credit card or a card for non-cash payment or who alters a genuine credit card or a card for non-cash payment with the intention of using it as a genuine, or who uses such counterfeit card as a genuine, shall be sentenced to imprisonment not exceeding three years.

(2) If the perpetrator of the act referred to in Paragraph 1 of this Article obtained unlawful material gain by using the card,
s/he shall be sentenced to six months to five years of imprisonment.

(3) If the perpetrator of the act referred to in Paragraph 1 of this Article obtained unlawful property gain in the amount exceeding YUD 1,000,000, s/he shall be sentenced to two to ten years of imprisonment.

(4) Punishment referred to in Paragraphs 1 to 3 of this Article shall be imposed on a perpetrator who commits such an act by unlawful use of someone else’s card.

**Counterfeiting symbols of value**

**Article 226**

(1) Anyone who makes false or alters genuine symbols of value with the intention to use them as genuine, or to give them to other for use, or who uses such false symbols as genuine ones, or obtains them with such intention, shall be sentenced to imprisonment not exceeding three years.

(2) If the total value of symbols referred to in Paragraph 1 of this Article exceeds the amount of YUD 1,000,000, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) Anyone who removes the stamp by which symbols of value are annulled or uses any other way to give these symbols an appearance as if they have not been used in order to re-use them, or who re-uses used symbols, or sells them as if they were valid, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(4) False symbols of value shall be confiscated.

**Making, acquiring and giving to another of means for counterfeiting**

**Article 227**

(1) Anyone who makes, acquires, sells or gives another to use means for making counterfeit money or counterfeit securities, shall be sentenced to six months to five years of imprisonment.

(2) Anyone who makes, acquires, sells or gives another to use means for counterfeiting symbols of value, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(3) Means referred to in Paragraphs 1 and 2 of this Article shall be confiscated.
Issuing insufficiently funded check and non-cash payment means

Article 228

(1) Anyone who issues or places into circulation a check for which s/he knows is insufficiently funded, with the intention of obtaining unlawful property gain exceeding the amount exceeding YUD 10,000 for him/herself or for another, shall be punished by a fine or sentenced to imprisonment not exceeding three years.

(2) Anyone who, issues, releases into circulation or uses acceptance order, a bill of exchange, any kind of warranty, credit or salary card or any other means of payment or means ensuring payment, though s/he knows they are not covered and in that way obtains unlawful material gain in the amount exceeding YUD 10,000 for him/herself or for another, shall also be punished by the penalty referred to in Paragraph 1 of this Article.

(3) If the offense referred to in Paragraphs 1 and 2 of this Article resulted in material gain in the amount exceeding YUD 100,000, the perpetrator shall be sentenced to one to ten years of imprisonment.

Tax evasion

Article 229

(1) Anyone who, with the intention to fully or partially evades payment of taxes, contributions or other prescribed dues, gives false data on lawfully obtained revenues, objects or other facts relevant for establishing the amounts of such liabilities, or who, with the same intention, in case of mandatory declaration of income, fails to report lawfully obtained revenues or objects or other facts relevant for establishing the amount of such liability, or who with the same intention, in some other way conceals data regarding establishing of such liabilities, and the amount of the liability being evaded exceeds YUD 100,000, shall be sentenced to imprisonment not exceeding three years and fined.

(2) If the amount of the liability being evaded, referred to in Paragraph 1 of this Article, exceeds YUD 1,000,000, the perpetrator shall be sentenced to one to five years of imprisonment and fined.

(3) If the amount of the liability being evaded, referred to in Paragraph 1 of this Article, exceeds YUD 5,000,000, the perpetrator shall be sentenced to one to eight years of imprisonment and fined.
### Smuggling

**Article 230**

(1) Anyone who smuggles goods over the customs line evading customs supervision measures or who by evading customs supervision measures smuggles goods over customs line armed, in a group, or using force or threat, shall be sentenced to six months to five years of imprisonment and fined.

(2) Anyone who sells, distributes or conceals uncleared goods or organizes a network of dealers or middlemen for distribution of such goods, shall be sentenced to one to eight years of imprisonment and punished by a fine.

(3) Goods subject to acts referred to in Paragraphs 1 and 2 of this Article shall be confiscated.

(4) Means of transport or other means the hidden or secret sections of which are used for transport of goods subject to the offense referred to in Paragraph 1 of this Article, or intended for committing theses criminal offenses shall be confiscated, if the owner or user of the vehicle has been or could have been aware and was obliged to be aware of it and if the value of goods subject of the criminal offense exceeds the value of the means of transport by one third at the time of the commission of the criminal offense.

### Money laundering

**Article 231**

(1) Anyone who through banking, financial or other business operations conceals the manner of obtaining money or other property for which s/he knows are obtained through a criminal act, shall be sentenced to six months to five years of imprisonment.

(2) If the offender from Paragraph 1 of this Article is at the same time a perpetrator and an accomplice in a criminal act through which money or property gain referred to in Paragraph 1 of this Article is obtained, s/he shall be sentenced to one to eight years of imprisonment.

(3) If the value of money or property referred to in Paragraphs 1 and 2 of this Article exceeds the amount of YUD 5,000,000, the perpetrator shall be sentenced to one to ten years of imprisonment.

(4) If the act referred to in Paragraphs 1 and 2 of this Article is committed by several persons who joined to commit such acts, they shall be sentenced to three to twelve years of imprisonment.

(5) If the act referred to in Paragraphs 1 and 2 of this Article is committed out of negligence, the perpetrator shall be sentenced to imprisonment not exceeding three years.
(6) Money and property referred to in Paragraphs 1, 2 and 3 of this Article shall be confiscated.

Abuse of monopolistic position

Article 232

A responsible person in a company or other business entity who has the capacity of a legal person or an entrepreneur, who through abuse of monopolistic or dominant position on the market, or by entering into monopolistic contracts, causes market disruptions, or brings that entity into a more favorable position as opposed to others so as to make property gain for that entity or for another entity, or does damage to other business entities, consumers or users of services, shall be sentenced to imprisonment not exceeding three years.

Unauthorized use of another’s company name

Article 233

Anyone who, with the intention to deceive buyers or users of services, uses another's company name, another's geographic mark of origin, another's seal or trademark or another’s special mark for goods or includes particular features of these symbol into his/her company, his/her seal or trademark or into his/her special symbol of goods, shall be punished by a fine and sentenced to imprisonment not exceeding three years.

Negligent performance in business

Article 234

(1) A responsible person in a company or other business entity in which s/he has no majority share who consciously breaches laws, other regulations or general enactments on the conduct of business activities or obviously unconscientiously does business and thereby out of negligence causes damage exceeding the amount of YUD 300,000 to that company or another business entity, shall be punished by a fine or sentenced to imprisonment not exceeding three years.

(2) If as a result of acts referred to in Paragraph 1 of this Article a damage is caused exceeding the amount of YUD 1,000,000, or a compulsory settlement or a bankruptcy procedure is launched, the perpetrator sentenced to six months to five years of imprisonment.
Causing bankruptcy procedure

Article 235

(1) A responsible person in a company or other business entity having the capacity of a legal person who, through irrational wearing out of means or selling thereof at an extremely low price, by excessive indebted, undertaking large-scale liabilities, foolhardy conclusion of contracts with insolvent persons, omitting to timely collect claims, destroying or concealing property or by other acts which are not in conformity with a fair business practice causes bankruptcy and thereby causes damage to another, shall be sentenced to six months to five years of imprisonment.

(2) If the act referred to in Paragraph 1 of this Article is done out of negligence, the perpetrator shall be sentenced to three months to three years of imprisonment.

Causing false bankruptcy

Article 236

(1) A responsible person in a company or another business entity who has the capacity of a legal person or an entrepreneur who, with the intent to make the entity evade paying duties, causes bankruptcy of that entity by a seeming or a actual decrease of its property in the following way:

1) covering up the entire or a part of the property of a business entity, by seemingly selling, selling below the market value or by relinquishing it free of charge,
2) concluding fictitious contracts on debt or recognizing non-existing claims,
3) covering up, destroying or altering business books a company or a business entity must keep under the law making it impossible to conclude what the actual business results are or the status of assets or liabilities, or by presenting this status as sufficient grounds for bankruptcy, using false reports or in another manner, shall be sentenced to six months to five years of imprisonment.

(2) If due to acts referred to in Paragraph 1 of this Article the creditor suffers grave consequences, the perpetrator shall be sentenced to two to ten years of imprisonment.

Damaging creditors

Article 237

(1) A responsible person in a company or other business entity having the capacity of a legal person or an entrepreneur who, knowing that the entity has become insolvent, by paying the debt or in other way, deliberately places the creditor in a more favorable position and thereby causes significant damage to another creditor,
shall be sentenced to three months to three years of imprisonment.

(2) A responsible person referred to in Paragraph 1 of this Article or an entrepreneur who, knowing that the entity has become insolvent and with the intention to deceive or damage the creditor, recognizes false claims, makes false contracts or through some other fraudulent acts causes damage to the creditor, shall be sentenced to three months to five years of imprisonment.

(3) If through the act referred to in Paragraphs 1 and 2 of this Article, a large-scale damage is caused to the creditor or the procedure of compulsory settlement or bankruptcy is initiated against the injured party due to it, the perpetrator shall be sentenced to one to eight years of imprisonment.

**Abuse of authority in economy**

**Article 238**

(1) A responsible person in a company or some other business entity who has the capacity of a legal person or entrepreneur who, with the intention of obtaining unlawful property gain for the legal person in which s/he is employed, for another legal person or another business entity with the capacity of a legal person:

1) creates or holds illicit value funds including money, goods or other in the country or abroad,
2) makes documents with false contents, false balance, estimates or through interventions or false presentation or covering up of facts, falsely presents the status or flow of assets or business results, so misguiding the management bodies in the company or in another legal person when making management decisions, or places in a more favorable position the company or other legal person when obtaining resources or other privileges which would not be recognized to them according to the existing regulations,
3) uses resources at disposal contrary to their intended use,
4) in some other manner gravely violates his/her authorities pertaining to management, disposing and use of property,

shall be sentenced to three months to five years of imprisonment.

(2) If through the act referred in Paragraph 1 of this Article a material gain exceeding the amount of YUD 5,000,000 is obtained, the perpetrator shall sentenced to two to ten years of imprisonment.
Discrediting business reputation and credit standing

Article 239

(1) Anyone who, with the intention to discredit business reputation or credit standing of another, presents false data about him/her or falsely presents his/her business activities, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) If the offense as of Paragraph 1 of this Article results in heavy consequences, the perpetrator shall be sentenced to three months to three years of imprisonment.

(3) Prosecution for offenses referred to in Paragraphs 1 and 2 of this Article shall be taken upon a private action.

Revealing a business secret

Article 240

(1) Anyone who without authorization communicates to another, hands over or in any other way makes available data representing a business secret or who obtains such data with the intention to hand them over to an unauthorized person, shall be sentenced to three months to five years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article is committed out of greed or in respect of strictly confidential data, the perpetrator shall be sentenced to two to ten years of imprisonment.

(3) Anyone who commits the offense referred to in Paragraph 1 of this Article out of negligence, shall be sentenced to imprisonment not exceeding three years.

(4) Business secret shall be the data and documents which by law, other regulations or decisions of competent authorities passed on the basis of law, are proclaimed a business secret, revealing of which would or could cause harmful consequences for a company or other business entity.

Hindering the Control

Article 241

Anyone who hinders the controlling body to have insight into the business books or other documents or who hinders the inspection of articles, premises or other objects,
shall be punished by a fine or sentenced to imprisonment not exceeding one year.

**Illicit production**

**Article 242**

(1) Anyone who in an unauthorized way produces or processes goods for the production or processing of which a permit of a competent authority is required,

shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) Anyone who produces or processes goods the production or processing of which is forbidden,

shall be sentenced to imprisonment not exceeding three years.

(3) Goods and means for the production and processing shall be confiscated.

**Illicit trade**

**Article 243**

(1) Anyone who, without a permit for trade, acquires goods or other objects of high value intending to sell them or who in an unauthorized way and to a larger extent deals with trade or mediation in trade or with representation of companies in domestic or foreign trade of goods and services,

shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) Anyone who deals with selling goods the production of which s/he organized in an unauthorized manner,

shall be sentenced to three months to three years of imprisonment.

(3) Anyone who in an unauthorized manner sells, buys or exchanges goods or objects the trade of which is forbidden or limited,

shall be sentenced by penalty referred to in Paragraph 2 of this Article.

(4) If the perpetrator who committed acts referred to in Paragraphs 1 to 3 of this Article organized a network of second-hand dealers or middlemen or obtained a property gain exceeding the amount of YUD 300,000,

s/he shall be sentenced to six months to five years of imprisonment.

s/he shall be sentenced to one to six years of imprisonment.

(5) Goods and objects which are the subject of unauthorized trade shall be confiscated.
Deceiving buyers

Article 244

Anyone who, with the intention to deceive buyers places on the market products with the mark including data which do not suit the content, type, origin or quality of the product or places on the market products which in quantity and quality do not correspond to what is normally implied by that type of products or places on the market products without mark on the content, type, origin or quality of the product when such a mark is prescribed or uses evidently false advertisement when placing the products on the market, shall be sentenced to imprisonment not exceeding three years and punished by a fine.

Counterfeiting of signs for marking goods, measures and weights

Article 245

(1) Anyone who, with the intention to use them as genuine, makes false seals, stamps, labels or other signs for marking domestic or foreign goods by which gold or other precious metals, wood, cattle or other goods are branded or who with the same intention alters such signs or who uses such false or altered signs as genuine, shall be punished by a fine or sentenced to imprisonment not exceeding three years.

(2) False signs, measurements and weights shall be confiscated.

CHAPTER TWENTYTHREE
CRIMINAL ACTS AGAINST HUMAN HEALTH

Unauthorized production, keeping and releasing for circulation of narcotics

Article 246

(1) Anyone who unlawfully 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 unlawfully releases for circulation the substances or preparations declared narcotics, shall be sentenced to two to twelve years of imprisonment.

(2) If an act referred to in Paragraphs 1 of this Article is committed by more persons who joined to conduct these offenses or the offender organized a network of dealers and mediators, the perpetrator shall be sentenced to five to fifteen years of imprisonment.
(3) Anyone who unlawfully keeps the substances or preparations declared narcotics,
shall be punished by a fine or sentenced to imprisonment not exceeding three years.

(4) A perpetrator of the act referred to in Paragraph 3 of this Article who keeps narcotics for his/her personal use,
may be released from sentence.

(5) A perpetrator of the acts referred to in Paragraphs 1 to 3 of this Article who discloses the person from whom s/he obtains the drugs,
may be released from punishment.

(6) Anyone who unlawfully makes, acquires, possesses or gives for use equipment, material or substances which are known to be intended for producing narcotics,
shall be sentenced to six months to five years of imprisonment.

(7) Narcotics and substances used for their production and processing shall be confiscated.

Enabling the taking of narcotics

Article 247

(1) Anyone who induces another to take narcotics or gives narcotics to another for his/her or someone else’s use, or places at someone's disposal premises for taking the narcotics, or in some other way enables another to take narcotics,
shall be sentenced to six months to five years of imprisonment.

(2) If an offense referred to in Paragraph 1 of this Article is committed against a minor or more persons or has caused extremely harmful consequences,
the perpetrator thereof shall be sentenced to two to ten years of imprisonment.

(3) Narcotics shall be confiscated.

Failure to act according to health regulations during epidemics

Article 248

Anyone who during an epidemic of a dangerous contagious disease fails to act according to regulations, decisions or orders by which measures are prescribed for it to be contained or prevented,
shall be punished by a fine or sentenced to imprisonment not exceeding one year.
Transmitting contagious diseases

Article 249

Anyone who fails to act according to regulations, decisions or orders on containing or preventing contagious diseases, due to which contagious disease is transmitted, shall be sentenced to imprisonment not exceeding three years.

Transmitting an infection by HIV virus

Article 250

(1) Anyone who knowingly brings another into danger of being infected by HIV virus, shall be sentenced to imprisonment not exceeding two years.

(2) Anyone who knowingly fails to observe regulations and measures pertaining to preventing the spreading of HIV infection and thereby out of negligence brings about transmission of HIV virus infection to another, shall be sentenced to one to five years of imprisonment.

(3) Anyone who, knowing that s/he is infected by HIV virus, consciously transmits the infection to another, shall be sentenced to two to twelve years of imprisonment.

(4) If the offense referred to in Paragraph 3 of this Article resulted in the demise of the infected person, the perpetrator shall be sentenced to five to fifteen years of imprisonment.

(5) If an act referred to in Paragraphs 3 and 4 of this Article is done out of negligence, the perpetrator shall be punished for the act referred to in Paragraph 3 by imprisonment not exceeding three years and for the act referred to in Paragraph 4 by imprisonment of six months to five years.

Unconscientious providing of medical assistance

Article 251

(1) A doctor who in providing medical assistance applies evidently inadequate medicine or evidently inadequate treatment or who fails to apply adequate hygienic measures or otherwise evidently acts in a conscienceless manner and thereby causes deterioration of health of a person, shall be sentenced to three months to three years of imprisonment.

(2) A health worker who in providing medical assistance or care or in performing other medical activity evidently acts in a conscienceless manner thereby causing deterioration of a person’s health, shall be liable to the penalty referred to in Paragraph 1 of this Article.
If an offense referred to in Paragraphs 1 and 2 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Unlawful performance of medical experiments and testing of medicines

Article 252

(1) Anyone who contrary to regulations does medical or other related experiments to people, shall be sentenced to three months to five years of imprisonment.

(2) Anyone who contrary to regulations does clinical trials of a medicine, shall be sentenced to three months to three years of imprisonment.

Failure to provide medical assistance

Article 253

(1) A doctor who contrary to his/her duty refuses to provide medical assistance to a person in need of such assistance whose life is immediately endangered or who is in danger of suffering severe bodily injury or whose health may severely deteriorate, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) If due to an act as of Paragraph 1 of this Article a person to whom medical assistance is not provided suffers severe bodily injury or his/her health severely deteriorates, the perpetrator shall be sentenced to three months to four years of imprisonment.

(3) If as a result of an act referred to in Paragraph 1 of this Article a person who did not receive medical aid dies, the perpetrator shall be sentenced to one to eight years of imprisonment.

Quackery and unauthorized preparation and issuance of medicine

Article 254

(1) Anyone who without adequate qualifications deals with providing of treatments to patients or provides other medical services, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) Anyone who without adequate qualification deals with preparation or issuing of medicaments, shall be punished with the penalty referred to in Paragraph 1 of this Article.
Unconscientious preparation and issuance of medicaments

Article 255

(1) A person in charge of issuing medicaments for use in medicine who issues another medicine instead of the prescribed or required medicament, if the substitution is not allowed, or who does not prepare a medicament to the prescribed proportion and quantity or who in some other way evidently acts in a conscienceless manner in issuing medicaments and thus causes the deterioration of health of a person, shall be sentenced to imprisonment not exceeding three years.

(2) If an act as of Paragraph 1 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Production and placing of harmful products on the market

Article 256

(1) Anyone who produces for sale, sells or places on the market harmful foodstuffs, food or drinks or other harmful products, shall be sentenced to imprisonment not exceeding three years.

(2) Anyone who releases products referred to in Paragraph 1 of this Article for trade without inspection of an authorized person, when such an inspection is stipulated by relevant regulations, shall be sentenced to imprisonment not exceeding three years.

(3) If an act referred to in Paragraphs 1 and 2 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(4) Objects referred to in Paragraphs 1 and 2 of this Article shall be confiscated.

Unconscientious inspection of foodstuffs

Article 257

(1) An authorized person who unconscientiously inspects livestock for slaughter, meat intended for food and other foodstuffs or who contrary to regulations fails to inspect them thereby making possible release for trade of meat and other foodstuffs harmful to human health, shall be sentenced to imprisonment not exceeding three years.
(2) If an act referred to in Paragraph 1 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Pollution of drinking water and foodstuffs

Article 258

(1) Anyone who pollutes drinking water or foodstuffs by some harmful substance, shall be sentenced to imprisonment not exceeding three years.

(2) If the act referred to in Paragraph 1 of this Article is done out of negligence, the shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Grave offenses against human health

Article 259

(1) If as a result of acts referred to in Articles 249, 251 Paragraphs 1 and 2, Articles 252, 254, Article 255, Paragraph 1, Article 256 Paragraphs 1 and 2, Article 257, Paragraph 1 and Article 258, Paragraph 1 of this Code, a person suffers severe bodily injuries or his health is severely damaged, the perpetrator shall be sentenced to one to eight years of imprisonment.

(2) If as a result of acts referred to in Article 249 and Article 251, Paragraphs 1 and 2, Articles 252, 254, Article 255, Paragraph 1, Article 256, Paragraphs 1 and 2, Article 257, Paragraph 1 and Article 258, Paragraph 1 of this Code, one or more persons dies, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(3) If as a result of an act referred to in Article 251, Paragraph 3, Article 255, Paragraph 2, Article 256, Paragraph 3, Article 257, Paragraph 2 and Article 258 Paragraph 2 of this Code, a person is severely injured or his/her health severely damaged, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(4) If as a result of an act referred to in Article 251, Paragraph 3, Article 255, Paragraph 2, Article 256, Paragraph 3, Article 257, Paragraph 2 and Article 258 Paragraph 2 of this Code, a person dies, the perpetrator shall be sentenced to one to eight years of imprisonment.
CHAPTER TWENTY FOUR
CRIMINAL ACTS AGAINST THE ENVIRONMENT

Pollution of the environment

Article 260

(1) Anyone who by breaching regulations on protection, preservation and development of the environment pollutes the air, water and soil to a larger extent or in a wider area, shall be sentenced to imprisonment not exceeding three years.

(2) If an act as of Paragraph 1 of this Article is committed out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(3) If due to an act referred to in Paragraph 1 of this Article flora or fauna are destroyed or damaged to a larger extent or the environment is polluted to such an extent that long period of time and large expenditures are needed to remove harmful consequences, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) If as a result of an act referred to in Paragraph 2 of this Article flora or fauna are destroyed or damaged to a large extent, or the environment polluted to such an extent that long time period and large expenditures are needed to remove harmful consequences, the perpetrator shall be sentenced to six months to five years of imprisonment.

(5) If the court pronounces a suspended sentence for the offenses referred to in Paragraphs 1 and 4 of this Article, the court of law may order the perpetrator to take particular measures prescribed for protection, preservation and development of the environment within a specified time limit.

Failure to take measures for the protection of the environment

Article 261

(1) An official person or responsible person who fails to undertake the prescribed measures for the protection of the environment or fails to act upon the decision of the competent authority on taking measures for the environment protection, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) If an act referred to in Paragraph 1 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding six months.
(3) If an act referred to in Paragraphs 1 and 2 of this Article caused the environment pollution, the perpetrator shall be punished for criminal offense referred to in Article 260 of this Code.

(4) If the court of law pronounces a suspended sentence for the acts referred to in Paragraphs 1 and 2 of this Article, it may order the perpetrator to take certain measures prescribed for protection, preservation and development within a specified time limit.

Unlawful construction and putting into function environment-polluting buildings and plants

Article 262

(1) An official person or a responsible person who, contrary to regulations on protection, preservation and development of the environment allows construction, putting into function or use of buildings or plants, or the use of technology which pollute the environment to a large extent or in a wide area, shall be sentenced to six months to five years of imprisonment.

(2) If due to acts referred to in Paragraph 1 of this Article flora or fauna are destroyed to a large extent or the environment polluted to such an extent that long time period or large expenditures are needed to remove the consequences of the pollution, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) If the court of law pronounces a suspended sentence for the acts referred to in Paragraphs 1 and 2 of this Article, it may order the perpetrator to take certain measures prescribed for protection, preservation and development of the environment within a specified time limit.

Damaging of buildings and plants for the protection of the environment

Article 263

(1) Anyone who damages, destroys, removes or in any other way makes useless buildings or plants for the protection of the environment, shall be sentenced to imprisonment not exceeding three years.

(2) If an act as of Paragraph 1 of this Article is committed out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(3) If due to the acts referred to in Paragraph 1 of this Article the air, water or soil are polluted to a large extent and in a wide area, the perpetrator shall be sentenced to six months to five years of imprisonment.
If due to an act referred to in Paragraph 2 of this Article the air, water or soil are polluted to a large extent and in a wide area, the perpetrator shall be sentenced to imprisonment not exceeding three years.

If due to an act referred to in Paragraphs 1 and 3 of this Article flora or fauna are destroyed or damaged to a large extent, or the environment polluted to such an extent that long time period or large expenditures are needed to remove its consequences, the perpetrator shall be sentenced to one to eight years of imprisonment.

If due to acts as of Paragraphs 2 and 4 of this Article flora or fauna are destroyed or damaged to a larger extent or the environment polluted to such an extent that long time and large expenditures are needed to remove its consequences, the perpetrator shall be sentenced to six months to five years of imprisonment.

If the court of law pronounces a suspended sentence for the acts referred to in Paragraphs 1 to 6 of this Article, it may order to the perpetrator to take particular measures prescribed for protection, preservation and development of the environment within a specified time limit.

**Damaging the environment**

**Article 264**

(1) Anyone who by breaching of regulations, by using natural resources, constructing buildings, doing any kinds of works or in any other way causes damage to the environment to a large extent or in a wide area, shall be sentenced to imprisonment not exceeding three years.

(2) If an act as of Paragraph 1 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(3) If the court of law pronounces a suspended sentence for the acts referred to in Paragraphs 1 and 2 of this Article, it may order the perpetrator to take particular measures in order to remove harmful consequences for the environment within a specified time limit.

**Destroying, damaging and taking abroad protected natural goods**

**Article 265**

(1) Anyone who destroys or damages specially protected natural good, shall be sentenced to three months to five years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article is committed out of negligence,
the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding six months.

(3) Anyone who, contrary to regulations, exports or takes abroad a protected natural rarity or specially protected plant or animal, shall be sentenced to three months to three years of imprisonment.

(4) An attempt to commit the offense from Paragraph 1 of this Article shall be punished.

**Bringing dangerous substances into Serbia and unlawful processing, depositing and storing of dangerous substances**

**Article 266**

(1) Anyone who, contrary to regulations, brings into Serbia radioactive or other dangerous substances or dangerous waste materials, or who transports, processes, deposits, collects or stores such substances or waste materials, shall be sentenced to imprisonment not exceeding three years.

(2) Anyone who by abusing his/her position or authority allows or makes it possible for substances and waste materials referred to in Paragraph 1 of this Article to be brought into Serbia, or makes transport, processing, depositing, collecting or storing of such substances or waste materials possible, shall be sentenced to six months to five years of imprisonment.

(3) If due to offenses referred to in Paragraphs 1 and 2 of this Article, flora or fauna are destroyed to a large extent, or the environment polluted to such an extent that a long period or large expenditures are needed to remove its consequences, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) An attempt to commit the offense from Paragraph 1 of this Article shall be punished.

(5) If a court of law pronounces a suspended sentence for the acts referred to in Paragraphs 1 to 4 of this Article, it may order the perpetrator to take particular measures prescribed for protection from ionizing radiation or other prescribed safety measures within a specified time limit.

(6) Anyone who organizes commission of offenses referred to in Paragraph 1 of this Article shall be sentenced to one to eight years of imprisonment.

(7) An attempt to commit the offense referred to in Paragraph 1 of this Article shall be punished.
Unlawful construction of nuclear plants

Article 267

Anyone who contrary to regulations allows or starts construction of a nuclear power plant, plants for production of nuclear fuel or plants for processing of used nuclear waste, shall be sentenced to six months to five years of imprisonment.

Violation of the right to be informed on the state of the environment

Article 268

(1) Anyone who, contrary to regulations, withholds data or provides untrue data on the state of the environment and the phenomena which are necessary for the assessment of danger for the environment and for taking measures for the protection of life and health of people, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Killing and torturing animals

Article 269

(1) Anyone who by breaching of the regulations kills, hurts or tortures animals, shall be punished by a fine or sentenced to imprisonment not exceeding six months.

(2) If an offense referred to in Paragraph 1 of this Article resulted in killing, torturing or hurting a great number of animals, or animals belonging to specially protected animal species are killed, tortured or hurt, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding three years.

Transmitting of contagious animal and plant diseases

Article 270

(1) Anyone who during an epidemics of a livestock disease that may endanger cattle breeding fails to adhere to regulations, decisions and orders prescribing measures for containing or preventing the disease, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) Anyone who, in the course of danger of diseases and pests, which can endanger plant life, does not obey regulations, decisions and orders prescribing measures for containing or preventing the disease or pests,
shall be liable to the punishment referred to in Paragraph 1 of this Article.

(3) If due to an act as of Paragraphs 1 and 2 of this Article animals die, plants are destroyed or some other major damage is done, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(4) If an act referred to in Paragraphs 1 to 3 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

**Unconscientious rendering of veterinary aid**

**Article 271**

(1) A veterinary or an authorized veterinary worker who in providing veterinary assistance prescribes or applies evidently inadequate means or evidently inappropriate treatment, or otherwise acts in a conscienceless manner during treatment of animals thereby causing animals to die or causes other major harm, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) If an offense as of Paragraph 1 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding six months.

**Producing harmful products for treating animals**

**Article 272**

(1) Anyone who produces for sale or releases for trade products for treatment or for preventing epidemics in animals, which are harmful for their life and health, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) If due to an offense referred to in Paragraph 1 of this Article an animal dies or other large scale damage is caused, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(3) If an offenses referred to in Paragraphs 1 and 2 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding six months.
Pollution of livestock fodder and water

Article 273

(1) Anyone who pollutes, with some harmful substance, livestock fodder or water and thereby jeopardizes life or health of animals, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) Anyone who pollutes water in a fishery, lake, river, or channel, or by stocking with fish from polluted waters causes danger for survival of fish or other water animals, shall be liable to the penalty referred to in Paragraph 1 of this Article.

(3) If by an act referred to in Paragraphs 1 and 2 of this Article animals die or other large scale damage is caused, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(4) If an act as of Paragraph 1 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding six months.

Devastation of forests

Article 274

(1) Anyone who contrary to regulations and orders of competent authorities cuts or clear forests, or who damages trees or in some other way devastates forests or fells one or more trees in a park, tree-lined path or in some other place where tree-cutting is forbidden, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) Anyone who commits an offense referred to in Paragraph 1 of this Article in a protective forest, national park or some other forest intended for special purposes, shall be sentenced to three months to three years of imprisonment.

Forest theft

Article 275

(1) Anyone who, with purpose of stealing, fells one or more trees in a forest, park or a tree-lined path, and the quantity of felled trees is larger than one cubic meter, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) If an offense as of Paragraph 1 of this Article is done with the intention to sell the felled trees, or if the quantity of felled trees exceeds five cubic meters, or if the
offense is committed in a protective forest, a national park or other forest intended for special purposes, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding three years.

(3) An attempt of the offense referred to in Paragraphs 1 and 2 of this Article shall be punished.

**Unlawful hunt**

**Article 276**

(1) Anyone who hunts game during closed season or in a territory where hunting is forbidden, shall be punished by a fine or sentenced to imprisonment not exceeding six months.

(2) Anyone who unlawfully hunts game in another’s preserve and kills or wounds game or catches it alive, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(3) If an offense referred to in Paragraph 2 of this Article is done to big game, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(4) Anyone who hunts game the hunting of which is forbidden or who hunts without a special permit a particular type of game for the hunting of which such a permit is needed, or who hunts in a way or by means which cause mass destruction of game, shall be sentenced to imprisonment not exceeding three years.

(5) The game hunted and the means for hunting shall be confiscated.

**Unlawful fishing**

**Article 277**

(1) Anyone who catches fish or other water animals during closed season or in waters in which fishing is forbidden, shall be punished by a fine or sentenced to imprisonment not exceeding six months.

(2) Anyone who uses explosive, electric current, poison, intoxicating substances or in a way harmful to breeding or used for mass destruction of fish or other water animals, shall be sentenced to imprisonment not exceeding three years.
(3) Anyone catching fish or other water animals of higher biological value or in larger quantity, or destroys larger quantity of fish or other water animals in fishing, shall be liable to the penalty referred to in Paragraph 2 of this Article.

(4) The catch and means for fishing shall be confiscated.

CHAPTER TWENTY FIVE
CRIMINAL ACTS AGAINST GENERAL SAFETY OF PEOPLE AND PROPERTY

Causing general danger

Article 278

(1) Anyone who causes danger to life or body of people or property of a larger scale through causing fire, flood, explosion, by poison or poisonous gas, radioactive or other ionizing radiation, electrical power, motor power or any other generally dangerous act or means, shall be sentenced to six months to five years of imprisonment.

(2) The sentence referred to in Paragraph 1 of this Article shall be imposed on an official person or a responsible person who fails to install prescribed equipment for protection against fire, flood, explosion, poison or poisonous gas, radioactive or other ionizing radiation, electrical power or other harmful substances, or fails to maintain these functional, or if in need fails to use the equipment, or does not observe regulations or technical protection standards at all and thereby causes danger to life or body of people or property of a larger scale.

(3) If the offenses referred to in Paragraphs 1 and 2 of this Article are committed at the venue of gathering a lot of people, the perpetrator shall be sentenced to one to six years of imprisonment.

(4) If an offense referred to in Paragraphs 1 and 3 of this Article is done out of negligence, the perpetrator shall be sentenced to imprisonment not exceeding three years.

Destroying and damaging public infrastructure

Article 279

(1) Anyone who destroys, damages, alters, renders useless or removes public infrastructure items for water supply, heating, gas, electrical or other power or items of telecommunications system and thus disturbs people’s life or functioning of economy, shall be sentenced to three months to five years of imprisonment.
(2) If an offense referred to in Paragraph 1 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Causing danger by failure to provide labor safety measure

Article 280

(1) Anyone who in mines, factories, workshops, in construction sites or in some other work place, damages or removes safety equipment and thereby causes danger to human life or body or to property of a larger value, shall be sentenced to six months to five years of imprisonment.

(2) Sentence referred to in Paragraph 1 of this Article shall be imposed upon a responsible person in a mine, factory, workshop, at a construction site or in some other work place who fails to install safety equipment or does not maintain them functional, or does not put these in use if need be, or does not observe regulations and technical standards on safety at work at all and thereby causes danger to human life and body or property of a larger value.

(3) If an offense referred to in Paragraphs 1 and 2 of this Article is done out of negligence, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(4) If a court of law pronounces a suspended sentence for offenses referred to in Paragraph 2 of this Article it may oblige the perpetrator to ensure safety equipment to be installed, maintained or used within the set time limit.

Construction work against regulations and standards

Article 281

(1) A person responsible for designing, managing or executing construction or construction works, who does not observe regulations and general technical standards thereby causing danger to human life and body or property of a larger value, shall be sentenced to three months to five years of imprisonment.

(2) If an act as of Paragraph 1 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding three years.

Damage to dams, embankments and water supply facilities

Article 282

(1) Anyone who damages or makes useless a dam, embankment or other water supply facility or equipment for protection against natural disasters, shall be punished by a fine or sentenced to imprisonment not exceeding one year.
(2) If an act as of Paragraph 1 of this Article is done to a building or an item of larger importance, the perpetrator shall be sentenced to six months to five years of imprisonment.

(3) If an act as of Paragraph 2 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding three years.

**Destroying, damaging or removing warning signs**

*Article 283*

(1) Anyone who damages, destroys or removes a sing warning of danger of any kind, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

**Abuse of telecommunication signs**

*Article 284*

(1) Anyone who abuses or unnecessarily transmits an internationally agreed sign for call for help or a warning sing, or who deceives others by using telecommunication no-danger signs, or who abuses internationally agreed communication sign, shall be sentenced to imprisonment not exceeding three years.

(2) If an act as of Paragraph 1 of this Article caused danger to human lives or property of larger value, the perpetrator shall be sentenced to six months to five years of imprisonment.

**Failure to remove danger**

*Article 285*

(1) Anyone who does not report to a competent authority or other competent subject a fire, flood, an explosion, a traffic accident or some other danger to human life or body or property of large value, or who does not take measures for removing that danger, even though s/he could have done it without any damage to him/herself or another, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) Anyone who prevents another from taking measures for removing fire, flood, explosion, traffic accident or other danger to human life or body or property of large value, shall be sentenced to imprisonment not exceeding three years.
Unauthorized handling of explosive and inflammable material

Article 286

(1) Anyone who contrary to regulations stores, keeps, transports or hands over for transport by public transport means explosive or easily inflammable material, or transports such material by him/herself using a public transport means, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) Sentence referred to in Paragraph 1 of this Article shall also be imposed upon anyone who unlawfully brings explosive or easily inflammable material into a premise or some other building which is the venue of gathering of a larger number of people or brings such material into a place where a large number of people gathers or where such gathering is forthcoming.

(3) Anyone who brings into a pit with methane or other inflammable gas or dangerous carbon dust or brings into a building at an oil or gas field or tries to bring easily inflammable substance or other goods whose bringing into such a pit or building is forbidden, shall be sentenced to three months to three years of imprisonment.

(4) Sentence referred to in Paragraph 3 of this Article shall also be imposed on anyone who when entering a storehouse, warehouse or a storeroom with explosive material does not adhere to prescribed protection measures.

(5) If an act referred to in Paragraphs 3 and 4 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Unlawful acquisition and endangering safety by nuclear substances

Article 287

(1) Anyone who by force or threat, by commission of a criminal offense or in any other unlawful way acquires, possesses, uses, transports, provides another with nuclear substances or makes it possible for another to acquire them, shall be sentenced to imprisonment not exceeding three years.

(2) Anyone who threatens to use a nuclear substance with the intention to compel somebody into doing or not doing something and thereby endangers the safety of people, shall be sentenced to one to ten years of imprisonment.
(3) If due to the offenses referred to in Paragraphs 1 and 2 of this Article a heavy bodily injury is inflicted or property damaged of a large extent, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(4) If due to the offenses referred to in Paragraphs 1 and 2 of this Article one or more persons died, the perpetrator shall be sentenced to three to fifteen years of imprisonment.

**Grave offenses against general safety**

**Article 288**

(1) If due to the acts referred to in Articles 278, Paragraphs 1 to 3, Article 279, Paragraphs 1 and 2, Article 280, Paragraphs 1 and 2, Article 281, Paragraph 1 and Article 284 of this Code, a heavy bodily injury is inflicted upon a person or a large scale property damage is done, the perpetrator shall be sentenced to one to eight years of imprisonment.

(2) If due to the acts referred to in Articles 278, Paragraphs 1 to 3, Article 279, Paragraphs 1 and 2, Article 280, Paragraphs 1 and 2, Article 281, Paragraph 1 and Article 284 of this Code one or more persons died, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(3) If due to the acts referred to in Articles 278, Paragraph 4, Article 279, Paragraphs 3 and 4, Article 280, Paragraph 3 and Article 281, Paragraph 2 of this Code a heavy bodily injury of a person is caused or property damaged to a large extent, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(4) If as a result of the acts referred to in Articles 278, Paragraph 4, Article 279, Paragraphs 3 and 4, Article 280, Paragraph 3 and Article 281, Paragraph 2 of this Code one or more persons died, the perpetrator shall be sentenced to one to eight years of imprisonment.

**CHAPTER TWENTY SIX**

**CRIMINAL ACTS AGAINST PUBLIC TRAFFIC SAFETY**

**Endangering public traffic**

**Article 289**

(1) A participant in road traffic who does not adhere to the traffic safety regulations and thereby endangers public traffic in such a way as to bring into danger human life and body or property of a large extent causing thus a light bodily injury to another or a property damage exceeding the amount of YUD 120,000, shall be sentenced to imprisonment not exceeding three years.
Anyone who does not adhere to traffic safety regulations and thereby causes danger to railroad, ship, tram, trolleybus, bus traffic or traffic by cable railway so as to bring into danger human life and body or property of a large extent, shall be sentenced to six months to five years of imprisonment.

If an offense referred to in Paragraphs 1 and 2 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

**Endangering traffic safety with dangerous acts or means**

**Article 290**

Anyone who by destroying removing or severely damaging a traffic device, means, sign or a signalization device, or protective and defending railing serving the traffic safety at roads, or by giving a wrong signal or sign, or setting up obstacles on the roads or in some other similar way endangers public traffic and thereby brings into danger human life and body or property of a large extent, shall be sentenced to imprisonment not exceeding three years.

If an offense referred to in Paragraph 1 of this Article is done out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

**Endangering air traffic safety**

**Article 291**

Anyone who by controlling the flight of an aircraft in an incorrect way or contrary to regulations, omitting his/her duty or supervision related to the safety of air traffic, giving incorrect information important for the safe flight of an airline, or in some other way endangers the safety of air traffic, shall be sentenced to one to six years of imprisonment.

If an offense referred to in Paragraph 1 of this Article is done out of negligence or by negligent destruction or damaging navigation devices or by negligent causing some other damage to the aircraft, the perpetrator shall be sentenced to three months to three years of imprisonment.

**Endangering air traffic safety by violence**

**Article 292**

Anyone who by using violence against a person in an aircraft, mounting or bringing into the aircraft explosive or other dangerous devices or substances, or destroying or damaging navigation devices or causing other damage to the aircraft brings into danger the safety of air traffic, shall be sentenced to two to ten years of imprisonment.
(2) If due to an offense referred to in Paragraph 1 of this Article a heavy bodily injury is inflicted on a person or a large scale damage is caused, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(3) If due to an offense referred to in Paragraph 1 of this Article one or more persons died, the perpetrator shall be sentenced to five to fifteen years of imprisonment.

**Hijacking an aircraft, ship or other means of transport**

**Article 293**

(1) Anyone who by force or threat of use of force takes over control of an aircraft during flight or of a ship when sailing or other means of public transport while in motion, shall be sentenced to two to ten years by of imprisonment.

(2) If due to an offense referred to in Paragraph 1 of this Article a heavy bodily injury is inflicted on a person or large scale damage is caused, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(3) If due to an offense referred to in Paragraph 1 of this Article one or more persons died, the perpetrator shall be sentenced to five to fifteen years of imprisonment.

**Piracy**

**Article 294**

(1) A member of the crew or a passenger who in the high seas or at a place not coming under the authority of any state performs an act of violence or robbery against persons on another ship or who retains, hijacks, damages or destroys another ship or goods placed on it, or causes damage of a large scale, shall be sentenced to two to twelve years of imprisonment.

(2) If due to an offense referred to in Paragraph 1 of this Article one or more persons died, the perpetrator shall be sentenced to five to fifteen years of imprisonment.

**Unconscientious supervision of public traffic**

**Article 295**

(1) An official person or a responsible person who has been entrusted with the supervision of the state of roads and pertaining facilities, means of transport or public transport and of maintenance thereof, and the fulfilling of prescribed work conditions for drivers, or who has been entrusted the direction of driving, who by conscienceless performance of his/her duty causes danger to human life or body or to property of a large scale,
shall be sentenced to six months to five years of imprisonment.

(2) Punishment referred to in Paragraph 1 of this Article shall be imposed on a responsible person who issues a driving order or allows driving, even though he/she knows that due to fatigue, effects of alcohol or other reasons, the driver is not capable of safely steering the vehicle or that the vehicle is not functioning properly, whereby the safety of human life and body or property of a large scale is endangered.

(3) If an offense referred to in Paragraph 1 of this Article is done out of negligence, the perpetrator shall be sentenced to imprisonment not exceeding three years.

**Failure to provide assistance to a person injured in a traffic accident**

**Article 296**

(1) Driver of a motor vehicle or another means of transport who leaves helpless a person hurt by that means of transport or whose injury is caused by that means, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) If due to a failure to provide assistance a heavy bodily injury is inflicted to the injured person, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(3) If due to a failure to provide assistance the injured person dies, the perpetrator shall be sentenced to six months to five years of imprisonment.

**Grave offenses against public traffic safety**

**Article 297**

(1) If due to an offense referred to in Article 289, Paragraphs 1 and 2, Article 290, Paragraphs 1 and 2, Article 291, Paragraph 1 and Article 295, Paragraphs 1 and 2 of this Code, a heavy bodily injury is inflicted to a person, or property is damaged to a large extent, the perpetrator shall be sentenced to one to eight years of imprisonment.

(2) If due to offenses referred to in Article 289, Paragraphs 1 and 2, Article 290, Paragraphs 1 and 2, Article 291, Paragraph 1 and Article 295, Paragraphs 1 and 2 of this Code, one or more persons died, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(3) If due to offenses referred to in Article 289, Paragraph 3, Article 290, Paragraph 3, Article 291, Paragraph 2 and Article 295, Paragraph 3 of this Code, a heavy bodily injury is inflicted to a person or property is damaged to a large extent, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(4) If due to offenses referred to in Article 289, Paragraph 3, Article 290, Paragraph 3, Article 291, Paragraph 2 and Article 295, Paragraph 3 of this Code, one or more persons died,
CHAPTER TWENTY SEVEN
CRIMINAL ACTS AGAINST SAFETY OF COMPUTER DATA

Damaging computer data and programs

Article 298

(1) Anyone who without authorization deletes, alters, damages, conceals or in any other way makes useless a computer datum or a program, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) If due to an offense referred to in Paragraph 1 of this Article a damage exceeding the amount of YUD 300,000 is caused, the perpetrator shall be sentenced to three months to three years of imprisonment.

(3) If due to an offense as of Paragraph 1 of this Article a damage exceeding the amount of YUD 1,000,000 is caused, the perpetrator shall be sentenced to three months to five years of imprisonment.

(4) If equipment and means used for committing a criminal act referred to in Paragraphs 1 and 2 of this Article are the possession of the perpetrator, they shall be confiscated.

Computer sabotage

Article 299

Anyone who brings in, destroys, deletes, alters, damages, conceals or in any other way makes useless a computer datum or a program or destroys or damages a computer or some other device for electronic processing and transfer of data with the intention to make impossible or disturb significantly the procedure of electronic processing and transfer of data which are significant for state authorities, public services, institutions, companies or other subjects, shall be sentenced to six months to five years of imprisonment.

Producing and entering computer viruses

Article 300

(1) Anyone who makes a computer virus with the intention of entering it into another’s computer or computer network, shall be punished by a fine or sentenced to imprisonment not exceeding six months.
(2) Anyone who enters a computer virus into another’s computer or computer network and thereby causes damage, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(3) The device and means used for committing a criminal act referred to in Paragraphs 1 and 2 of this Article shall be confiscated.

**Computer fraud**

**Article 301**

(1) Anyone who enters an inaccurate datum, omits to enter a correct datum or in some other way conceals or falsely presents a piece of datum and thereby influences the result of electronic processing and transfer of data with the intention of obtaining unlawful property gain for him/herself or for another and thereby causes property damage to another, shall be punished by a fine or sentenced to imprisonment not exceeding three years.

(2) If by the offense referred to in Paragraph 1 of this Article a property gain exceeding the amount of YUD 300,000 is obtained, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) If by the offense referred to in Paragraph 1 of this Article, a property gain exceeding the amount of YUD 1,000,000 is obtained, the perpetrator shall be sentenced to two to ten years of imprisonment.

(4) If the offense referred to in Paragraph 1 of this Article is done only with the intention to cause damage to another, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding six months.

**Accessing protected computer, computer network or electronic data processing without authorization**

**Article 302**

(1) Anyone who, violating safety measures, logs on a computer, computer network or electronic data processing without authorization, shall be fined or sentenced to imprisonment not exceeding six months.

(2) Anyone who uses a datum obtained in the manner stipulated in Paragraph 1 of this Article, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(3) If the offense referred to in Paragraph 2 of this Article caused the stoppage or severe disturbance in functioning of electronic data processing, transfer of data or a network or other severe consequences occurred, the perpetrator shall be sentenced to imprisonment not exceeding three years.
Preventing and limiting access to public computer network

Article 303

(1) Anyone who prevents or disturbs access to public computer network without authorization,
shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) If the offense referred to in Paragraph 1 of this Article is committed by an official person while performing his/her duty,
s/he shall be sentenced to imprisonment not exceeding three years.

Unauthorized use of computers and computer network

Article 304

(1) Anyone who uses computer services or computer network without authorization
with the intention to obtain unlawful property gain for him/herself or for another,
shall be punished by a fine or sentenced to imprisonment not exceeding three months.

(2) Prosecution for the offense referred to in Paragraph 1 of this Article shall be undertaken upon a private action.

CHAPTER TWENTY EIGHT
CRIMINAL ACTS AGAINST THE CONSTITUTIONAL ORDER AND SECURITY OF REPUBLIC OF SERBIA AND SCG

Jeopardizing independence

Article 305

Anyone who, in unconstitutional manner, attempts to bring Serbia or SCG into the position of subordination or dependence from some other state,
shall be sentenced to three to fifteen years of imprisonment.

Recognition of capitulation or occupation

Article 306

A citizen of Serbia who signs or recognizes capitulation, or accepts or recognizes occupation of Serbia, SCG or any part thereof,
shall be sentenced to imprisonment for a minimum term of ten years.
Endangering territorial integrity

Article 307

(1) Anyone who by force or in some other unconstitutional manner attempts to secede a part of the territory of Serbia or SCG, or to annex a part of that territory to another state, shall be sentenced to three to fifteen years of imprisonment.

(2) Anyone who by force or in some other unconstitutional manner attempts to change the borders between the member states of SCG, shall be sentenced to two to twelve years of imprisonment.

Attacking the constitutional order

Article 308

Anyone who by force or threat to use force attempts to change the constitutional order of Serbia or SCG or to depose the supreme state authorities, shall be sentenced to three to fifteen years of imprisonment.

Sedition

Article 309

(1) Anyone who, with the intention to endanger the constitutional order or security of Serbia or SCG, calls for or instigates a forced change of their constitutional order, deposition of the supreme state authorities or representatives thereof, shall be sentenced to three months to five years of imprisonment.

(2) Anyone who commits an offense referred to in Paragraph 1 of this Article with help from abroad, shall be sentenced to one to eight years of imprisonment.

(3) Anyone who, with intention to distribute produces or reproduces material which is by its content such that it calls for or instigates offense referred to in Paragraph 1 of this Article to be committed, or who directs or transfers to the territory of SCG such material, or keeps larger quantity thereof with the intention to distribute it him/herself, or that someone else distributes it, shall be sentenced to three months to three years of imprisonment.
Assassination of the highest representatives of the state union and member states

Article 310

Anyone who, with the intention to jeopardize the constitutional order or security of Serbia or SCG deprives of life the president of SCG, president of a member state, president of the Parliament of SCG, president of the Parliament of a member state, president of the Government of a member state, president of the SCG Court, president of the Constitutional Court of a member state, president of the Supreme Court of a member state or the highest state prosecutor of a member state, shall be sentenced for a minimum ten years of imprisonment or forty years of imprisonment.

Armed rebellion

Article 311

(1) Anyone who participates in an armed rebellion directed at jeopardizing the constitutional order, security or territorial integrity of Serbia or SCG, shall be sentenced to three to fifteen years of imprisonment.

(2) Anyone who organizes or leads an armed rebellion, shall be sentenced to five to fifteen years of imprisonment.

Terrorism

Article 312

Anyone who, with the intention of endangering the constitutional order or security of Serbia or SCG causes an explosion or fire or undertakes other dangerous action or kidnaps a person, or commits another act of violence or threatens to undertake some dangerous action or to use nuclear, chemical, bacteriological or other dangerous substance and thereby causes fear or feeling of insecurity of citizens, shall be sentenced to three to fifteen years of imprisonment.

Diversion

Article 313

Anyone who, with the intention to endanger the constitutional order or security of Serbia or SCG by pulling down, setting on fire or destroys or damages in some other way an industrial, agricultural or some other commercial facilities, means of transport, equipment or plant, telecommunication system device, public facility for water, heat, gas or power supply system plant, dam, depository, building or some other object of greater significance for the security or supply of citizens or for economy or for the functioning of public services, shall be sentenced to three to fifteen years of imprisonment.
Sabotage

Article 314

Anyone who, with the intention to endanger the constitutional order or security of Serbia or SCG, in a covered, perfidious or other similar way in performing his/her official duty or work obligations, causes damage exceeding the amount of YUD 1,000,000 to the state authority or organization he/she is employed in, or to any other state authority or organization, shall be sentenced to three to fifteen years of imprisonment.

Espionage

Article 315

(1) Anyone who secret military, commercial or official data or documents reports or hands over or makes them available to a foreign state, foreign organization or a person in their service, shall be sentenced to three to fifteen years of imprisonment.

(2) Anyone who for a foreign state or organization creates an intelligence service in Serbia or who manages it, shall be sentenced to five to fifteen years of imprisonment.

(3) Anyone who joins a foreign intelligence service, collects intelligence for it or in some other way supports its work, shall be sentenced to one to ten years of imprisonment.

(4) Anyone who obtains secret data or documents with the intention to report them or deliver them to a foreign state, a foreign organization or a person in their service, shall be sentenced to one to eight years of imprisonment.

(5) If due to the offenses referred to in Paragraphs 1 and 2 of this Article, severe consequences occurred for the security, economic or military power of the country, the perpetrator shall be sentenced to minimum ten years of imprisonment.

(6) Confidential are considered to be all those military, commercial or official data or documents which are by a law, some other regulation or decision of a competent authority passed in conformity with the law, proclaimed to be confidential, as well as the data and documents accessible only to a certain circle of people, and the revealing of which would cause or could cause harmful consequences for the security, defense or for the political, military or economic interests of the country.
Revealing a state secret

Article 316

(1) Anyone who without an authorization reports, hands over or makes available to an unauthorized person data or documents entrusted with him/her, or data or documents obtained in some other way, and which represent a state secret, shall be sentenced to one to ten years of imprisonment.

(2) Anyone who reports to another person data or documents knowing that they represent a state secret and which h/she obtained illegally, shall be sentenced to imprisonment not exceeding five years.

(3) If the offense referred to in Paragraph 1 of this Article is committed during immediate danger of war, an armed conflict or a state of emergency or have led to the security, economic or military power of Serbia or SCG to be endangered, the perpetrator shall be sentenced to three to fifteen years of imprisonment.

(4) If the offense referred to in Paragraph 1 of this Article is committed out of negligence, the perpetrator shall be sentenced to six months to five years of imprisonment.

(5) The data or documents are considered a state secret if they are proclaimed as such by a law, by some other regulation or decision of a competent authority passed in conformity with the law, and the revealing of which would cause or could cause harmful consequences to the security, defense or to the political, military and economic interests of Serbia or SCG.

(6) The state secret referred to in Paragraph 4 of this Article shall not include the data or documents which are directed to endangering the constitutional order and security of Serbia or SCG.

Causing national, race and religious hatred and intolerance

Article 317

(1) Anyone who causes or spreads national, religious or race hatred or intolerance among peoples, or ethnic groups living in Serbia, shall be sentenced to six months to five years of imprisonment.

(2) If an offense referred to in Paragraph 1 of this Article is done by coercion, maltreatment, endangering of safety, exposure to mockery of national, ethic or religious symbols, by damaging other person's goods, by desecration of monuments, memorial plaques or tombs, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) Anyone who commits an offense referred to in Paragraphs 1 and 2 of this Article by abusing his/her position or authorities or if as the result of these acts riots, violence or other severe consequences for the joint life of peoples, national minorities or ethnic groups living in Serbia occur,
shall be sentenced to one to eight years of imprisonment for an offense referred to in Paragraph 1 of this Article and for an offense referred to in Paragraph 2 by an imprisonment sentence of two to ten years.

Violation of territorial sovereignty

Article 318

Anyone who by breaching the rules of the international law encroaches the territory of Serbia or the territory of SCG, shall be sentenced to one to eight years of imprisonment.

Associating for unconstitutional activities

Article 319

(1) Anyone who establishes a group or any other association in order to commit criminal offenses referred to in Articles 305 to 310 and Articles 312 to 314 of this Code, shall be liable to a sentence prescribed for the act for which the association is organized.

(2) Anyone who becomes a member of an association referred to in Paragraph 1 of this Article, shall be sentenced to six months to five years of imprisonment.

(3) A perpetrator of an act referred to in Paragraph 1 of this Article, who by revealing the association or in any other way prevents criminal offenses stipulated in Paragraph 1 of this Article to be committed, shall be sentenced to imprisonment not exceeding three years and s/he can be acquitted of punishment.

(4) A member of an association referred to in Paragraph 3 of this Article who reveals the existence of an association before committing a criminal offense referred to in Paragraph 1 of this Article, in it or on behalf of it, shall be sentenced to imprisonment not exceeding one year and s/he can be acquitted of punishment.

Preparing acts against the constitutional order and security of Serbia or SCG

Article 320

(1) Anyone who prepares the committing of the criminal offenses referred to in Articles 305 to 314 and Article 315, Paragraphs 1 and 2 of this Code, shall be sentenced to one to five years of imprisonment.

(2) Anyone who directs or transfers to the territory of Serbia or the territory of SCG persons or arms, explosive, poisons, equipment, ammunition or other material,
with the intention of committing one or more criminal offenses referred to in this Chapter, shall be sentenced to two to ten years of imprisonment.

(3) Preparations referred to in Paragraph 1 of this Article include acquiring or making functional means for committing the criminal offense, removing obstacles for committing the criminal offense, making arrangements, planning or organizing with others committing of the criminal offense or other activities for creating conditions for immediate execution of the criminal offense.

Grave offenses against the constitutional order and security of Republic of Serbia and SCG

Article 321

(1) For the criminal offense referred to in Articles 307 to 309 and Articles 312 to 315 of this Code, due to which one or more persons died, or which brought into danger lives of people, or is followed by brutal violence or widespread devastation or endangered the security of economic or military power of the country, the perpetrator shall be sentenced to a minimum ten years of imprisonment.

(2) If on the occasion of committing an offense referred to in Paragraph 1 of this Article, the perpetrator intentionally deprived of life one or more persons, s/he shall be sentenced to a minimum ten years of imprisonment or forty years of imprisonment.

(3) The punishment referred to in Paragraph 2 of this Article shall also be imposed on anyone committing a criminal offense referred to in Article 307, Articles 309 to 312, Articles 314 to 318, Article 329 and Article 320, Paragraph 2 of this Code during immediate war danger, state of war, armed conflict or state of emergency.

CHAPTER TWENTY NINE
CRIMINAL OFFENSES AGAINST STATE AUTHORITIES

Preventing an official person to perform an official act

Article 322

(1) Anyone who by force or threat to use force prevents an official person to perform an official act undertaken within his/her powers, or forces such a person in the same manner into performance of an official act, shall be sentenced to imprisonment not exceeding three years.

(2) If during the commission of an offense referred to in Paragraph 1 of this Article, the perpetrator insults or maltreats an official person or causes him/her a light bodily injury or threatens to use weapons, s/he shall be sentenced to three months to three years of imprisonment.
Anyone who commits an offense referred to in Paragraphs 1 and 2 of this Article to a judge or a state prosecutor during performance of their judicial or prosecutorial duties respectively or to an official person in performing the duty related to public or state security or the duty of preserving public peace and order, preventing and detecting a criminal offense and capture of the perpetrator of a criminal offense or safeguarding persons deprived of their liberty, shall be sentenced to six months to five years of imprisonment.

An attempt of criminal offenses referred to in Paragraphs 1 and 2 of this Article shall be subject to punishment.

If a perpetrator of a criminal offenses referred to in Paragraphs 1 to 3 of this Article was provoked by unlawful or rude acting of an official person, s/he may be acquitted from punishment.

**Attack against an official person during performance of an official duty**

**Article 323**

(1) Anyone who attacks or threatens to attack an official person in the performance of his/her official duty, shall be sentenced to imprisonment not exceeding three years.

(2) If during the commission of criminal offenses referred to in Paragraph 1 of this Article, an official person suffers a light bodily injury or is threatened by use of weapons, the perpetrator shall be sentenced to three months to three years of imprisonment.

(3) If a criminal offense referred to in Paragraphs 1 and 2 of this Article is committed against a judge or a state prosecutor, in relation to their judicial or prosecutorial duty or to an official person in performance of his/her duty of public or state security, the perpetrator shall be sentenced to six months to five years of imprisonment.

(4) An attempt of criminal offenses referred to in Paragraphs 1 and 2 of this Article shall be subject to punishment.

(5) A perpetrator of criminal offenses referred to in Paragraphs 1 to 3 of this Article who was provoked by unlawful or rude acting of an official person, may be acquitted from punishment.

**Participation in a group preventing an official person from performance of an official act**

**Article 324**

(1) Anyone who is a part of group preventing by a joint action an official person from performance of an official act or forcing such a person in the same manner into performance of an official act,
shall be punished for participation only by imprisonment not exceeding two years.

(2) An attempt shall be subject to punishment.

(3) The leader of the group committing the criminal offense referred to in Paragraph 1 of this Article, shall be sentenced to six months to five years of imprisonment.

Appeals for resistance

Article 325

(1) Anyone who makes an appeal on others for resistance or disobedience to lawful decisions or measures of state authorities or to an official person while performing his/her official duty, shall be sentenced to imprisonment not exceeding three years.

(2) If due to the offense referred in Paragraph 1 of this Article failure or significant disturbances to the implementation of lawful decisions or measures of state authorities occurred, the perpetrator shall be sentenced to six months to five years of imprisonment.

Failure to take part in eliminating common danger

Article 326

Anyone who disobeys the order of a competent authority or other competent body without a justified reason and refuses to participate in eliminating the danger caused by fire, flood, earthquake or other disasters, shall be punished by a fine or sentenced to imprisonment not exceeding three months.

Removal and damaging of official seal and symbols

Article 327

(1) Anyone who removes or damages an official seal or a symbol that an official person has placed on an object or premises for security reasons or who without removing or damaging a seal or a sign, enters such premises or opens an object with an official seal or symbol, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) An attempt shall be subject to punishment.
Seizure and destruction of official seal and file

Article 328

(1) Anyone who unlawfully seizes, hides, destroys, damages or in any other manner makes useless an official seal, book, file or document belonging to a state authority, company, institution or other entity performing public authorities or kept by them, shall be sentenced to imprisonment not exceeding three years.

(2) An attempt shall be subject to punishment.

False representation

Article 329

(1) Anyone who, with the intention of obtaining for himself/herself or another any benefit or causing damage to another, falsely represents himself/herself as an official or a member of the military or who wears any official or military insignia on without authorization, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) Punishment referred to in Paragraph 1 of this Article shall also be imposed on a person performing an act that only some officials or military members are authorized to take.

Arbitrary exercise of rights

Article 330

(1) Anyone who arbitrarily acquires a right on his/her own or a right s/he considers is pertaining to him/her, shall be punished by a fine or sentenced to imprisonment not exceeding six months, s/he shall be sentenced to six months to five years of imprisonment.

(2) Anyone who commits a criminal offense referred to in Paragraph 1 this Article for another person, shall be punished by a penalty prescribed for that offense.

(3) If a criminal offense referred to in Paragraphs 1 and 2 was committed to the detriment of citizens, the prosecution shall be undertaken upon a private action.
CHAPTER THIRTY
CRIMINAL OFFENSES AGAINST JUSTICE

Failure to report preparation of a criminal offense

Article 331

(1) Anyone who has information that preparation is underway for commission of a criminal offense punishable under law by imprisonment of five years or more, but fails to report it when such an offense could have been prevented, and the crime is attempted or committed, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) For failure to report preparation of a criminal offense punishable by law by a prison sentence of forty years, the perpetrator shall be sentenced to three months to three years of imprisonment.

(3) For a crime referred to in Paragraph 1 of this Article exempted from punishment shall be the persons to whom the perpetrator is: the spouse, a partner in the common law marriage, direct relative by blood, brother or sister, adoptive parent or adoptive child, as well as the spouse of one of the above mentioned persons, or a common-law partner of one of such persons.

Failure to report a criminal offense and perpetrator

Article 332

(1) Anyone who has information that a person has committed a criminal offense punishable under the law by imprisonment of forty years, or who only knows that such a criminal offense has been committed but fails to report it before such a criminal offense and perpetrator are detected, shall be sentenced to imprisonment not exceeding two years.

(2) Punishment referred to in Paragraph 1 of this Article shall also be imposed on an official or responsible person who knowingly fails to report the crime s/he has been informed of in the course of his/her official duty, if it is a criminal offense punishable under the law by imprisonment of five years or more.

(3) For failure to report a crime or perpetrator referred to in Paragraphs 1 and 2 of this Article exempted from punishment shall be the persons to whom the perpetrator is: the spouse or common-law partner, direct relative by blood, brother or sister, adoptive parent or adoptive child, as well as the spouse of one of the above mentioned persons or a common-law partner, as well as a defense counsel, doctor or religious confessor of the perpetrator.

Aiding the perpetrator after the commission of a criminal offense

Article 333
(1) Anyone who hides the perpetrator of a criminal offense or assists the perpetrator by hiding means or traces of a criminal offense, or assists him/her in any other manner to avoid detection, or who hides a convicted person or takes any other actions aimed at avoiding the enforcement of the pronounced sanction, a security measure, or referral to an educational or correctional institution, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) Anyone who aids the perpetrator of a criminal offense punishable under the law by imprisonment exceeding five years, shall be sentenced to three months to five years of imprisonment.

(3) Anyone who assists the perpetrator of a criminal offense punishable under the law by forty years of imprisonment, shall be sentenced to one to eight years of imprisonment.

(4) Punishment pronounced for a criminal offense referred to in Paragraph 1 of this Article shall not be more severe in type or duration than the punishment prescribed for a criminal offense committed by a person who has been aided.

(5) For criminal offenses referred to in Paragraphs 1 to 3 of this Article exempted from punishment shall be persons to whom the perpetrator is: the spouse or common-law partner, direct relative by blood, brother or sister, adoptive parent or adoptive child, as well as the spouse to one of the above mentioned persons or a common-law partner of one of such persons.

False reporting

Article 334

(1) Anyone who reports a person to have committed a crime prosecuted ex officio, and who knows that person is not the perpetrator of that crime, shall be sentenced to three months to three years of imprisonment.

(2) Punishment referred to in Paragraph 1 of this Article shall also be imposed on a person who by planting traces of crime or in any other manner causes that a criminal procedure be initiated for a criminal offense prosecuted ex officio against a person who s/he knows is not the perpetrator of that criminal offense.

(3) Anyone who reports himself/herself for having committed a crime prosecuted ex officio, although s/he knows that s/he has not committed such a criminal offense, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(4) Punishment referred to in Paragraph 3 of this Article shall also be imposed on a person who reports that a criminal offense prosecuted ex officio has been committed, although he knows no such crime has been committed.
False testimony

Article 335

(1) A witness, expert, translator or interpreter who gives a false statement before the court in a disciplinary, misdemeanor or administrative proceeding, or any other proceeding prescribed by law, shall be sentenced to imprisonment not exceeding three years.

(2) Punishment referred to in Paragraph 1 of this Article shall also be imposed on a party who during presentation of evidence, by hearing parties in a court or an administrative proceeding gives a false statement, when such a statement serves as grounds for deciding in that proceeding.

(3) If a false statement was given in a criminal proceeding or under oath, the perpetrator giving such a statement shall be sentenced to three months to five years of imprisonment.

(4) If due to an offense referred to in Paragraph 3 of this Article particularly grave consequences have occurred for the accused, the perpetrator shall be sentenced to one to eight years of imprisonment.

(5) If the perpetrator revokes the false statement of his own will before the final decision is made, s/he may be released from a punishment.

Tampering with evidence

Article 336

(1) Anyone who gives or promises a gift or some other benefit to a witness, court expert or other participant in a court proceeding, or another state authority, or uses force or threat with the intent to induce the witness or a court expert to influence the result of the court proceedings by giving a false testimony, shall be sentenced to six months to five years of imprisonment.

(2) Anyone who, with the intent to prevent or hinder supporting by evidence, hides, destroys, damages or partially or completely makes useless someone else’s document or other objects serving as a proof, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(3) Punishment referred to in Paragraph 2 of this Article shall also be imposed on a person who removes, destroys, mars, moves or relocates a borderline stone, land identification mark or any other mark indicating ownership over the real estates or indicating the right to use water, or a person who places such a mark to this effect.

(4) If an offense referred to in Paragraph 2 is committed in the course of a criminal proceeding, the perpetrator shall be sentenced to imprisonment not exceeding three years.
Violation of confidentiality of proceedings

Article 337

(1) Anyone who discloses without authorization information obtained in a court, petty offense, administrative or other legally defined proceeding, when such information cannot be published under the law or has been declared a secret by the decision of a court or other competent authority, shall be fined or sentenced to imprisonment not exceeding one year.

(2) Punishment referred to in Paragraph 1 of this Article shall also be imposed on a person who, without the permission of the court, publicizes the course of the criminal proceeding against a juvenile or the decision passed in such proceeding or who publicizes the name of the juvenile who is subject to the proceeding or the data revealing the identity of the juvenile.

Riot of the arrestees

Article 338

(1) Persons who have been arrested under the law and who gather with the intention to free themselves by force, or to jointly attack persons entrusted with the duty of their supervision, or induce such officers by force or threat of immediate force to do or fail to do something that is in contravention of their duty, shall be sentenced to imprisonment not exceeding three years.

(2) The perpetrator of an offense referred to in Paragraph 1 of this Article who used force or threat, shall be sentenced to six months to five years of imprisonment.

Escape of an arrestee

Article 339

A person who has been arrested under the law who by use of force against another or by threatening to directly attack life and body of another escapes, shall be sentenced to three months to five years of imprisonment.

Enabling escape of an arrestee

Article 340

(1) Anyone who by use of force, threat, defraud or in some other way, enables the escape of a person arrested under the law, shall be sentenced to three months to five years of imprisonment.

(2) If an offense referred to in Paragraph 1 of this Article is done jointly by several persons or if the escape of several persons is enabled, the perpetrator shall be sentenced to one to eight years of imprisonment.
Failure to enforce a court decision

Article 341

(1) An official person or a responsible person who refuses to enforce a final court decision or fails to enforce it within the term specified by the law or a decision, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) If a person referred to in Paragraph 1 of this Article enforces a final court decision, the prosecution shall not be undertaken and in case it has already been undertaken, it shall be terminated.

Unlawful enabling another to perform a profession, function, duty, tasks and activities

Article 342

Anyone who enables another to perform a profession, function, duty, tasks or activities, although s/he knew that this person is banned from performance by a final decision imposing on him/her an adequate security measure or protective measure, or that such a ban took effect as a legal consequence of the conviction, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

Unauthorized practice of law

Article 343

Anyone who, without required qualifications, provides legal services receiving the compensation, shall be punished by a fine or sentenced to imprisonment not exceeding two years.

CHAPTER THIRTY ONE
CRIMINAL OFFENSES AGAINST PUBLIC ORDER

Instigation of panic and public disorder

Article 344

(1) Anyone who by disclosing or spreading false information or statements causes panic or seriously disrupts public order, or impedes or significantly hampers the enforcement of decisions and implementation of measures of state authorities or organizations entrusted with public authorities, shall be punished by a fine or sentenced to imprisonment not exceeding one year.
(2) If the offense referred to in Paragraph 1 of this Article is done through the media or other similar means or in a public gathering, the perpetrator shall be sentenced to imprisonment not exceeding three years.

Violent behavior

Article 345

(1) Anyone who, by rude insults or maltreatment of others, by exercising violence against another person, by causing a fight, or by audacious and arrogant conduct significantly endangers the peace of citizens or disturb the public order, shall be sentenced to three months to three years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article is committed in a group or when the offense causes a light bodily injury or seriously humiliates citizens, the perpetrator shall be sentenced to six months to five years of imprisonment.

Conspiracy to commit a crime

Article 346

Anyone who conspires with another to commit a crime punishable by imprisonment of five years or more, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Criminal association

Article 347

(1) Anyone who organizes a group or other association the aim of which is to commit criminal offenses punishable by imprisonment of three years or more, shall be sentenced to three months to five years of imprisonment.

(2) A member of the group referred to in Paragraph 1 of this Article shall be sentenced to imprisonment not exceeding one year.

(3) If the offense referred to in Paragraph 1 of this Article refers to an association the aim of which is to commit crimes punishable by imprisonment of twenty years or imprisonment of forty years, the organizer of the association shall be sentenced to minimum ten years of imprisonment or forty years of imprisonment, and a member of the association by six months to five years of imprisonment.

(4) The organizer of the association referred to in Paragraphs 1 and 3 of this Article who by disclosing the association or in some other way prevents the commission of criminal offenses for which the association was set up, shall be sentenced to imprisonment not exceeding three years, and may also be acquitted of punishment.
A member of the association referred to in Paragraphs 2 and 3 of this Article who reports the association before s/he as a member of the association or for the association has committed a crime referred to in Paragraphs 2 and 3 of this Article for which the association was founded, shall be punished by a fine or sentenced to imprisonment not exceeding one year, and may also be acquitted of punishment.

**Manufacture and acquisition of weapons and means intended for commission of criminal offenses**

**Article 348**

(1) Anyone who manufactures, procures or provides another with weapons, explosives, means required for their manufacture or poison that s/he knows are intended for the commission of a criminal offenses, shall be sentenced to six months to five years of imprisonment.

(2) Anyone who manufactures or hands over to another means for breaking an entry or burglary, although s/he knows that they are intended for commission of a criminal offense, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

**Unlawful keeping of weapons and explosive substances**

**Article 349**

(1) Anyone who without authorization manufactures, sells, procures, exchanges, carries or keeps firearms, ammunition or explosive substances, shall be sentenced to imprisonment not exceeding three years.

(2) If the object of an offense referred to in Paragraph 1 of this Article is firearms, ammunition, explosive substances, or means based thereon, fragmentation weapons or gas weapon whose manufacture, sale, purchase, exchange, carrying or keeping is forbidden to citizens, the perpetrator shall be sentenced to six months to five years of imprisonment.

(3) If the object of the offense referred to in Paragraphs 1 and 2 of this Article is a larger quantity of arms, ammunition or means or it is a weapon or other means of large destructive power, the perpetrator shall be sentenced to one year to eight years of imprisonment.

**Participation in a group committing a crime**

**Article 350**

(1) Anyone who participates in a group that by joint action kills another, or causes to another a heavy bodily injury, significantly damages property or commits other criminal offense punishable by imprisonment of five years or more, or that attempts to commit one of these crimes,
shall be sentenced to three months to five years of imprisonment for sole participation.

(2) The leader of the group committing a crime referred to in Paragraph 1 of this Article,
shall be sentenced to one to eight years of imprisonment.

Illegal crossing of the state border

Article 351

(1) Anyone who without the prescribed permission crosses or tries to cross the state border of SCG, under arms or by use of force,
shall be sentenced to imprisonment not exceeding one year.

(2) Anyone who deals with illegal transfer of other persons across the border of SCG
or who enables another for gain to illegally cross the border,
shall be sentenced to six months to five years of imprisonment.

Abuse of help sign and danger sign

Article 352

Anyone who abuses the help sign or danger sign or who calls for help for no good reason thus unnecessarily causing the measures of state authorities, fire prevention or other competent organization or who causes disorder in traffic,
shall be punished by a fine or sentenced to imprisonment not exceeding six months.

Unauthorized organization of games of chance

Article 353

(1) Anyone who without a licence issued by a competent authority organizes games of chance,
shall be punished by a fine or sentenced to imprisonment not exceeding two years.

(2) A person who organizes games of chance or participates in a game referred to in Paragraph 1 of this Article using deceit,
shall be sentenced to three months to five years of imprisonment.

(3) Objects intended or used for commission of offenses referred to in Paragraphs 1 and 2 of this Article, as well as money and other objects used in games of chance,
shall be confiscated.
Unlicensed practice of a specific profession

Article 354

Anyone who without a licence and for gain engages in a practice for which law or other regulations enacted in accordance with law require a licence to be issued by a competent authority or body, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Desecration of grave

Article 355

(1) Anyone who without authorization digs out, demolishes, damages or significantly devastates a grave or other place where the deceased are buried, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) Punishment referred to in Paragraph 1 of this Article shall also be imposed on a person who without authorization destroys, damages or removes, or significantly devastates a gravestone or other monument to the deceased.

(3) If offenses referred to in Paragraphs 1 and 2 of this Article contain characteristics of a some more serious crime, the perpetrator shall be liable to punishment for such an offense.

CHAPTER THIRTY TWO
CRIMINAL OFFENSES AGAINST LEGAL TRANSACTIONS

Forging a document

Article 356

(1) Anyone who creates a false document or alters a real document with the intention to use it as a real one or whoever uses such false or untruthful document as a true one or has obtained it for use, shall be sentenced to imprisonment not exceeding three years.

(2) If the offense referred to in Paragraph 1 of this Article is done in regards to a public document, a will, bill of exchange, check, public or official record or other record that must be kept under law, the perpetrator shall be sentenced to three months to five years of imprisonment.

(3) Attempt of criminal offenses referred to in Paragraph 1 of this Article shall be subject to punishment.
Special cases of document forging

Article 357

The following persons shall be considered to be forging documents and shall be punished pursuant to Article 358 of this Code:

1) anyone who without authorization fills in a statement that is affecting the legal relations on a paper, blank form or any other document to which someone has affixed his/her signature,

2) anyone who deceives another with regard to the content of a document so as to make another affix his/her signature believing that s/he is signing another document or under a different content;

3) anyone who issues a document on behalf of another without authorization of that person or on behalf of a person who does not exist,

4) anyone who, as an issuer of a document, places next to his signature the position, rank or title although he holds no such position, rank or title, and this is crucial for the force of evidence of that document,

5) anyone who produces a document using a genuine seal or sign without authorization.

Forging an official document

Article 358

(1) An official person who enters false data or fails to enter important data in an official document, record or file, or who certifies with his signature or official seal an official document, record or file with false content, or who with his signature or official seal enables another to produce an official document, record or file with false content, shall be sentenced to three months to five years of imprisonment.

(2) Punishment referred to in Paragraph 1 of this Article shall also be imposed on an official person who uses a false document, record or file in his/her service as if they were truthful, or who destroys, hides, significantly damages or make useless in another way an official document, record, or file.

(3) A responsible person in a company, institution or other organization who commits an offense referred to in Paragraphs 1 and 2 of this Article, shall be liable to punishment prescribed for that offense.

Inducement to certify false content

Article 359

(1) Anyone who deceives a competent authority to induce it to certify in a public document, minutes or book any false information that can be used as evidence in legal transactions, shall be sentenced to three months to five years of imprisonment.
(2) Punishment referred to in Paragraph 1 of this Article shall also be imposed on a person who uses such a document, minutes or book although s/he knows they are false.

CHAPTER THIRTY THREE
CRIMINAL OFFENSES AGAINST OFFICIAL DUTY

Abuse of official status

Article 360

(1) An official person who provides gain for himself or another, causes damage to another or severely violates the rights of another using his/her official status or authority, exceeding the limits of his authority or failing to do his official duty, shall be sentenced to six months to five years of imprisonment.

(2) If the commission of an offense referred to in Paragraph 1 of this Article resulted in obtaining the material gain exceeding the amount of YUD 300,000, the perpetrator shall be sentenced to one year to eight years of imprisonment.

(3) If the value of the material gain exceeds the amount of YUD 1,000,000, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(4) A responsible person in a company, institution or other organization who commits offenses referred to in Paragraphs 1 to 3 of this Article, shall be liable to a punishment prescribed for such offenses.

Unconscientious performance of office

Article 361

(1) An official person, who by violation of law or other regulations or general enactments, by failure to duly supervise or in some other manner obviously unconscientiously acts in the performance of his/her office, although s/he was aware or had the duty and had to be aware that such acts may cause serious violation of rights of another or damage to property, when such violation or damage exceeding the amount of YUD 300,000 actually takes place, shall be punished by a fine or sentenced to imprisonment not exceeding three years.

(2) If acts referred to in Paragraph 1 of this Article have caused serious violation of rights of another or property damage exceeding the amount of YUD 1,000,000, the perpetrator shall be sentenced to six months to five years of imprisonment.

(3) A responsible person in an institution or other organization, with the exception of those engaged in a business activity, who commits offenses referred to in Paragraphs 1 and 2 of this Article, shall be liable to a punishment prescribed for that offense.
Unlawful collection and payment

Article 362

An official person who collects money from another for something the latter is not obliged to pay or charges another more than s/he has to pay, or who, when paying for or handing over some items pays less or does not hand over or hands over less than he is obliged to,
shall be punished by a fine or sentenced to imprisonment not exceeding three years.

Fraud in service

Article 363

(1) An official person who during the performance of his service, with the intention of acquiring for himself or another an illicit material gain, by submitting false statements of account or in some other way deceits an authorized person to make unlawful payment,
shall be sentenced to six months to five years of imprisonment.

(2) If material gain is acquired as a result of an offense referred to in Paragraph 1 of this Article exceeding the amount of YUD 300,000
the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) If material gain is acquired as a result of an offense referred to in Paragraph 1 of this Article exceeding the amount of YUD 1,000,000,
the perpetrator shall be sentenced to two to ten years of imprisonment.

(4) A responsible person in a company, institution or other organization, who commits offenses referred to in Paragraphs 1 to 3 of this Article,
shall be liable to a punishment prescribed for that offense.

Embezzlement

Article 364

(1) A person who, with the intention of acquiring illicit material gain for himself/herself or another, appropriates money, securities or other movable things entrusted to him by virtue of his office or as part of his/her position in a state authority, company, institution or other organization or store,
shall be sentenced to six months to five years of imprisonment.

(2) If material gain is acquired as a result of an offense referred to in Paragraph 1 of this Article exceeding the amount of YUD 300,000,
the perpetrator shall be sentenced to one to eight years of imprisonment.
(3) If material gain is acquired as a result of an offense referred to in Paragraph 1 of this Article exceeding the amount of YUD 1,000,000, the perpetrator shall be sentenced to two to ten years of imprisonment.

Unauthorized use

Article 365

A person who makes an unauthorized use of money, securities or other moveables entrusted to him by virtue of his office or as part of his/her position in a state authority, company, institution, or other organization or store, or who without authorization confers such things to another for use, shall be sentenced to three months to five years of imprisonment.

Illegal mediation

Article 366

(1) Anyone who accepts a reward or any other benefit to intercede that an official act be or not be performed using his official or social position, shall be sentenced to three months to three years of imprisonment.

(2) Anyone who by using his official or social position or influence, intercedes that an official act be performed that should not be performed or that an official act that must be performed be performed, shall be sentenced to six months to five years of imprisonment.

(3) If a reward or any other benefit has been received for mediation referred to in Paragraph 2 of this Article, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) A foreign official who commits an act referred to in Paragraphs 1, 2 and 3 of this Article, shall be liable to a penalty prescribed for such offense.

(5) Reward and property gain shall be seized.

Passive bribery

Article 367

(1) An official person who requests or receives a gift or any other benefit, or who accepts a promise of a gift or other benefit for himself/herself or another to perform within the scope of his/her official powers an act he should not perform, or not perform an official act which he should perform, shall be sentenced to two to twelve years of imprisonment.

(2) An official person who request or receives a gift or other benefit or who accepts a promise of a gift or other benefit for himself/herself or another to perform within
the scope of his/her official powers an official act he must perform, or not perform an official act he should not perform, shall be sentenced to two to eight years of imprisonment.

(3) An official person who commits an offense referred to in Paragraphs 1 or 2 of this Article in relation to detecting a criminal offense, initiating or conducting a criminal proceeding, pronouncement or enforcement of a criminal sanction, shall be sentenced to three to fifteen years of imprisonment.

(4) An official who requests or accepts a gift or other benefit after having performed or omitted to perform an official act referred to in Paragraphs 1, 2 and 3 of this Article and in relation with it, shall be sentenced to three months to three years of imprisonment.

(5) A foreign official who commits an offense referred to in Paragraphs 1, 2, 3 and 4 of this Article, shall be liable to a punishment prescribed for that offense.

(6) A responsible person in a company, institution or other organization who commits an offense referred to in Paragraphs 1, 2 and 4 of this Article, shall be liable to a punishment prescribed for that offense.

(7) Accepted gift or property gain shall be seized.

Active bribery

Article 368

(1) Anyone who gives or promises a gift or other gain to an official to perform an official act within his/her official powers that he ought not perform or omit to perform an official act he ought to perform, or a person who mediates in bribing an official, shall be sentenced to six months to five years of imprisonment.

(2) Anyone who gives or promises a gift or other gain to an official to perform an official act within his/her official powers that he is obliged to perform or to omit to perform an official act he must not perform or who mediates in bribing an official, shall be sentenced to imprisonment not exceeding three years.

(3) Provisions of Paragraphs 1 and 2 of this Article shall also be in effect when bribe was given or promised to a foreign official person.

(4) The perpetrator of an offense referred to in Paragraphs 1, 2 and 3 of this Article who had reported the criminal offense before he found out that the crime was detected, may be acquitted from punishment.
Provisions of Paragraphs 1, 2 and 4 of this Article shall be also in effect when bribe was given or promised to a responsible person in a company, institution or other organization.

A gift or other benefit seized from a person who has received a bribe may be returned to the person giving the bribe under conditions referred to in Paragraph 4 of this Article.

Disclosure of official secrets

Article 369

An official who without authorization communicates, conveys or makes available in some other way to another information constituting an official secret, or who obtains such information with the intention of conveying it to an unauthorized person, shall be sentenced to three months to five years of imprisonment.

If an offense referred to in Paragraph 1 of this Article has been committed out of greed, or in respect of particularly confidential information, or for the purpose of its publication or use abroad, the perpetrator shall be sentenced to one to eight years of imprisonment.

If an offense referred to in Paragraph 1 of this Article has been committed by negligence, the perpetrator shall be sentenced to imprisonment not exceeding three years.

An official secret shall be understood to mean information or documents that, under the law, other regulation or a decision of a competent authority enacted in conformity with the law, have been proclaimed an official secret the disclosure of which would result or could result in detrimental consequences to the office.

Provisions referred to in Paragraphs 1 to 4 of this Article shall also be applied to a person who has disclosed an official secret after his capacity of an official ceased.

CHAPTER THIRTY FOUR
Criminal offenses against humanity and properties protected by international law

Genocide

Article 370

Anyone who with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such, orders killing or infliction of heavy bodily injuries or causing serious harm to physical or mental health of members of the group, or placement of the group under such living conditions so as to bring about complete or partial extermination of the group, or imposing measures to prevent births within.
the group, or forcibly transferring children of the group, to another group, or who commits one of the stated crimes with the same intent, shall be sentenced to minimum five years of imprisonment or forty years of imprisonment.

Crimes against humanity

Article 371

Anyone who in breach of the rules of international law, as a part of a wider or systematic attack against civilian population, orders: murders, placing the entire population or its part under such living conditions so as to bring about their complete or partial extermination; enslavement; forced displacement; torture; rape; enforced prostitution; forced pregnancy or sterilization aimed at changing the ethnic composition of population; persecution or expulsion on political, religious, racial, national, ethnic, cultural, political or any other grounds; detention or abduction of persons without giving information on it so as to deprive them of the protection of the law; oppression of a racial group or establishment of domination of one such group over another; or any other similar inhuman acts knowingly intended to cause serious suffering or seriously harm health; or who commits one of the crimes listed above, shall be sentenced to minimum five years of imprisonment or forty years of imprisonment.

War crimes against civilian population

Article 372

Anyone who in breach of the rules of international law during a war, armed conflict or occupation orders an attack against civilians, a settlement, individual civilians, persons incapacitated for combat or members or facilities of humanitarian organizations or peacekeeping missions; an attack without a specific target which strikes civilian population or civil facilities under special protection of the international law; an attack against military targets that was expected to cause suffering of civilian population or damage to civil facilities in obvious disproportion to anticipated military effect; inflicting physical injuries, applying torture, inhuman treatment, biological, medical or other scientific experiments on civilian population or take tissue or organs for transplantation, or to perform other acts causing harm to health or extensive suffering, or order displacement or movement or forced change of nationality or religion; rape or coercion to prostitution; taking of measures of intimidation and terror, taking of hostages, collective punishment, illegal capture and detention; deprivation of the right to a fair and impartial trial; proclamation of rights and acts of nationals of the adverse belligerent party forbidden, suspended or unallowed in a court of law; compelling to service in armed forces of the hostile party, or its intelligence service or administration; forced conscription into the armed forces of persons under the age of seventeen; forced labour; starving of population; illegal confiscation, seizure or destruction of property of civilian population on a larger scale, not justified by military necessity; taking an unlawful and excessive contribution and requisition;
devaluation of local currency or unlawful issuance of currency; or who commits, any of the crimes mentioned above, shall be punished to imprisonment of minimum five years.

(2) The punishment referred to in Paragraph 1 of this Article shall also be imposed on a person who in violation of the rules of international law during a war, armed conflict or occupation, orders: an attack against facilities under special protection of international law or facilities and installations containing dangerous power such as dams, embankments, and nuclear power plants; strikes against civilian facilities under special protection of international law, undefended places, and demilitarised zones; long term and extensive damage to environment that can cause harm to the health of population or its survival; or who commits some of the crimes mentioned above.

(3) Anyone who during a war, armed conflict or occupation orders killing of civilians, or who commits such a crime, shall be sentenced to minimum of ten years of imprisonment or forty years of imprisonment.

(4) Anyone who in violation of the international law during a war, armed conflict or occupation, as an occupying force, orders or commits transfer of part of its own civilian population to the occupied territory, shall be sentenced to minimum of five years of imprisonment.

(5) Anyone who threatens to commit one or more crimes referred to in Paragraphs 1 and 2 of this Article, shall be sentenced to six months to five years of imprisonment.

**War crimes against the wounded and sick**

**Article 373**

(1) Anyone who in breach of the rules of international law during a war or armed conflict orders against the wounded, sick, shipwrecked or medical or religious service personnel, infliction of bodily injuries, torture, inhuman treatment, biological, medical or other scientific experiment, taking of tissue or body organs for transplantation or other acts causing harm to health or serious suffering inflict or order unlawful destruction or seizure of large quantities of material, means of transport for medical purpose and stocks of medical institutions or units that is not justified by military necessity, or who commits any of the above stated crimes, shall be sentenced to minimum of five years of imprisonment.

(2) Anyone who during a war, armed conflict or occupation orders murder against civilian population or commits such a crime, shall be sentenced to minimum of ten years of imprisonment or forty years of imprisonment.
War crimes against prisoners of war

Article 374

(1) Anyone who in breach of the rules of international law orders against prisoners of war the infliction of bodily injuries, torture, inhuman treatment, biological, medical or other scientific experiments, taking of tissues or body organs for transplantation, or commission of other acts so as to harm health and cause serious suffering or orders coercion to service in armed forces of the enemy party, deprivation of right to a fair and impartial trial or who commits any of the crimes stated above, shall be sentenced to minimum of five years of imprisonment.

(2) Anyone who during a war, armed conflict, or occupation orders murder against civil population or commits such a crime, shall be sentenced to minimum of ten years of imprisonment or forty years of imprisonment.

Organization and instigation to genocide and war crimes

Article 375

(1) Anyone who conspires with another to commit a criminal offense referred to in Articles 372 to 376 of this Code, shall be sentenced to three months to three years of imprisonment.

(2) Anyone who organizes a group for commission of criminal offenses referred to in Paragraph 1 of this Article, shall be sentenced to five to fifteen years of imprisonment.

(3) Anyone who becomes a member of the group referred to in Paragraph 1 of this Article, shall be sentenced to one to eight years of imprisonment.

(4) The perpetrator of crimes referred to in Paragraphs 1 and 3 of this Article who discloses the conspiracy or group before as its member or for the group he has committed a crime, or a person committing the crime referred to in Paragraph 2 of this Article who prevents the commission of crimes referred to in Paragraph 1 may be liable to a reduced punishment.

(5) Anyone who calls to or instigates the commission of criminal offenses referred to in Articles 372 to 376 of this Code, shall be sentenced to one to ten years of imprisonment.
Use of prohibited means of warfare

Article 376

(1) Anyone who during a war or armed conflict orders the use of means or method of warfare, prohibited by the rules of international law, or applies them himself/herself, shall be sentenced to two to ten years of imprisonment.

(2) If the commission of crimes referred to in Paragraph 1 of this Article resulted in the death of several persons, the perpetrator shall be sentenced to minimum of five years of imprisonment or forty years of imprisonment.

(3) Anyone who instigates or prepares the use of weapons referred to in Paragraph 1 of this Article, shall be sentenced to six months to five years of imprisonment.

Unlawful manufacturing of forbidden weapons

Article 377

(1) Anyone who in violation of the law, other regulations or rules of international law, manufactures, purchases, sells, imports, exports, or in any other way obtains or provides another with, keeps or transports weapons the manufacture or use of which is forbidden, or materials required for their manufacture, shall be sentenced to one to five years of imprisonment.

(2) An official or responsible person who orders or enables a legal person to engage in activities referred to in Paragraph 1 of this Article, shall be sentenced to one to eight years of imprisonment.

Unlawful killing and wounding of enemy combatants

Article 378

(1) Anyone who in violation of the rules of international law during a war or armed conflict, kills or wounds an enemy combatant who has laid down his weapons or has unconditionally surrendered or was left without any means of defence, shall be sentenced to one to fifteen years of imprisonment.

(2) If the murder referred to in Paragraph 1 of this Article has been done in a perfidious manner or succumbing to basic instincts, the perpetrator shall be sentenced to minimum of ten years of imprisonment.

(3) If the murder referred to in Paragraph 1 of this Article has been done in a brutal manner or for gain, or if several persons have died as a result, the perpetrator be sentenced to minimum of ten years of imprisonment or forty years of imprisonment.
Punishment referred to in Paragraph 3 of this Article shall also be imposed on a person who in breach of the rules of international law during a war or armed conflict orders that there must be no survived enemy combatants or engages in combat, in that manner.

Unlawful dispossession of belongings from the killed

Article 379

(1) Anyone who orders unlawful dispossession of belongings from the dead or wounded on battlefield or who commits such an offense, shall be sentenced to one to five years of imprisonment.

(2) If the crime referred to in Paragraph 1 of this Article has been performed in a cruel way or if the value of dispossessed articles exceeds the amount of YUD 300,000, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) If the value of articles referred to in Paragraph 1 of this Article exceeds the amount of YUD 1,000,000, the perpetrator shall be sentenced to two to ten years of imprisonment.

Violation of the status of an emissary

Article 380

Anyone who in breach of the rules of international law during a war or armed conflict insults, abuses, holds an emissary or his/her escort or who hinders their return, or in some other way violates their inviolability or orders the commission of such offenses, shall be sentenced to six months to five years of imprisonment.

Cruel treatment of the wounded, sick and prisoners of war

Article 381

Anyone who in breach of the rules of international law, cruelly treats the wounded, sick or prisoners of war, or who obstructs them or deprives them from enjoying rights they are entitled to according to these rules or orders the commission of such offenses, shall be sentenced to six months to five years of imprisonment.

Unjustified delay of repatriation of prisoners of war

Article 382

Anyone who, in breach of the rules of international law, after the war or armed conflict, unjustifiably delays repatriation or prisoners of war or civilians, or who orders such delay, shall be sentenced to six months to five years of imprisonment.
Destruction of cultural heritage

Article 383

(1) Anyone who, in breach of the rules of the international law during a war or armed conflict destroys cultural or historical monuments or other cultural goods or religious structures, or institutions or facilities intended for science, art, education or humanitarian goals, or orders commission of such offenses, shall be sentenced to three to fifteen years of imprisonment.

(2) If an offense referred to in Paragraph 1 of this Article resulted in the destruction of an object that enjoys special protection of the international law as cultural heritage, the perpetrator shall be sentenced to five to fifteen years of imprisonment.

Failure to prevent crimes against humanity and other values, protected under international law

Article 384

(1) A military commander or a person de facto performing this function who knows that troops under his command or control are preparing or have already commenced commission of criminal offenses referred to in Articles 370 to 374, Article 376, Articles 378 to 381 and Article 383 of this Code, and fails to take measures that he could have taken and was obliged to take for the prevention of commission of such crimes, and this results in the actual commission of that crime, shall be liable to a sentence prescribed for the underlying offense.

(2) Other superior (not specified under Paragraph 1) who knows that his subordinates are preparing or have commenced commission of crimes referred to in Articles 370 to 374, Article 376, Articles 378 to 381 and Article 383 of this Code, in carrying out operations, in which he is commander to them, and fails to take measures that he could have taken and was obliged to take in order to prevent the commission of such crimes, and this results in actual commission of that crime, shall be liable to a sentence prescribed for the underlying offense.

(3) If a criminal offenses referred to in Paragraphs 1 and 2 of this Article have been committed with negligence (recklessness), the perpetrator shall be sentenced to imprisonment not exceeding three years.

Abuse of international signs

Article 385

(1) Anyone who abuses or carries without authorization the flag or sign of the United Nations, or the flag or sign of the Red Cross, or signs corresponding to them, or

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other internationally recognized signs used to mark certain facilities for their protection from military operations or orders, such acts, shall be sentenced to imprisonment not exceeding three years.

(2) Anyone who commits the offense referred to in Paragraph 1 of this Article in the zone of war operations, shall be sentenced to six months to five years of imprisonment.

**Aggressive war**

**Article 386**

(1) Anyone who calls to or instigates, war of aggression, shall be sentenced to two to twelve years of imprisonment.

(2) Anyone who orders waging, war of aggression, shall be sentenced to minimum of ten years of imprisonment or forty years of imprisonment.

**Racial and other discrimination**

**Article 387**

(1) Anyone who, on grounds of a difference in race, colour of skin, nationality or ethnic origin, or some other individual peculiarity, violates fundamental human rights and freedoms guaranteed by generally recognized principles of the international law and international treaties ratified by SCG, shall be sentenced to six months to five years of imprisonment.

(2) The punishment referred to in Paragraph 1 of this Article shall be imposed on persons who persecute organizations or individuals for their efforts to ensure equality of people.

(3) Anyone who spreads ideas about the superiority of one race over another, or promotes racial hatred, or instigates racial discrimination, shall be sentenced to three months to three years of imprisonment.

**Human trafficking**

**Article 388**

(1) Anyone who by force or threat, deceit or keeping in delusion, by abuse of authority, trust, relationship of dependency, difficult position of another person or by keeping back identification papers or by giving or receiving money or other benefit: recruits, transports, transfers, hands over, sells, buys, mediates in sale, hides or keeps another person for exploitation of work, forced labor, commission of crimes, prostitution or begging, pornographic use, taking away a body part for transplantation or for use in armed conflicts, shall be sentenced to two to ten years of imprisonment.
(2) If the offense referred to in Paragraph 1 of this Article is committed to a juvenile person, the perpetrator shall be liable to imprisonment prescribed for that offense, even if there was no force, threat or any other of the stated methods present in the commission of the crime.

(3) If the offense referred to in Paragraph 1 of this Article is committed to a juvenile, the perpetrator shall be sentenced to minimum of three years of imprisonment.

(4) If offenses referred to in Paragraphs 1 and 3 of this Article have caused serious bodily injuries of a person, the perpetrator shall be sentenced to three to fifteen years of imprisonment.

(5) If offenses referred to in Paragraphs 1 and 3 of this Article have caused death of one person or more, the perpetrator shall be sentenced to minimum of ten years of imprisonment.

(6) Anyone who deals with committing offenses referred to in Paragraphs 1 to 3 of this Article or the offense is committed by an organized group, shall be sentenced to minimum of five years of imprisonment.

**Trafficking children for adoption**

**Article 389**

(1) Anyone who takes away a person who has not yet reached the age of fourteen for adoption in contravention with the current regulations or whoever adopts such a person or mediates in such adoption or whoever for that purpose buys, sells or hands over another person who has not yet reached the age of fourteen or transports, provides accommodation for, or hides such a person who has not reached the age of fourteen, shall be sentenced to one to five years of imprisonment.

(2) Anyone who deals with activities referred to in Paragraph 1 of this Article or the offense is committed in an organized manner by several persons, shall be sentenced to minimum of three years of imprisonment.

**Submission to slavery and transportation of enslaved persons**

**Article 390**

(1) Anyone who in breach of the rules of international law puts another person into slavery or other similar position or keeps another person in such a position, buys, sells, hands over to another person or mediates in buying, selling or handing over of such a person, or induces another person to sell own freedom or freedom of persons he/she supports or looks after, shall be sentenced to one to ten years of imprisonment.

(2) Anyone who transports persons in the position of slavery or other similar position from one country to another shall be sentenced to six months to five years of imprisonment.
(3) Anyone who commits offenses referred to in Paragraphs 1 and 2 of this Article to a juvenile person, shall be sentenced to five to fifteen years of imprisonment.

**International terrorism**

**Article 391**

(1) Anyone who, with the intention of causing harm to a foreign state or international organization abducts a person or commits other act of violence, causes explosion or fire, or takes other generally dangerous acts, or threatens by use of nuclear, chemical, bacteriological or other similar means, shall be sentenced to three to fifteen years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article resulted in the death of one or more persons, the perpetrator shall be sentenced to five to fifteen years of imprisonment.

(3) If, in the commission of crime referred to in Paragraph 1 of this Article, the perpetrator has committed a premeditated murder, s/he shall be sentenced to minimum of ten years of imprisonment or forty years of imprisonment.

**Taking hostages**

**Article 392**

(1) Anyone who commits abduction of a person and threatens to kill that person, hurt or keep as hostage with the intention of forcing a state or international organization to do or not to do something, shall be sentenced to two to ten years of imprisonment.

(2) The perpetrator referred to in Paragraph 1 of this Article who frees the hostage of his own free will, although the purpose of the abduction has not been reached, may be acquitted of punishment.

(3) If the offense referred to in Paragraph 1 of this Article resulted in the death of the hostage, the perpetrator shall be sentenced to three to fifteen years of imprisonment.

(4) If during the commission of offenses referred to in Paragraph 1 of this Article, the offender committed premeditated murder of the hostage, s/he shall be sentenced to minimum of ten years of imprisonment or forty years of imprisonment.
Financing of terrorism

Article 393

(1) Anyone who provides or collects funds intended for financing of criminal offenses referred to in Articles 312, 391 and 392 of this Code, shall be sentenced to one to ten years of imprisonment.

(2) Funds referred to in Paragraph 1 of this Article shall be seized.

CHAPTER THIRTY FIVE
CRIMINAL OFFENSES AGAINST THE ARMY OF SERBIA AND MONTENEGRO

Evasion of military service

Article 394

(1) Anyone who, without justifiable cause, fails to respond to conscription, the compulsory military service or reserve military staff duty, or avoids to receive a call-up notice to do his service, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) Anyone who hides so as to avoid his duty referred to in Paragraph 1 of this Article, shall be sentenced to three months to three years of imprisonment.

(3) Anyone who leaves the country or stays abroad so as to avoid his military duty referred to in Paragraph 1 of this Article, shall be sentenced to one to eight years of imprisonment.

(4) Anyone who calls to or instigates several persons to commit acts referred to in Paragraphs 1 to 3 of this Article, shall be punished for the offenses referred to in Paragraph 1 by imprisonment not exceeding three years and for the offense referred to in Paragraphs 2 and 3 by imprisonment of two to twelve years.

(5) The perpetrator of criminal offenses referred to in Paragraphs 1 to 3 of this Article who voluntarily reports himself to a competent state authority may be acquitted from punishment.

Evasion of registration and inspection

Article 395

(1) Anyone who, in violation of an obligation under the law and without proper justification, fails to respond to an invitation to a registration or inspection authority, or opposes registration or inspection of men power or resources
necessary for the defense of the country, or who provides false information during such registration or inspection, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

Evasion of obligation to provide resources

Article 396

(1) Anyone who, in violation of the obligation under the law and without justification, fails to bring to a determined location, at the specified time and in the condition that makes them useful for the intended purpose, the material resources or livestock, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) If the offense referred to in Paragraph 1 of this Article was committed during imminent war danger, state of war, armed conflict or emergency state, the perpetrator shall be sentenced to six months to five years of imprisonment.

Evasion of military service by self-disabling or deceit

Article 397

(1) Anyone who, with the intention to evade military service and be displaced to an easier duty, hurts himself or temporarily disables himself for army service in some other way, or allows another to temporarily disable him, as well as anyone who temporarily disables another with or without the permission of another with the same purpose, shall be sentenced to three months to five years of imprisonment.

(2) If the commission of offenses referred to in Paragraph 1 of this Article results in permanent disability for military service, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) Anyone who, with the intention referred to in Paragraph 1 of this Article, simulates an illness, or uses for himself or another a false document, or acts in another fraudulent way, shall be sentenced to three months to five years of imprisonment.

Illegal exemption from military service

Article 398

Anyone who, by abuse of his status or authority, exempts from duty or assigns to an easier duty a member of the military or a person subject to military duty, shall be sentenced to six months to five years of imprisonment.
Arbitrary leave and desertion from the Army of Serbia and Montenegro

Article 399

(1) A military person who arbitrarily leaves his unit or service for a minimum period of five days, or for a shorter period of time if he takes several leaves during the same year or arbitrarily leaves his unit or service during the period when the unit is carrying out an important assignment or is at the state of combat alert, shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(2) A member of the military who hides to avoid military service or who arbitrarily leaves his unit or service for over thirty days, shall be sentenced to three months to three years of imprisonment.

(3) A military person who leaves the country or stays abroad to avoid military service, shall be sentenced to one to eight years of imprisonment.

(4) A military person who prepares to escape abroad to avoid military service, shall be sentenced to three months to three years of imprisonment.

(5) Anyone who calls or instigates several persons to commit the crimes referred to in Paragraph 1 of this Article, shall be sentenced to one to eight years of imprisonment.

(6) Anyone who calls and instigates several persons to commit the crimes referred to in Paragraphs 2 and 3 of this Article, shall be sentenced to two to twelve years of imprisonment.

(7) The perpetrator of the offenses referred to in Paragraphs 2 and 3 of this Article who voluntarily reports to a competent state authority so as to do his military service may be liable to a reduced sentence.

Failure and refusal to execute an order

Article 400

(1) A military person who fails to carry out or refuses to execute an order of his superior in relation to his service, and such failure or refusal results in serious detrimental consequences for the service or serious threat to it, shall be sentenced to three months to three years of imprisonment.

(2) If offenses referred to in Paragraph 1 of this Article resulted in serious consequences for the military service, or the order has been referred to the receipt and use of weapons, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) If the offenses referred to in Paragraphs 1 and 2 of this Article were committed out of negligence,
the perpetrator shall be punished by a fine for the offenses referred to in Paragraph 1 or sentenced to imprisonment not exceeding one year, and for the offenses referred to in Paragraph 2 by three months to three years of imprisonment.

**Resistance to superior**

**Article 401**

(1) A member of the military who, together with other members of the military, resists the order of a superior officer in relation to the service and refuses to execute it, or refuses to discharge his duty, shall be sentenced to three months to three years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article has been committed in an organized fashion, the perpetrator shall be sentenced to one to five years of imprisonment.

(3) If the offense referred to in Paragraphs 1 and 2 of this Article was committed by use of weapons, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) A member of the military who when committing crimes referred to in Paragraphs 1 to 3 of this Article commits manslaughter, shall be sentenced to two to ten years of imprisonment.

(5) A person organizing and directing offenses referred to in Paragraph 2 of this Article, shall be sentenced to two to ten years of imprisonment.

(6) A person preparing for offenses referred to in Paragraph 2 of this Article, shall be sentenced to three months to three years of imprisonment.

(7) A superior army officer who, within his powers, in the event of crimes referred to in Paragraphs 1 to 4 of this Article fails to take measures that are prescribed, ordered or obviously necessary for the restoration of order, shall be sentenced to one to five years of imprisonment.

**Resistance to a member of the military on special duties**

**Article 402**

Anyone who resists a member of the military who performs sentry, patrol, duty, guard or other similar services or disobeys his call or fails to obey or refuses to enforce his order, and such resistance or disobedience results in serious detrimental consequences for the service, or serious jeopardy for the service, shall be sentenced to three months to three years of imprisonment.
Coercing a member of the military in the course of official duty

Article 403

(1) Anyone who by force or threat of immediate use of force prevents a member of the military from the discharge of his duties, or compels him in the same manner to act in contravention of his official duty, shall be sentenced to three months to three years of imprisonment.

(2) If the commission of offenses referred to in Paragraph 1 of this Article resulted in serious consequences for the service, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) An attempt of offenses referred to in Paragraph 1 of this Article shall be subject to punishment.

Assault against a member of the military in the course of duty

Article 404

(1) Anyone who assaults or threats to assault a member of the military in the discharge of his duty, shall be sentenced to three months to three years of imprisonment.

(2) If the perpetrator when committing the offenses referred to in Paragraph 1 of this Article caused light bodily injuries to the member of the military or a threatened to use weapons, h/she shall be sentenced to three months to five years of imprisonment.

(3) If the commission of offenses referred to in Paragraph 1 of this Article resulted in grave bodily injuries of the member of the military or caused serious consequences for the service out of negligence, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) If the commission of the offenses referred to in Paragraph 1 of this Article resulted in manslaughter of the member of the military, the perpetrator shall be sentenced to two to ten years of imprisonment.

Acquittal of punishment for offenses under Articles 400 to 404

Article 405

If the perpetrator of offenses referred to in Articles 400, Article 401, Paragraph 1, 402 and 403 Paragraph 1, and Article 404, Paragraphs 1 and 2 of this Code has been provoked by unlawful or rude action of a military, he may be acquitted from punishment.
Abuse of a subordinate and a military of lower rank

Article 406

(1) A superior army officer who during his duty or in relation to it abuses a subordinate or a military of a lower rank or treats them in a way offensive to human dignity, shall be sentenced to three months to three years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article resulted in grave bodily injuries or serious harm to the health of a subordinate or a military of a lower rank or if the offense has been committed against several persons, the perpetrator shall be sentenced to one to five years of imprisonment.

Violation of special military service

Article 407

(1) A member of the military who acts in contravention of regulations on sentry, patrol, duty, guard or other similar services, and it results in grave detrimental consequences for the services or serious jeopardy for the service, shall be sentenced to three months to three years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article has been committed at arms, ammunition or explosives depots, or at any other important facility, the perpetrator shall be sentenced to three months to five years of imprisonment.

(3) If the offenses referred to in Paragraphs 1 and 2 of this Article resulted in grave bodily injuries or damage to property of large scale, or other grave detrimental consequences, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) If the offenses referred to in Paragraphs 1 and 2 of this Article resulted in the death of one or more persons, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(5) If the offenses referred to in Paragraphs 1 to 4 of this Article have been committed out of negligence, the perpetrator shall be punished for the offense referred to in Paragraph 1 by a fine or imprisonment not exceeding one year, for the offense referred to in Paragraph 2 by a fine or imprisonment not exceeding two years, for the offense referred to in Paragraph 3 by three months to three years of imprisonment and for the offense referred to in Paragraph 4 by one to eight years of imprisonment.

Violation of state border security

Article 408

(1) A member of the military, i.e. an official person, who while performing his duty at the state border acts in contravention of the regulations on state border
protection, and this results in serious detrimental consequences, or serious jeopardy for the service, shall be sentenced to three months to five years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article was committed during discharge of duty in special circumstances or if it resulted in grave bodily injuries, or extensive damage to property, or other serious consequences, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) If the offense referred to in Paragraph 1 of this Article has resulted in death of one or more persons, the perpetrator shall be sentenced to two to twelve years of imprisonment.

(4) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(5) If the offense referred to in Paragraph 4 of this Article has resulted in consequences referred to in Paragraph 2 of this Article, the perpetrator shall be sentenced to three months to three years of imprisonment, and if it has resulted in the consequence referred to in Paragraph 3 of this Article, the perpetrator shall be sentenced to one to eight years of imprisonment.

Submission of false official reports

Article 409

(1) A member of the military who orally or in writing, in the official report to his superior officer, presents false information important for the service or withholds an important information, or forwards such a report although he knows information in it is false, and this results in detrimental consequences for the service or serious jeopardy for the service, shall be sentenced to three months to three years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article has been committed by giving a report of special significance or has resulted in grave consequences, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) If the offense referred to in Paragraphs 1 and 2 of this Article has been committed out of negligence, the perpetrator shall be punished for the offense in Paragraph 1 by a fine or imprisonment not exceeding one year, and for the offense referred to in Paragraph 2 by three months to three years of imprisonment.
Failure to take measures to secure a military unit

Article 410

(1) A military commander who fails to take measures within his powers that are prescribed, ordered or other measures obviously necessary to ensure the security of the unit, protection of lives and health of people entrusted to him, security and maintenance of facilities, objects and resources serving to combat readiness, regular provisions of food or military equipment or breeding of livestock, or timely and properly conduct protection-developing or security tasks on the facilities entrusted to him, thus endangering the lives of people or seriously endangers the health of people or property of large value, shall be sentenced to imprisonment not exceeding three years.

(2) If the offenses referred to in Paragraph 1 of this Article result in a grave bodily injury, or extensive damage to property, or other grave consequences, the perpetrator shall be sentenced to six months to five years of imprisonment.

(3) If the offenses referred to in Paragraph 1 of this Article result in the death of one or more persons, the perpetrator shall be sentenced to one to ten years of imprisonment.

(4) If the offenses referred to in Paragraph 1 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(5) If the offenses referred to in Paragraph 4 of this Article result in the consequence referred to in Paragraph 2 of this Article, the perpetrator shall be sentenced to imprisonment not exceeding three years, and if it results in the consequence referred to in Paragraph 3 of this Article, the perpetrator shall be sentenced to imprisonment not exceeding five years.

Unconscientious manufacturing and taking over of weapons and other military equipment

Article 411

(1) A member of the military or another person in a company or other legal entity servicing the defense and who is entrusted with the management of production or other technological process, or supervision thereof, who unconscientiously performs his service or duty entrusted to him, resulting in the weapons, ammunition, or other military equipment not being manufactured on time is not of prescribed quality, shall be sentenced to three months to three years of imprisonment.

(2) Punishment referred to in Paragraph 1 of this Article shall also be imposed on a member of the military or another person who by unconscientious discharge of duty accepts weapons or other military equipment that do not correspond to the requirements or contract.
(3) If the offenses referred to in Paragraphs 1 and 2 of this Article result in grave consequences, the perpetrator shall be sentenced to one to eight years of imprisonment.

(4) If the offenses referred to in Paragraphs 1 and 2 of this Article have been committed out of negligence, the perpetrator shall be punished by a fine or sentenced to imprisonment not exceeding one year.

(5) If the offenses referred to in Paragraph 4 of this Article result in the consequence referred to in Paragraph 3 of this Article, the perpetrator shall be sentenced to three months to three years of imprisonment.

**Improper handling of the entrusted weapons**

**Article 412**

(1) Anyone who improperly keeps, stores or handles the entrusted weapons, ammunition or explosives owned by a military unit or institution, thus causing extensive damage to the aforesaid, their destruction or disappearance, shall be sentenced to imprisonment not exceeding one year.

(2) The manager of the depot of weapons, ammunition, explosives, and other combat means who fails to take measures for their securing and maintenance, and it results in extensive damage, destruction or disappearance of such combat means, sentenced to three months to five years of imprisonment.

(3) If the offense referred to in Paragraph 2 of this Article results in an extensive property damage, the perpetrator shall be sentenced to one to ten years of imprisonment.

(4) If the offense referred to in Paragraphs 1 and 2 of this Article has been committed out of negligence, the perpetrator shall be punished by fine or sentenced to imprisonment not exceeding two years.

(5) If the offense referred to in Paragraph 4 of this Article results in the consequence referred to in Paragraph 3 of this Article, the perpetrator shall be sentenced to three months to five years of imprisonment.

**Illegal handling of the entrusted weapons**

**Article 412**

Anyone who appropriates, alienates, pawns, confers to another for use, damages or destroys weapons, ammunition or explosives that have been entrusted to him for use and serve the defense purposes, shall be sentenced to three months to five years of imprisonment.
Theft of weapons and part of combat means

Article 414

(1) Anyone who steals weapons, ammunition, explosives, combat means or part of combat means serving for defense purposes, shall be sentenced to six months to five years of imprisonment.

(2) If the value of objects referred to in Paragraph 1 of this Article exceeds the amount of YUD 300,000, or if the theft has been committed by breaking an entry into locked facilities, rooms, safes, cabinets or other closed premises, or has been committed by an organized group of people, or has been committed in a dangerous or rude way, or by a person who had on him weapon or a dangerous tool for attack or defense, or during a fire, flood, earthquake or other calamity, the perpetrator shall be sentenced to two to ten years of imprisonment.

(3) If the value of objects referred to in Paragraph 1 of this Article exceeds the amount of YUD 1,000,000, the perpetrator shall be sentenced to two to twelve years of imprisonment.

Disclosure of military secrets

Article 415

(1) Anyone who, without authorization communicates, conveys or in some other way makes available to another information that constitutes a military secret or obtains such information with the intention to convey it to unauthorized person, shall be sentenced to three months to five years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article has been committed for gain, or in relation to particularly confidential information, or with the purpose of their publication or use of such information abroad, the perpetrator shall be sentenced to one to eight years of imprisonment.

(3) If the offense referred to in Paragraph 1 of this Article has been committed out of negligence, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(4) A military secret shall be understood to mean information that under law, other regulation or a decision of a competent authority passed in conformity with the law has been proclaimed a military secret and whose disclosure would or may cause detrimental consequences for the Army of Serbia and Montenegro or the defence and security of the country.

Trespass on military facilities

Article 416

Anyone who makes an unauthorized trespass on a military facility, or makes sketches or drawings of military facilities or combat means, or takes photographs
of them, or makes any other kind of record, although he knows such action is prohibited, shall be sentenced to imprisonment not exceeding three years.

**Punishment for criminal offenses committed during imminent war danger, state of war, armed conflict and state of emergency**

**Article 417**

(1) For criminal offenses referred to in Articles 394, Paragraph 1, Article 399 Paragraphs 1 and 4, Article 400, Paragraphs 1 and 3, Article 401, Paragraphs 1, 6 and 7, Article 402, Article 403, Article 404, Paragraphs 1 and 2, Article 406, Article 407 Paragraphs 1, 2 and 5, Article 408, Paragraphs 1, 4 and 5, Article 409, Article 410, Paragraphs 1 and 4, Article 411, Paragraphs 1, 2, 4 and 5, Article 412 Paragraphs 1, 2, 4 and 5, Article 413, Article 414, Paragraph 1, Article 415 Paragraphs 1 and 3 and Article 416 of this Code, provided they have been committed during imminent war danger, state of war, armed conflict or state of emergency, the perpetrator shall be sentenced to two to ten years of imprisonment.

(2) For criminal offenses referred to in Articles 394, Paragraph 2 to 4, Article 397, Article 398, Article 399, Paragraphs 2, 3, 5 and 6, Article 400, Paragraph 2, Article 401, Paragraphs 2 to 5, Article 404 Paragraphs 3 and 4, Article 407, Paragraph 3, Article 408, Paragraph 2, Article 410, Paragraphs 2 and 5, Article 411, Paragraph 3, Article 412, Paragraph 3, Article 414, Paragraphs 2 and 3 and Article 415, Paragraph 2 of this Code provided they have been committed during imminent war danger, state of war, armed conflict, or state of emergency, the perpetrator shall be sentenced to three to fifteen years of imprisonment.

(3) For criminal offenses referred to in Articles 407 Paragraph 4, Article 408 Paragraph 3 and Article 410, Paragraph 3 of this Code, provided they have been committed during imminent war danger, state of war, armed conflict, or state of emergency, the perpetrator shall be sentenced to minimum of ten years of imprisonment.

**Failure to carry out a duty in mobilization**

**Article 418**

(1) A member of the military or official person who during mobilization in imminent war danger, state of war, armed conflict or state of emergency, in violation of his duty, fails to ensure the reception, deployment, and accommodation of mobilized men power, transport and other means and livestock, or fails to ensure the provisions for mobilized manpower or livestock, or fails to perform any other duty in relation to mobilization, which resulted or could have resulted in detrimental consequences, shall be sentenced to one to five years of imprisonment.

(2) If the offenses referred to in Paragraph 1 of this Article have resulted in grave consequences,
the perpetrator shall be sentenced to minimum of ten years of imprisonment.

(3) If the offenses referred to in Paragraph 1 of this Article have been committed out of negligence, the perpetrator shall be sentenced to imprisonment not exceeding three years.

(4) If the offenses referred to in Paragraph 3 of this Article have resulted in the consequence referred to in Paragraph 2 of this Article, the perpetrator shall be sentenced to three months to five years of imprisonment.

Undermining of military and defense power

Article 419

(1) Anyone who destroys, makes useless or who enables the transfer to enemy of defense installations, defense facilities, position, arms and other military and defense means, vessel or aircraft, or surrenders his unit to the enemy without combat or before all means for the defense have been exhausted, or hinders and endangers in some other way the military or defense measures, shall be sentenced to three to fifteen years of imprisonment.

(2) Anyone who commits an act referred to in Paragraph 1 of this Article with the intention of assisting the enemy, shall be sentenced to five to fifteen years of imprisonment.

(3) Anyone who prepares the commission of offenses referred to in Paragraphs 1 and 2 of this Article, shall be sentenced to one to six years of imprisonment.

(4) If the offenses referred to in Paragraph 1 of this Article have been committed out of negligence, the perpetrator shall be sentenced to one to eight years of imprisonment.

(5) If the offenses referred to in Paragraphs 1 and 2 of this Article have resulted in the death of one or more persons, or have endangered life of people, or have been accompanied by brutal acts of violence or extensive devastation or have resulted in a threat to safety, economic or military power of the country, the perpetrator shall be sentenced to minimum of ten years of imprisonment.

Preventing fight against enemy

Article 420

(1) Anyone who during a war or armed conflict prevents citizens of SCG or citizens of its allies from fighting against the enemy, shall be sentenced to five to fifteen years of imprisonment.

(2) Anyone who during a war or armed conflict discourages citizens of SCG or citizens of its allies from fighting against the enemy by propaganda activities or in some other way,
shall be sentenced to one to eight years of imprisonment.

**Defection and surrender to the enemy**

**Article 421**

(1) A member of the military who during a war or armed conflict defects to the regular enemy forces, shall be sentenced to minimum of ten years of imprisonment.

(2) A member of the military who during a war or armed conflict defects to the enemy before having previously exhausted all capacity of defence, shall be sentenced to two to ten years of imprisonment.

**Service in the enemy army**

**Article 422**

(1) A citizen of SCG who in times of war or armed conflict serves the enemy army or other enemy armed formations, or takes part in the war or armed conflict as a combatant against SCG and its allies, shall be sentenced to three to fifteen years of imprisonment.

(2) Anyone who recruits citizens of SCG for service in the enemy army or other enemy armed formations or for participation in the war or armed conflict against SCG or its allies, shall be sentenced to five to fifteen years of imprisonment.

**Assistance to the enemy**

**Article 423**

(1) A citizen of SCG who during a war or armed conflict assists the enemy in requisition, taking away of food or other resources or in taking any kind of coercive measures against the population, shall be sentenced to two to ten years of imprisonment.

(2) The punishment referred to in Paragraph 1 of this Article shall also be imposed on a citizen of SCG who had political and economic cooperation with the enemy during the war.

(3) If the offenses referred to in Paragraphs 1 and 2 of this Article have resulted in the death of one or more persons, or have endangered human lives, or have been followed by serious acts of violence, or extensive devastation, or have threatened the safety or the economic or military power of the country, the perpetrator shall be sentenced to minimum of ten years of imprisonment.
Failure to discharge duty and abandonment of duty during combat

Article 424

(1) A member of the military who in combat or immediately prior to it, fails to discharge his duty and this results in detrimental consequences for the army unit or combat situation, shall be sentenced to two to ten years of imprisonment.

(2) The punishment referred to in Paragraph 1 of this Article shall also be imposed on a military who in combat or immediately before it abandons his duty of his own free will or through deceit.

(3) If the offenses referred to in Paragraphs 1 and 2 of this Article have resulted in serious consequences, the perpetrator shall be sentenced to minimum of ten years of imprisonment.

Abandonment of the position contrary to the order

Article 425

(1) A military commander who, in breach of an order, abandons a position with the unit entrusted to him before having exhausted all capacities for defense, shall be sentenced to two to twelve years of imprisonment.

(2) If the offense referred to in Paragraph 1 of this Article has resulted in serious consequences, the perpetrator shall be sentenced to minimum of ten years of imprisonment.

Early abandonment of a damaged vessel and aircraft

Article 426

(1) A commander of a battle ship who during a war or armed conflict abandons a damaged ship before having fulfilled his duty under regulations on navy service, shall be sentenced to two to ten years of imprisonment.

(2) A member of the crew of a battle ship who during a war or armed conflict deserts the damaged ship before the commander issues order for abandonment, or a member of the crew of a air force aircraft who during a war or armed conflict abandons the damaged air force aircraft before having carried out duty under regulations on flight and usage of aircraft, shall be sentenced to one to eight years of imprisonment.

(3) If the offenses referred to in Paragraphs 1 and 2 of this Article have resulted in serious consequences, the perpetrator shall be punished for the offense referred to in Paragraph 1 of this Article by a minimum of ten years of imprisonment, and for the offense referred to in Paragraph 2 of this Article by two to ten years of imprisonment.
Weakening of combat morale

Article 427

(1) Anyone who, immediately before or during combat, by provoking dissatisfaction among military personnel, spreading upsetting news, deserting, throwing away arms or ammunition, causing or spreading fear, or in some other way, weakens the combat morale in a military unit or causes harm to a combat situation, shall be sentenced to two to twelve years of imprisonment.

(2) A military commander who fails to take necessary measures against a subordinate or officer of a lower rank who during combat or immediately prior to combat spreads fear among soldiers or in some other way weakens the combat morale of the unit or causes harm to a combat situation, shall be sentenced to one to eight years of imprisonment.

(3) If the offenses referred to in Paragraphs 1 and 2 of this Article have resulted in serious consequences, the perpetrator shall be sentenced to minimum of ten years of imprisonment.

Failure to report to military bodies

Article 428

(1) Anyone who, during imminent war danger, state of war, armed conflict or state of emergency, fails to inform the superior officer, officer of a higher rank or military command about the event that evidently requires undertaking of urgent military measures, shall be sentenced to imprisonment not exceeding three years.

(2) If the offenses referred to in Paragraph 1 of this Article have resulted in serious consequences, the perpetrator shall be sentenced to two to ten years of imprisonment.

Criminal offenses committed following the orders of the superior

Article 429

A subordinate who commits a crime related to official duty following the order of the superior shall be acquitted of punishment, unless the order referred to the commission of a crime punishable by imprisonment of five years or more, and the subordinate was aware that carrying out the order constituted a criminal offense.