DRAFT
CRIMINAL CODE
GENERAL PART
CHAPTER ONE
GENERAL PROVISIONS
Basis and scopes of criminal justice compulsion

Article 1
Protection of a man/woman and other basic social values makes the basis and scopes for defining criminal acts, prescribing criminal sanctions and their enforcement to a degree necessary for repression of these offenses.

Legal foundation in determination of criminal offences and prescription of criminal sanctions

Article 2
A sanction or other criminal penalty can be pronounced only for an act which was defined by the law as a criminal offence before it was committed and for which the law prescribed a sanction or if the general terms were prescribed for enforcement of a criminal sanction.

No sanction without guilt
Article 3
Sanction and measures of warning can be pronounced only to an offender who is guilty of a committed criminal offence.

Criminal sanctions and their general purpose
Article 4
(1) Criminal sanctions are: punishments, warning measures, security measures and educational measures.
(2) General purpose of prescription and pronouncement of criminal sanctions is repression of the acts which affect and jeopardize the values protected by criminal legislation.

CHAPTER TWO
CRIMINAL OFFENCE
1. General provisions on criminal offence
Criminal offence
Article 5
Criminal offence is an act that the law prescribes as a criminal offence, which is unlawful and which has been committed.

Manner of committing a criminal offence
Article 6
(1) Criminal offence can be committed through doing or not doing.
(2) Criminal offence is committed through not doing if an offender has failed to do what he was obliged to do.

(3) Through not doing a criminal offence can also be done even if the law does not define it as not doing if a perpetrator has committed elements of criminal offence by failing to do what s/he was obliged to do.

**Time of perpetration of criminal offence**

**Article 7**

(1) Criminal offence is committed at the time when a perpetrator was acting or was obliged to act, irrespective of when the consequence of that act occurred.

(2) For an accomplice it shall be considered that s/he committed a criminal offence at a time when s/he acted or was obliged to act.

**Place of perpetration of criminal offence**

**Article 8**

(1) Criminal offence is committed at the place in which a perpetrator thereof acted or was obliged to act or where whole or partial consequence of the act thereof occurred, while in case of attempted offence it will also be at place where the consequence of an attempted act in his/her opinion should or could have taken place.

(2) For an accomplice it shall be considered that s/he committed an offence at the place where s/he acted.

**An offence of minor importance**

**Article 9**

(1) An offence which represents an offence of minor importance although it has elements of a criminal offence is not a criminal offence.

(2) A criminal offense is an offense of minor importance if the nature and the gravity of the offence, circumstances under which it was done, the motives out of which it was done, degree of offender’s guilt, absence or insignificance of harmful effects and other circumstances indicate to the minor importance of the offence thereof.

(3) The provisions of paragraph 1 and 2 of this article cannot be applied on criminal offences for which criminal sanction of imprisonment for more than three years is prescribed.

**Defense of necessity**

**Article 10**

(1) An act committed in defense of necessity is not considered a criminal offence.

(2) Legitimate self-defense is such defense which was necessarily for perpetrator to avert from his/her asset or someone else’s asset concurrent or immediate unlawful attack.

(3) An offender who exceeds the limits of necessary self-defense can be punished by a lenient sanction and if s/he has exceeded limit due to strong excitement or fear caused by an assault s/he can also be freed from sanction.

**Extreme necessity**

**Article 11**
An act committed in extreme necessity shall not be considered a criminal offence.

Extreme necessity exists when an act is committed in order that the offender avert from himself or from another concurrent or imminent danger s/he did not caused which could not have been averted in any other way, provided that the evil created thereby does not exceed the one which was threatening to him/her.

If an offender negligently created the danger him/herself, or if s/he exceeded the limits of extreme necessity, s/he can get a reduced punishment if s/he exceeded the limits under particularly mitigating circumstances or be acquitted of any punishment at all.

There is no extreme necessity if an offender was under an obligation to expose her/himself to the danger.

Force and threat
Article 12

An act which has been done under the influence of absolute force shall not be considered a criminal offence.

If an act has been committed in order that an offender averts from him/herself or from someone else a danger that was caused by a force which is not absolute or under threat, the offender shall be treated according to Article 11 of this Code, considering the force and threat as an unwarranted danger.

If a criminal offence is committed under force or threat and the conditions of paragraph 1 and 2 of this Article are not met, an offender thereof can be punished leniently and if the offence was committed under particularly mitigating circumstances, s/he can be acquitted of any punishment.

In cases referred to in paragraphs 1 and 2 of this Article if a person who has been under force or threat is not considered a perpetrator of that criminal act, then the person who has inflicted the force and threat thereof shall be considered a perpetrator.

Criminal liability
Article 13

An offender is considered criminally liable if s/he has committed criminal act while s/he was mentally sound and with premeditation.

An offender is criminally liable for a criminal act committed negligently insofar as the act in question is punishable by law.

Mental competence
Article 14

An offender who at the moment of committing a criminal offence could not understand the importance of his/her act or could not control his/her actions due to mental illness, temporary mental disorder, mental retardation or other more difficult mental disorder shall not be considered a mentally competent person (mental incompetence).

An offender whose competence to understand the importance of his/her act or competence to control his/her actions was significantly reduced due to any of the conditions stipulated in paragraph 1 of this Article (significantly reduced mental competence) can get a lenient punishment.

A guilt of a criminal offender who by consumption of alcohol, drugs or in any other way brought him/herself into a state in which s/he could not
understand the significance of his/her acts nor could s/he control his actions shall be determined according to the time before s/he brought him/herself in that condition.

(4) An offender who under circumstances of paragraph 3 of this Article has committed a criminal offence in the state of significantly reduced mental competence cannot get mitigated sentence on the basis of that.

Premeditation
Article 15
A criminal offence is premeditated if the offender was aware of his/her action and wanted its commission; or when the offender was aware that s/he could commit an action thereof and s/he consented to it.

Negligence
A criminal offence has been committed negligently if an offender was aware that by his/her action s/he could commit an offence but s/he has carelessly assumed that it would not occur or that s/he would be able to avert it; or when s/he was not aware of the possibility that by his/her act s/he could commit an offence although, under the circumstances in which the act thereof was committed, and in his/her personal capacity s/he was obliged and could have been aware of that possibility.

Liability for a graver consequence
Article 17
When a graver consequence has resulted from a criminal offence for which a more severe punishment is provided for by law, this more severe punishment may be pronounced if the consequence is attributable to the offender’s negligence, and with premeditation if by that an offender has not made elements of some other criminal offence.

Mistake of fact
Article 18
(1) A person is not criminally responsible if at the time of committing a criminal offence s/he was not aware of statutory element in it, or if s/he mistakenly believed that circumstances existed which, had they really existed, would have rendered such a conduct permissible.

(2) If the offender’s mistake was due to his/her negligence, s/he shall be criminally liable for a criminal offence by negligence, insofar as the offence thereof is determined by law.

Legal mistake
Article 19
(1) Any offender who could not know and was not obliged to know that his/her act is prohibited shall not be held criminally liable.

(2) An offender who did not know and could have or should have known that his/her act is prohibited, could get mitigated punishment or an acquittal.

2. Attempted criminal offence and voluntary abandonment
attempt
Article 20
(1) Anyone who with premeditation starts commitment of a criminal offence, but does not finish it, shall be punished for attempted criminal offence which the law prescribes as punishable with imprisonment of five years or more, whereas some of other criminal offences, if attempted, are punishable when the law explicitly prescribed so.

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

(3) An offender shall be sanctioned for an attempted offence by punishment prescribed for criminal offence thereof, and it can also be leniently punished.

Inappropriate attempt
Article 21
An offender who attempts committing a criminal offence with inappropriate tool or against an inappropriate object can be acquitted of any punishment.

Voluntary abandonment
Article 22
(1) An offender who has tried to commit a criminal offence, but has voluntarily desisted its completion can be acquitted of a punishment.
(2) In case of voluntary desisting from the completion of a criminal act, the offender shall be punished for those actions which constitute another independent criminal act which is not comprised in the criminal offence the offender desisted from committing.

3. Complicity in criminal offence
Complicity
Article 23
If several persons jointly commit a criminal offence by jointly taking part in committing it or in any other way, each of them shall be punished as prescribed for the offence.

Incitement
Article 24
(1) Anyone who intentionally incites another to commit a criminal offence will be sanctioned as if s/he has committed it, but s/he can also be punished leniently.
(2) Anyone who intentionally incites another to commit a criminal offence which is punishable by law with prison sentence of five years or more shall be punished for an attempted criminal offence even if the offence has not been attempted at all.

Aiding
Article 25
(1) Anyone who intentionally aids another person in the commission of a criminal offence shall be punished as if s/he committed it, but a lenient punishment can also be pronounced.
(2) The following, in particular, shall be considered as aiding: giving instructions or counseling about how to commit a criminal offence, supply of tools for committing a criminal offense, creation of conditions or removal of obstacles for committing a criminal offence as well as the promise given prior to the
commission of the offender to conceal the criminal offence, offender, tools for committing the criminal offence, the traces of criminal offence and the proceeds gained through the commission of the criminal offence.

The limits of responsibility and punishability of accomplices

Article 26

(1) An accomplice is criminally liable within the limits of his/her premeditation or negligence, and inciter and aide within the limits of their premeditation.

(2) An accomplice, inciter or an aide who has voluntarily prevented the commission of a criminal offence can be acquitted of any punishment.

(3) Personal relations, characteristics and circumstances on the basis of which the law excludes criminal liability or allows acquittal of punishment and on which the existence of lenient or graver status of an offence depend or which influence weighing of the sentence can be taken into consideration only for the offender, accomplice, inciter or aide with whom such relations, characteristics and circumstances exist.

Punishment for inciters and aides for an attempt and minor criminal offence

Article 27

(1) If a criminal offence remained in attempt the inciter and aide shall be punished for an attempt.

(2) If an offender has committed a lesser criminal offence than the one for which s/he has been incited or aided, and which would have been comprised in it, the inciter and aide thereof shall be punished for the criminal offence which has been committed.

(3) The provision in paragraph 2 of this article shall not be applied if the inciter thereof would have been punished more by application of Article 24, paragraph 2 of this Code.

4. Special provisions about criminal liability for criminal offences committed through the press and other public information media

Criminal liability of an editor-in-chief

Article 28

(1) For criminal offences committed through the newspapers or other periodical printed publications, radio, television or film magazines criminal liability is assigned to an editor-in-chief or a person who replaced him/her at the time when the information was published.

1) if the author remains unknown before the beginning of the principle hearing before a first instance court;

2) if the information was published without the author’s consent;

3) if at the time when the information was published the actual or legal obstruction for prosecution of the author existed and which still do.

(2) An editor-in-chief or a person who is replacing him/her shall not be held liable if out of justifiable reasons s/he did not know about some of the circumstances prescribed in line 1 to 3 of the paragraph 1 of this article.

Criminal liability of a publisher, type-setter and manufacturer

Article 29

(1) If the conditions set forth in Article 28 of this Code exist, the following persons shall be criminally liable:
1) a publisher – for a criminal offence committed through regular press publications and, if an editor in chief does not exist or there are actual or legal obstacles for his/her prosecution, the type-setter who had the knowledge of it.

2) a publisher – for the criminal offence committed through phonograph record, magnetic tape, film for public or private display and diapositives, phonograms, video-clips, audio-clips or similar means of communication intended for wider audience.

(2) If a publisher, type-setter or manufacturer is a legal entity or a state authority, criminal liability goes to the person who is responsible for publishing, type-setting or manufacturing

Application of provisions from Articles 28 ad 29

Article 30
The provisions on criminal liability of the persons defined in Articles 28 and 29 of this Code shall be applied only provided that these persons cannot be considered criminal offenders by general provisions of this Code.

CHAPTER THREE
PUNISHMENTS

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

Purpose of punishment
Article 31
The purpose of punishment in the framework of the general purpose of criminal sanctions (Article 4, paragraph 3) is:
1) Prevention of an offender from committing criminal offenses and provision of rehabilitative influence so that s/he does not commit criminal offences thereafter;
2) Providing influencing on others not to commit criminal offences;
3) Expression of social condemnation for a criminal offence and an obligation of respect of the law;
4) Provision of moral strength and influence on the development of social responsibility.

Types of punishment
Article 32
The following punishments can be imposed on the perpetrators of criminal offences:
1) a lifelong imprisonment
2) an imprisonment
3) a fine
4) a work for public interest

Principal and accessory punishments
Article 33
(1) A lifelong imprisonment, imprisonment and a work for public interest can be pronounced only as principal punishments.
(2) A fine can be imposed both as a principal and as an accessory punishment.
(3) If for a criminal offence several punishments are prescribed, only one of these can be pronounced as the principal punishment.

Lifelong imprisonment
Article 34
(1) A lifelong imprisonment can be pronounced for the most serious criminal offences and most serious forms of serious criminal offences but provided that it cannot be pronounced as the only punishment for a certain criminal offence.
(2) A lifelong imprisonment sentence cannot be pronounced:
   1) to a person who was under 21 at the time of commission of a criminal offence;
   2) to a person who had significantly reduced mental competence (Article 14, paragraph 2) at the time of commission of a criminal offence.
   3) for an attempted criminal offence.

Imprisonment
Article 35
(1) An imprisonment sentence can not be shorter than thirty days nor longer than twenty years.
(2) The imprisonment sentence as of paragraph 1 of this Article shall always be pronounced in full years and months, and those ones shorter than six months, in months and days.

Probation
Article 36
(1) A convicted person who has served half of the prison sentence can be released on probation by the court if in the course of serving the person sentence thereof s/he has improved so 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 offences. At the assessment on whether to release a person on probation his/her conduct during the period of serving the sentence, performance of work tasks appropriated to his/her working abilities, as well as other circumstances indicating that the purpose of punishment has been achieved shall be considered.
(2) The court can release from prison a convicted person who has served half of the sentence in prison, provided that before the expiry of the period pronounced by the sentence s/he does not commit a new criminal offence.
(3) A person convicted for life imprisonment can be released from prison in compliance with the provision of paragraph 1 of this Article after twenty years served in prison under condition that s/he does not commit a new criminal offence in future.
(4) In case set forth in paragraph 1 of this article, if the probation is not revoked, the convicted person shall be considered to have served the sentence.

Revocation of probation
Article 37
(1) The court shall revoke probation if a convicted person commits one or more criminal offences for which imprisonment sentence of more than a year is pronounced during probation.
(2) The court can revoke probation if a person on probation commits one or more criminal offences for which imprisonment sentence for less than one year is pronounced. While determining whether to revoke the probation, the court shall particularly consider whether criminal offences, motives and other circumstances are related and thereby represent justification for revocation of probation.
(3) Paragraphs 1 and 2 of this article shall be applied even if a person on probation is tried for a criminal offence that s/he committed before release on probation.
(4) When the court revokes probation it shall pronounce punishment by applying provisions of Article 46 and Article 48, paragraph 2, of this Code and it shall consider previously pronounced sentence as the one already established. A part of the sentence the convicted person has already served by previous sentence shall be counted in the new sentence, while the time spent on probation shall not be credited for.
(5) If a person on probation is sentenced to imprisonment of less than a year and the court does not revoke the probation, the probation shall be extended for the period of the imprisonment sentence which the convicted person has served.
(6) In case prescribed in paragraphs 1 to 3 of this article a probation can be revoked at latest within two years since the date when the probation expired.

**Fine**

**Article 38**

(1) A fine can not amount to less than €100. A fine can not amount to more than €1 000, and for the criminal offences committed out of greed it can not exceed €50 000.

(2) A fine pronounced as the principal punishment shall be pronounced in the following amounts:
   1) less than €1 000 for criminal offences punishable with imprisonment sentence of maximum 3 months in prison;
   2) from €200 to €2 000 for criminal offences punishable with imprisonment sentence of maximum 6 months;
   3) from €300 to €4 000 for criminal offences punishable with imprisonment sentence of maximum one year;
   4) from €400 to €8 000 for criminal offences punishable by imprisonment sentence of maximum 2 years; and
   5) at least €600 for criminal offences punishable with imprisonment of maximum three years.

(3) For criminal offences 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 offender shall be punished by imprisonment sentence or fine and the court pronounces imprisonment as the principal sentence.

(4) If the court determines a fine as the principal punishment, and it also determines fine as an accessory punishment, it shall pronounce only one fine pursuant to the provisions of Article 46 of this Code.
(5) The judgment shall determine payment period for a fine which can not be shorter than fifteen days nor longer than three months. In justified cases, the court can allow the convicted person to pay in instalments, provided that the payment deadline can not exceed one year.

(6) If a convicted person fails to pay a fine in the deadline set thereof, the court shall replace the fine with imprisonment sentence by converting each €20 of the fine into one day of imprisonment provided that the imprisonment sentence cannot last longer than six months, and if the fine pronounced exceeds the amount of € 7 000, the imprisonment sentence can not be longer than one year.

(7) If a convicted person pays only one part of the fine, the court shall replace the remaining part by proportionally converting it into imprisonment sentence, and if a convicted person pays the remaining part of the fine, the execution of the imprisonment shall be aborted.

(8) After the death of a convicted person the fine shall not be payable.

Socially useful work

Article 39

(1) Socially useful work can be pronounced for criminal offences punishable by a fine or imprisonment sentence of up to three years.

(2) Socially useful work cannot last shorter than 40 hours nor longer than 240 hours and shall be pronounced for the period of time that can not be shorter than thirty days nor longer than six months.

(3) This punishment shall be pronounced with the consent of a criminal offender and can not be longer than forty hours during one month.

(4) Socially useful work is any socially useful work which does not hurt human dignity and is not done for the purpose of making profit.

(5) Upon the pronouncement of this criminal punishment, the court shall pay consideration to the type of criminal offence committed and to the character of an offender.

Determination of punishment

General principles in determination of the punishment

Article 40

(1) The court shall determine within the limits of this Code a punishment for a criminal offender in accordance with what is prescribed for that offence, considering all circumstances that have bearing on magnitude of the punishment (mitigating and aggravating circumstances), and particularly the following: a degree of criminal liability, the motives from which the offence was committed, the danger or injury to the protected object, the circumstances in which the offence was committed, the past conduct of the offender, his/her personal situation, his/her behaviour after the commission of the criminal offence and other circumstances related to the personality of the offender.

(2) In determining the a fine the court will give particular consideration to financial status of an offender, too.

(3) The circumstance which is an element of a criminal offence can not be also taken into consideration either as aggravating or mitigating circumstance, except if it exceeds the measure required for establishing the existence of the criminal offence thereof or certain form of criminal offence or if there are two
or more circumstances like this so that only one is enough for existence of more serious or less serious type of criminal offence.

Repetition of an offence
Article 41
When determining a punishment to an offender for a criminal offence which s/he has committed after sentence served, sentence forgiven or expired or acquitted after the deadline for revocation of probation or after court admonition has been pronounced, can take this circumstance as aggravating one and it will particularly assess the seriousness of previously committed criminal offence, whether the former offence is of the same kind as the latest one, whether both offences were committed out of the same motives, circumstances in which the offences were committed and how much time has passed from the earlier conviction or pronounced, forgiven or expired sentence, from acquittal from punishment, from expiry of the deadline for revocation of earlier probation or from pronounced court admonition.

Multi-recidivism
Article 42
(1) For a criminal offence committed with premeditation for which imprisonment sentence is prescribed, the court can pronounce a more severe sentence than the prescribed one in the following case:
   1) if an offender has been sentenced to imprisonment for criminal offences with premeditation for a term exceeding one year and shows propensity toward committing criminal offence again; and
   2) if a period of five years has not expired between the day when the offender was released after serving the previous sentence and the day when s/he committed the latest criminal act.

(2) The more severe punishment must not exceed double the amount of the pronounced punishment and must not exceed the period of twenty years in prison.
(3) in assessment on whether to pronounce more severe punishment than the prescribed one, the court shall give particular consideration to number of earlier sentences, similarity of committed criminal offences, motives out of which they were committed, circumstances under which the offences were made and the need to pronounce such sentence for the purpose of attaining the aim of punishment.

Reduction of punishment
Article 43
The court can pronounce the punishment below the limit prescribed by law or more lenient type of punishment to a criminal offender:
   1) if the law prescribes that an offender’s punishment can be reduced;
   2) if the law prescribes that an offender can be acquitted of sentence, whereas the court does not acquit him/her;
   3) if it is established that there are particularly mitigating circumstances and determines that the purpose of punishment is achievable with reduced punishment, too.
Limits of reduction of punishment

Article 44

(1) If the conditions for reduction of the punishment pursuant to Article 43 of this Code exist, the court shall reduce the punishment within these limits:
   1) if the minimum prescribed punishment for the criminal offence is a prison sentence of minimum five years, the sentence can be reduced to the maximum of a two year prison sentence;
   2) if the minimum prescribed punishment for the criminal offence is a prison sentence of minimum three years, the sentence can be reduced to the maximum of one year prison sentence;
   3) if the minimum prescribed punishment for the criminal offence is a prison sentence of minimum two years, the sentence can be reduced to the maximum of a six month prison sentence;
   4) if the minimum prescribed punishment for the criminal offence is a prison sentence of one year, the sentence can be reduced to the maximum of a three month prison sentence;
   5) if the minimum prescribed punishment for the criminal offence is a prison sentence of maximum one year, the sentence can be reduced to thirty days of prison sentence maximum;
   6) if the prescribed punishment for the criminal offence does not specify the minimum sentence, the prison sentence can be replaced by a fine;
   7) if the prescribed punishment for the criminal offence is the fine with prescribed minimum amount, the fine can be reduced to the minimum of € 100.

(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.

Acquittal of punishment

Article 45

(1) The court can acquit the criminal offender of punishment only when the law explicitly prescribes so.

(2) The court can acquit of the punishment the criminal offender who has committed an offence out of negligence if the consequences of that offence would affect the offender so strongly that the pronouncement of sentence in that case would obviously not serve the purpose of punishment.

(3) The court can acquit of punishment the criminal offender who removes the effects of the offence or compensates the damage caused by the criminal offence thereof after s/he committed criminal offence and before s/he learned that he was detected.

Combination of criminal offences

Article 46

(1) If an offender by one action or several actions has committed several criminal offences for which s/he is tried at the same time, the court shall first assess the punishment for these offences respectively and then pronounce an integrated punishment (compounded sentence).

(2) The court shall pronounce the integrated punishment by the following rules:
1) If life sentence has been defined by the court for one of the combined criminal offences, it shall pronounce that punishment only;
2) If the court has defined prison sentence for combined criminal offences, it shall increase the most severe punishment pronounced provided that the integrated punishment does not reach the sum of determined punishments nor exceed twenty years of prison;
3) if prison sentences of maximum three years in prison are prescribed for all criminal offences combined, the integrated punishment must not exceed ten years of imprisonment;
4) if for combined criminal offences only fines are prescribed, the court shall pronounce one fine in the amount of the sum of determined fines, but it must not exceed € 10 000, or € 5 000 when one or more criminal offences have been committed out of greed.
5) if for some criminal offences in combination the prison sentence is prescribed and for other offences the fines are prescribed, the court shall pronounce one prison sentence and one fine pursuant to lines 2-4 of this paragraph.

(3) The court shall pronounce the fine as an accessory punishment if it has been prescribed for at least one of the criminal offences in combination, and if the court has determined more than one fine it shall pronounce one fine pursuant to line 4, paragraph 2 of this article.

(4) If the court determined prison sentence and juvenile penitentiary for criminal offences in combination, it shall pronounce prison sentence as the integrated punishment by applying the rules prescribed in line 2, paragraph 2 of this article.

Continued criminal offence
Article 47

1) Continued criminal offence comprises several same or similar criminal offences committed in temporal continuity by the same offender and they represent a whole per se due to the existence of some of the following circumstances: the same injured party, the same objects of an offence, use of the same situation or the same permanent relationship, the same places or spaces on which the offence was committed or the same premeditation of the perpetrator.

2) The criminal offences directed to a person can represent a continued criminal offence only provided that they were committed against the same person.

3) Those offences that by their nature do not allow to be combined in one offence can not represent a continued criminal offence.

4) If a continued criminal offence comprises less and more serious forms of the same offence, the most serious form out of the committed offences shall be considered the continued criminal offence.

5) If the more severe forms of criminal offence are determined by the seriousness of the consequence, the continued criminal offence shall be determined in relation to the combined/total consequence of that offence.
Determination of the punishment for a convicted person

Article 48

(1) If a convicted person is tried for a criminal offence committed before s/he starts serving prison sentence for earlier conviction, or for a criminal offence committed in the course of serving prison sentence or juvenile custody, the court shall pronounce a compounded sentence for all criminal offences by applying provisions of Article 46 of this Code, taking into account the sentence pronounced earlier as an already determined punishment. The sentence or a part of the sentence the convicted person has served shall be included into the pronounced sentence of imprisonment.

(2) For criminal offence committed in the course of serving the prison sentence or juvenile custody, the court shall pronounce a sentence to the offender regardless of previously pronounced sentence if by application of Article 46 of this Code and having regard to the seriousness of the criminal offence thereof, the purpose of the punishment can not be realized.

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

Inclusion of detention and earlier sentence

Article 49

(1) The time spent in detention as any other depravation of liberty in relation to a criminal offence shall be counted as a part of the pronounced prison sentence, juvenile prison sentence and a fine.

(2) If a criminal proceedings has been conducted for several combined criminal offences and the detention has not been ordered for each of them, the time spent in detention shall be included into the pronounced prison sentence, juvenile custody and a fine for a criminal offence for which the offender has been convicted.

(3) Prison sentence or a fine which the offender has served/paid for a minor offence or commercial offence, as well as sentence or disciplinary measure of deprivation of liberty which the offender has served for violation of military discipline shall be included in the sentence pronounced for a criminal offence whose characteristics encompass also the characteristics of a minor offence, economic violation or violation of military discipline.

(4) In every counting of the inclusion, one day spent in detention, deprivation of liberty, juvenile prison, a day in prison and € 20 shall be deemed equal.

CHAPTER FOUR
WARNING MEASURES

Conditional sentence and judicial admonition

Purpose of a conditional sentence and judicial admonition

Article 50

Within the general purpose of criminal sanctions (Article 5), the purpose of a conditional sentence and judicial admonition is that a sentence for lesser criminal offences is not pronounced on the offender once when it is not necessary for criminal justice protection and when it is expected that an admonition with the threat of punishment (conditional sentence) or an admonition alone (judicial admonition) will influence the offender enough to deter him/her from committing criminal offences.
Conditional sentence
Article 51
(1) In imposing a conditional sentence, the court pronounces 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 offence for a period of time determined by the court, which can not be shorter than one year nor longer than five years (testing period).
(2) In a conditional sentence, the court can order that the sentence shall be carried out even if a convicted person fails to restore the material gain acquired through the commission of the criminal offence, compensate for the damage caused by commission of the criminal offence or fails to meet other obligation prescribed in criminal justice regulations within specified timeframe.
(3) Security measures ordered alongside a suspended sentence shall be enforced.

Conditions for pronouncing a conditional sentence
Article 52
(1) A conditional sentence can be pronounced when an offender has been sentenced to imprisonment for maximum two years.
(2) For criminal offences punishable by prison sentence of ten years or a more severe punishment a conditional sentence can not be pronounced.
(3) A conditional sentence can not be pronounced if more than five years have not passed from the day when the offender’s sentence punishing him/her for premeditated criminal offence became irrevocable.
(4) In determining whether to pronounce a conditional sentence, after in a conditional sentence, the court shall particularly take into account the personality of the offender, his/her earlier conduct, his/her conduct after the commission of the criminal offence, degree of criminal liability and other circumstances in which the offence has been committed.
(5) If the offender has been sentenced to both prison sentence and a fine, a conditional sentence shall be pronounced only for the prison sentence.

Revocation of a conditional sentence due to a new criminal offence
Article 53
(1) The court shall revoke a conditional sentence if a convicted person commits one or more criminal offences for which the sentence of imprisonment to two year or more is pronounced during the testing period.
(2) If a convicted person during the testing period commits one or more criminal offences for which the sentence of less than two years in prison or a fine has been pronounced, the court shall decide whether to revoke a conditional sentence after if assesses all circumstances referring to the committed offences and offender him/herself, an particularly similarity of committed offences, their importance and motives from which they were committed. At doing that the court is limited by the ban on pronouncing conditional sentence if the offender should get sentence to more than two years in prison for criminal offences perpetrated during conditional sentence term and for new criminal offences (Article 512, paragraph 1).
(3) If the court revokes a conditional sentence, it shall pronounce an aggregated prison sentence by applying Article 46 of this Code for both previously committed and for new criminal offence by taking the sentence from revoked conditional sentence as already a determined sentence.

(4) If the court does not revoke a conditional sentence, it can pronounce a conditional sentence or a fine for a new criminal offence. A convicted person who gets prison sentence pronounced for a new criminal offence shall not have the period served in prison credited for the testing period determined in the conditional sentence for previous offence.

(5) If the court establishes that a conditional sentence should be pronounced for a new criminal offence, it shall by application of the provision set forth in Article 46 determine an aggregated sentence both for earlier committed offences and for a new criminal offence and shall determine new testing period which can not be shorter than one nor longer than five years counting from the day when the new judgment becomes final. If the convicted person in the course of new testing period commits a criminal offence, the court shall revoke the conditional sentence and pronounce imprisonment sentence by applying provisions set forth in paragraph 3 of this article.

Revocation of a conditional sentence due to a previously committed criminal offence
Article 54

(1) The court shall revoke a conditional sentence if, after its pronouncement, the court establishes that the convicted person committed a criminal offence prior to the imposition of a conditional sentence and if the court finds that there would be no grounds for the imposition of a conditional sentence had the existence of that been known.

(2) If the court revokes a conditional sentence, it shall apply provisions set forth in Article 54, paragraph 4 of this Code.

Revocation of a conditional sentence due to the failure to meet particular obligations
Article 55

If a conditional sentence prescribes a convicted person to meet some obligations set forth in Article 51, paragraph 2 of this Code, and s/he fails to meet that obligation within the deadline set forth in the judgment, the court can within the testing time extend the deadline for meeting the obligation or it can revoke the conditional sentence thereof and pronounce the punishment set forth in the conditional sentence. If the court establishes that the convicted person can not meet the obligation out of justified reasons, the court shall relieve him/her of meeting that obligation or replace it by other corresponding obligation set forth by the law.

Time-limit for revocation of a suspended sentence
Article 56

(1) A conditional sentence can be revoked during the testing period. If in this period a convicted person commits a criminal offence which entails a revocation of a conditional sentence, and the judgment states it starts only
after the expiry of the testing time, the conditional sentence can be revoked at latest after one year from the day when the testing time has expired.

(2) If a convicted person fails to meet an obligation from Article 51, paragraph 2 of this Code within determined timeframe, the court can order that the punishment set forth in the conditioned sentence be enforced.

Conditional sentence with protective supervision

Article 57

(1) The court can order that the offender who has been subject to a conditional sentence be placed under protective supervision for particular period during the testing period.

(2) A protective supervision encompasses measures of assistance, care, supervision and protection prescribed by law.

(3) If the court establishes that in the course of protective supervision the purpose of this measure has been achieved, it can terminate the protective supervision before expiration of a certain period.

(4) If a convicted person who has been placed under protective supervision fails to comply with the obligations which the court ordered to him/her, the court can warn him/her or can replace the earlier obligations with others or extend the protective supervision within the timeframe of testing period or revoke the conditional sentence.

Conditions for determining a protective supervision

Article 58

(1) When the court pronounces a conditional sentence it can order that an offender be placed under protective supervision if on the basis of his/her personality, former conduct, conduct after commission of the criminal offence and circumstances of commission of the criminal offence, it could be expected that the protective supervision will better serve the purpose of the conditional sentence.

(2) Protective supervision shall be ordered by the court in the judgment in which it pronounces the conditional sentence and determines the measures of protective supervision, their duration and manner for their implementation.

The contents of protective supervision

Article 59

Protective supervision can comprise one or more of the following obligations:

1) Reporting to a competent authority for execution of protective supervision in timeframes set by that authority;
2) Training of the offender for a particular profession;
3) Accepting a job appropriate to the abilities and affinities 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 commitment of a criminal offence again;
6) Timely reporting the change of residence, address or job;
7) Refraining from drug and alcohol consumption;
8) Medical treatment in an appropriate medical institution;
9) Visiting particular professional and other counseling wards or institutions and following their instructions.
Selection of measures of protective supervision

Article 60
In selection of the obligations set forth in Article 59 of this Code, the court shall particularly take into account the age of an offender, his/her health condition, affinities and habits, motives from which s/he committed a criminal offence, conduct after s/he committed criminal offence, earlier conduct, personal and family situation, ability to meet the ordered obligations as well as other circumstances relevant for the personality of the offender and those that bear relevance to the selection of the measures for protective supervision and their duration.

Duration of protective supervision

Article 61
(1) The duration of the measures of protective supervision shall be determined within the timeframe of testing period pronounced in the conditional sentence. 
(2) Protective supervision shall be terminated by revocation of a conditional release sentence.
(3) During the period of protective supervision the court can order certain obligations cancelled or replace them with others after a due regard to achieved results.
(4) If the court finds that in the course of protective supervision the purpose of this measure has been achieved, the protective supervision can be terminated before the certain time has expired.

The consequences of failure to meet the obligations pertaining to protective supervision

Article 62
If a convicted person to whom a protective supervision has been pronounced fails to meet the obligations that the court has ordered, the court can warn him/her or it can replace previous obligations with the others or extend the protective supervision within the framework of the testing period, or else, revoke a conditional sentence.

Judicial admonition

Article 63
(1) Judicial admonition can be pronounced for criminal offences for which the prison sentence or a fine are prescribed and it has been committed under such extenuating circumstances that they make them particularly minor.
(2) For certain criminal offences and under conditions prescribed by law, a court admonition can be pronounced even in cases for which a punishment of imprisonment for a term not exceeding three years is prescribed.
(3) A court admonition is administered by the court for several criminal offences committed together, provided that the conditions of paragraph 1 and 2 of this article have been established.
(4) In deciding whether to administer a judicial admonition, the court shall, taking into account the purpose of administering the admonition, particularly consider the personality of the offender, his/her past conduct, his/her conduct after the commission of the criminal offence, level of criminal liability and other circumstances under which the offence thereof has been committed.
(5) A judicial admonition can be administered to a military person for criminal offences against the Army of Serbia and Montenegro.

CHAPTER FIVE
SECURITY MEASURES

Purpose of security measures
Article 64
In the framework of the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of security measures is to remove the situations or conditions which might influence an offender to commit criminal offences in future.

Types of security measures
Article 65
The following security measures can be imposed on persons who have committed a criminal offence:
1) Mandatory psychiatric treatment and custody in a medical institution;
2) Mandatory psychiatric treatment outside prison;
3) Mandatory medical treatment of a drug addict;
4) Mandatory medical treatment of an alcoholic;
5) Prohibition to carry out certain occupation, activity or duty;
6) Prohibition against 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 66
(1) The court can pronounce one or more security measures against a criminal offender provided that grounds exist for their application pursuant to the provisions this Code.
(2) Mandatory psychiatric treatment and custody in a medical institution and mandatory psychiatric treatment out of prison shall be pronounced as an individual sanction to a mentally incompetent criminal offender. Besides these measures, the court can also order a prohibition to carry out a certain occupation, activity or duty, prohibition against driving a motor vehicle and confiscation of objects.
(3) The measures set forth in paragraph 2 of this article can be pronounced to a criminal offender whose mental competence was substantially diminished if a sentence or conditional sentence has already been pronounced to him/her,
(4) Mandatory medical treatment of a drug addict, mandatory medical treatment of an alcoholic, prohibition to carry out a certain occupation, activity or duty, prohibition against driving a motor vehicle, confiscation of objects and publishing of a judgment can be pronounced if the sentence, conditional sentence or judicial admonition has already been pronounced or the criminal offender has been acquitted.
(5) Expulsion of a foreigner from the country can be pronounced if a sentence or conditional sentence has been pronounced to a criminal offender.
(6) A security measure shall be imposed for combined criminal offences if the court determines it for at least one of the combined criminal offences.
Mandatory psychiatric treatment and custody in a medical institution
Article 67

(1) The court shall pronounce mandatory psychiatric treatment and custody in a medical institution to a criminal offender who has committed a criminal offence in state of substantially diminished responsibility if it establishes that in relation to the committed offence and the state of mental disturbance there is a danger that the offender thereof can commit a criminal offence and that it is necessary to order his/her medical treatment in such an institution for the sake of removing that danger.

(2) If the conditions set forth in paragraph 1 of this Article are met, the court shall order a mandatory treatment and custody in such an institution against an offender who has committed an unlawful act that the law defines as a criminal offence in the state of mental incompetence.

(3) The court shall cancel the measure set forth in paragraphs 1 and 2 of this article once it establishes that the need for treatment and custody of the offender in medical institution is not needed.

(4) The measure set forth in paragraph 1 of this article that is pronounced alongside with the prison sentence can also last longer than the pronounced sentence.

(5) The time the perpetrator who has committed a criminal offence in the state of substantially diminished responsibility and who has been sentenced to prison has spent in a medical institution shall be credited against the service of pronounced sentence. If the period spent in a medical institution is shorter than the duration of pronounced prison sentence, the court shall order that the convicted person is forwarded to serving the remaining prison sentence or release him/her on conditional sentence once the security measure is terminated. When deciding about conditional release, the court shall particularly give consideration to how successful the convict’s treatment was his/her medical state, time spent in a medical institution and the remaining sentence that the offender has served, in addition to the conditions prescribed in Article 36 of this Code.

Mandatory psychiatric treatment outside prison
Article 68

(1) The court shall pronounce mandatory psychiatric treatment outside prison to an offender who has committed an unlawful act that is prescribed by law as a criminal offence in the state of mental incompetence if it establishes that there is a danger that the offender will commit the same offence again and that, for the sake of eliminating this danger, his/her treatment outside prison would be enough.

(2) The measure set forth in paragraph 1 of this article can be imposed also on a mentally incompetent offender on whom a mandatory psychiatric treatment and custody in a medical institution have been imposed when the court on the basis of the results of the treatment establishes that s/he should not be in custody and on treatment in that institution any longer, but that his/her treatment outside prison is enough.
(3) Under conditions set forth in paragraph 1 of this article, the court can also pronounce mandatory psychiatric treatment outside prison to an offender whose responsibility is substantially diminished if s/he has received conditional sentence or granted probation pursuant to Article 67, paragraph 5 of this Code.

(4) Mandatory psychiatric treatment outside prison can be done in a certain medical institution from time to time if this is necessary for a successful treatment thereof, but the periodical treatment in a medical institution cannot last for more than fifteen days in one chunk, nor longer than two months altogether.

(5) Mandatory psychiatric treatment outside prison shall last as long as there is a need for a treatment, but not longer than three years.

(6) If in case set forth in lines 1-3 of this article the offender does not take treatment outside prison, or terminates it at his/her own will, or if despite treatment thereof the danger arises that s/he will commit an unlawful action as such that the law defines it as a criminal offence which calls for his/her treatment and custody in relevant medical institution, the court can pronounce mandatory psychiatric treatment and custody in such an institution.

**Mandatory medical treatment of a drug addict**

**Article 69**

(1) The court shall pronounce a mandatory treatment to an offender who has committed a criminal offence because of addiction to narcotic drugs and if there is a danger that s/he might continue committing criminal offences 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 stipulated in paragraph 1 of this article is pronounced alongside the imprisonment sentence, it can last longer than the pronounced sentence but its total duration can not be more than three years.

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

(5) If a measure set forth in paragraph 1 of this article is pronounced alongside a fine, a conditional sentence, judicial admonition or acquittal of sentence, it shall be carried out outside prison and can not last for more than three years.

(6) If an offender without justified reason does not take a treatment outside prison or leaves the treatment at his/her own will, the court shall order the compulsory enforcement of the measure in an appropriate medical or other specialized institution.

**Mandatory medical treatment of an alcoholic**

**Article 70**

(1) The court shall pronounce a mandatory medical treatment to an offender who has committed a criminal offence because of alcohol consumption and if there is a danger that s/he might continue committing criminal offences 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 the prison sentence.

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

(4) If a measure set forth in paragraph 1 of this article is pronounced alongside a fine, conditional sentence, judicial admonition or acquittal of sentence, it shall be carried out outside prison and can not last for more than two years.

(5) If an offender does not take a treatment outside prison or leaves the treatment at his/her will, without justified reason, the court shall order the compulsory enforcement of the measure thereof in an appropriate medical or other specialized institution.

Prohibition from carrying out a certain occupation, activity or duty

Article 71

(1) The court can prohibit a criminal offender from carrying out a certain occupation, independent activity or all duties related to the disposition, utilization, management or handling of someone else’s property or caring of 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 prescribed in paragraph 1 of this article and it can not be shorter than one nor longer than ten years counting from the day when the judgment thereof has become effective, provided that the time spent in prison or in medical institution in which the security measure has been delivered shall not be counted in the term of this measure.

(3) When imposing a conditional sentence, the court can decide that the sentence shall be revoked if the offender violates the prohibition thereof from carrying out a certain occupation, activity or duty.

Prohibition against driving a motor vehicle

Article 72

(1) The court can pronounce a prohibition against driving a motor vehicle to a person who has committed a criminal act which has endangered traffic safety.

(2) When pronouncing the measure prescribed in paragraph 1 of this article, the court shall determine to which type and category of vehicles the prohibition thereof refers to.

(3) The measure prescribed in paragraph 1 of this article can be pronounced by the court if it establishes that the seriousness of the committed offence, the circumstances under which the offence was committed or previous violations of traffic regulations by the offender indicated that it is dangerous to let this person drive motor vehicle of a certain type or category.

(4) The court shall determine the duration of the measure stipulated in paragraph 1 of this article which can not be shorter than three months nor longer than five years counting from the day when the judgment became effective provided that the time served n prison or in an institution in which the security measurement or corrective measurement in which it is carried out shall not be credited against the term of this measure.
(5) If the measure prescribed 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 Montenegro.

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

(7) The law can prescribe a mandatory prohibition of driving a motor vehicle.

Confiscation of objects
Article 73

(1) The objects which were used or destined for use in the commission of a criminal offence or which were gained through the commission of a criminal offence can be confiscated if they belong to the offender.

(2) The object as of paragraph 1 of this article can be confiscated even if they are not the property of the offender if so is required by the interests of general safety or if necessitated by the reasons of moral, provided that thereby the rights of third persons for obtaining damages from the offender are not affected.

(3) The law can stipulate a mandatory confiscation of objects. The law can also stipulate the conditions for confiscation of certain object in particular cases.

Expulsion of a foreigner from the country
Article 74

(1) The court can order that a foreigner who has committed a criminal offence be expelled from the territory of Montenegro for the period ranging from one to ten years or for good if s/he has committed criminal offense again (Article 41).

(2) In deliberating as to whether it will pronounce the measure set forth in paragraph 1 of this article, the court shall take into consideration the time and seriousness of a committed offence, motives from which the criminal offence has been committed, manner in which it was committed as well as other circumstances that indicate to the ineligibility of the foreigner’s further stay in Montenegro.

(3) The period of expulsion commences on the day when the decision thereof takes effect and the time spent in prison shall not be credited against the term of this measure.

Publishing of the judgment in public
Article 75

(1) In sentencing the criminal offences committed by means of the press, radio, television or other media of public information or any other similar means, the court can decide to publish the judgment in full or through extract at the offender’s expense in the same media or in any other appropriate manner.

(2) The law can prescribe mandatory publishing of the judgment. In that case the court shall decide through which public information medium they will publish the judgment and whether to publish it in full or in extracts.

(3) Publishing the judgment can be done at latest within two years from the day when the decision thereof has become effective.

Termination of security measures on the basis of court decision
Article 76
(1) The court can pass a decision by which it terminates the security measures of carrying out professions, activity or duty and prohibition from driving a motor vehicle if three years have lapsed from the day when the measures thereof were applied.

(2) When deliberating on whether to order termination of the security measure set forth in paragraph 1 of this article, the court shall take into consideration the conduct of the sentenced person after the pronouncement of the sentence, whether the offender has compensated for the damage caused by the criminal offence, whether s/he has returned material gain obtained through the commission of the criminal offence and other circumstances that indicate to the rightness of terminating the measures thereof.

CHAPTER SIX
PROVISIONS ON JUVENILES

Application of special criminal justice provisions for juveniles
Article 77
(1) The provisions contained in this Chapter shall be applied to juvenile criminal offenders and other provisions of this Code shall be applied unless prescribed otherwise in this Chapter.

(2) The special provisions that are applicable for juvenile criminal offenders shall be applied under conditions prescribed in the provisions contained in this Chapter to adult persons as well if they are tried for the criminal offence they had committed when they were under age and, exceptionally, if they had committed the offence as junior adult persons.

Exemption of children from criminal sanctions
Article 78
Criminal sanctions can not be applied to a juvenile who at the time of the commission of a criminal offence was under 14 (a child).

Criminal sanctions against juveniles
Article 79
(1) A juvenile who at the time of commission of the criminal offence had turned 14 but not turned 16 (a junior juvenile) can be punished by educational measures only.

(2) A juvenile who at the time of commission of the criminal offence had turned 16 but not turned 18 (a senior juvenile) can be punished by educational measures, but exceptionally, s/he can be sentenced to a juvenile custody.

(3) A juvenile can also be punished by security measures under conditions prescribed in Article 107 of this Code.

(4) A judicial admonition or a conditional sentence can not be imposed on a juvenile.

Purpose of educational measures and juvenile custody
Article 80
In the framework of general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of educational measures and juvenile custody is to ensure that by providing protection and help to juvenile criminal offenders by extending supervision over them, professional training and development of personal responsibility they provide for their education, rehabilitation and proper development. The purpose of a
juvenile custody is also to exercise increased influence on juvenile offenders in order to prevent them from committing criminal offenses as well as on other juvenile against committing criminal offenses.

Types of educational measures

Article 81
The following educational measures can be pronounced to a juvenile criminal offender:

1) Disciplinary measures: a reprimand and submission to education reformatory center for juveniles;
2) Measures of intensive supervision: intensive supervision by parents, adoptive parents or a custodian; intensive supervision by custodian authority and intensive supervision with daily stay in an appropriate institution for reformatory juvenile education;
3) Institutional measures: submission into a reformatory educational institution; submission to an educational – correctional custody and submission to a special institution for medical treatment and professional training.

Selection of an educational measure

Article 82
When selecting an educational measure, the court shall take into consideration the age, degree of mental development, mental characteristics, tendency and degree of juvenile’s educational neglect, the motives for which s/he has committed an offence, former conduct, the environment and situation in which s/he has lived, the seriousness of the offence, whether an educational measure or a sentence had been pronounced to the juvenile before and all other circumstances which might influence the pronouncement of the measure that shall best meet the purpose of educational measures.

Pronouncement of educational measures

Article 83

(1) Disciplinary measures shall be pronounced to a juvenile who need not be submitted to extended education reformatory measures and, particularly, if s/he has committed a criminal offence out of recklessness or frivolous behavior.

(2) Measures of intensive supervision shall be pronounced to a juvenile if it appears necessary to submit him/her to extended measures of education, rehabilitation or treatment with adequate supervision but where it is not necessary to completely detach him/her from the old environment.

(3) Institutional measures shall be pronounced to a juvenile when it appears necessary to submit him/her to extended measures of education, rehabilitation or medical treatment but also his/her detachment for the old environment and if the court finds that the purpose of educational measures cannot be met by application of paragraphs 1 and 2 of this article. Pursuant to the provisions of this Code, the institutional educational measures shall last until the purpose set forth in Article 80 of this Code is met.

Reprimand
Article 84
(1) A reprimand is pronounced if it is deemed sufficient to reprimand a juvenile for a committed criminal offence.

(2) When pronouncing a reprimand, the court shall warn the juvenile about the wrongness of his/her act and shall inform him/her about possibility to pronounce a more severe sanction if s/he commits a criminal offence again.

Submission to a reformatory juvenile education center
Article 85
(1) The court shall pronounce a measure of submission to a reformatory juvenile education center to a juvenile, if it is necessary to influence his/her personality and conduct through appropriate short-term measures.

(2) The court shall submit a juvenile who gets a measure set forth in paragraph 1 of this article to an reformatory center for two hours twice a week within eight to twelve weeks.

(3) When pronouncing this measure consideration shall be given to the need that the juvenile thereof is not absent for his/her school or job due to the execution of this measure.

(4) Once when the court pronounces submission to a reformatory education center for juvenile, it can order that a juvenile is submitted to intensive supervision by custodian authority after this measure is executed.

Intensive supervision by parents, adoptive parents or custodians
Article 86
(1) Measure of intensive supervision by parents, adoptive parents or a custodian shall be pronounced by the court if parents, adoptive parents or a custodian are capable to perform such a supervision and that it can reasonably be expected of them.

(2) This measure can last form six months to two years and the court can decide on its termination in a separate procedure.

(3) If the court pronounces the measure from paragraph 1 of this article it shall give parents, adoptive parents and a custodian all necessary instructions and order them certain duties which they need to undertake for the purpose of reformatory education, medical treatment and removal of affecting influence on him/her.

(4) When the court pronounces the measures of paragraph 1 of this article it shall determine that custodian authority checks on its execution and provide assistance to parents, adoptive parents or a custodian.

Increased supervision by a custodian authority
Article 87
(1) If a parent, adoptive parent or a custodian is incapable to exercise increased supervision, a juvenile shall be placed under the supervision of a custodian authority.

(2) This measure lasts from six months to two years and the court shall in due course decide on its termination.

(3) In the course of this measure a juvenile still lives with his/her parents or other persons who maintain him/her or in whose custody the juvenile is and increased supervision over him/her is done by a professional in the custodian authority or some other professional appointed by the custodian authority.
(4) A custodian authority shall look after the juvenile’s education, employment, and detachment from the environment that has a negative influence on his/her, necessary medical treatment and putting his living circumstances in order.

**Increased supervision with daily stay in an institution for reformative Juvenile education**

**Article 88**

(1) An educational measure of increased supervision with daily stay in an institution for reformative juvenile education can be pronounced alongside with increased supervision by parents, adoptive parents or a custodian or alongside with increased supervision of custodial institution when an engagement of professionals in an institution for reformatory juvenile institution is necessary.

(2) This measure, apart from increased supervision by parents, adoptive parents or a custodian and increased supervision by custodian authority also contains an obligation of daily stay of a juvenile in a relevant authority for reformative juvenile education.

(3) This measure lasts from six months to two years and the court shall in due course decide on its termination.

(4) In the course of this measure a juvenile still lives with his/her parents or other persons who maintain him/her or in whose custody the juvenile is, and increased supervision over him/her is by the decision of the court assigned to parents, adoptive parents or a custodian or a custodian authority.

**Special obligations alongside increased supervision**

**Article 89**

(1) When deciding about some of educational measures of increased supervision, the court can pronounce one of the following obligations to a juvenile, if any of these will contribute to meeting the purpose of the pronounced measure better:

1) to apologize to a damaged person;
2) to remove the damage caused by the committed criminal offence within his/her abilities;
3) to attend school regularly or to go to work regularly;
4) to take a professional training course that is appropriate for his capability and inclination;
5) to refrain from alcohol and drug consumption or to submit to an appropriate medical treatment;
6) to visit an appropriate medical institution or a counselling ward and to follow the guidelines received from the institution thereof;
7) to stay in some other family which is willing to take him/her and which is capable of administering supervision on him/her;

(2) A juvenile to whom one or more obligations as of paragraph 1 of this article are assigned, is obliged to inform a custodian authority about the change or longer absence from the residence in timely manner.
(3) The obligations set forth in paragraphs 1 and 2 of this article shall not exceed the period to which educational measure thereof has been pronounced but the court can replace or revoke the obligations it has ordered.

(4) When ordering the obligations set forth in paragraph 1 of this article, the court shall particularly inform the juvenile and his/her parents, adoptive parents or a custodian that in case of failure to meet the obligations thereof the pronounced measure of increased supervision can be replaced with some other educational measure.

Submission to a reformatory educational institution

Article 90

(1) The court shall pronounce the measure of submission to a reformatory educational institutions when it is necessary to provide a permanent supervision by professionals for a juvenile.

(2) A juvenile stays in a reformatory educational institution for six months at least and two years at most and the court shall decide on its termination in the course of that measure.

Submission to an educational correctional institution

Article 91

(1) The court shall pronounce a measure for submission to an educational correctional institution for juvenile offenders to a juvenile offender to whom it is necessary to administer increased measures of reformatory education.

(2) When deciding whether to pronounce this sentence, the court shall particularly take into consideration the degree of educational neglect of a juvenile, seriousness and nature of a committed criminal offence and whether any educational measure or juvenile prison sentence has been pronounced to the juvenile before.

(3) A juvenile stays for at least one and at longest four years in an educational correctional institution and the court shall decide on its termination in the course of the stay.

Conditional release from an educational correctional institution

Article 92

(1) The court can order a conditional release to a juvenile who has stayed in an educational correctional institution for at least one year if, on the basis of success achieved on his/her correctional and reformatory education, it can be reasonably expected that s/he will not commit criminal offences in future and that s/he will behave well in his/her environment.

(2) The court shall decide whether to administer some of the measures of increased supervision during the conditional release.

(3) Conditional release lasts up to the expiration of statutory period of submission to an educational correctional institution unless the court has revoked the enforcement of this measure or replaced it with other measure.

(4) If in the course of conditional release a juvenile commits a criminal offence or fails to comply with the obligations pronounced to him/her alongside measure of increased supervision, the court can revoke a conditional release. The time spent in conditional release shall not be calculated into the term of pronounced educational measure.
Submission to a specialized institution for medical treatment and rehabilitation

Article 93

(1) The court can pronounce a measure of submission to a specialized institution for medical treatment and rehabilitation instead of submission to an educational rehabilitation or an educational correctional institution to a juvenile with psycho-physical retardation (deaf and dumb, deaf, dumb, blind or juveniles who are mentally retarded out of other reasons).

(2) This measure shall be pronounced instead of the measure of mandatory psychiatric treatment and custody in a medical institution if medical treatment and custody can be provided in an institution for medical treatment and rehabilitation and thereby the purpose of this measure can be achieved.

(3) If this measure has been pronounced instead of submission to an educational institution or to a correctional institution, the juvenile stays in a specialized institution for medical treatment and rehabilitation for maximum three years. If this measure has been pronounced instead of security measure, the juvenile shall stay for as long as it is necessary, and when s/he turns twenty three, the execution of this sentence shall be resumed in an institution that administers security measures of compulsory psychiatric medical treatment and custody in a psychiatric institution.

(4) When a juvenile turns eighteen, the court shall examine the need of his/her further stay in the institution thereof.

Discontinuance of execution and replacement of pronounced educational measure with some other educational measure

Article 94

(1) If after the decision is passed on pronouncing measure of increased supervision or institutional measure, the circumstances that were not been known at the time when it was passed or which were yet unknown arise, or if the decision can not be executed because the juvenile or his/her parents, adoptive parents or a custodian fail to comply with the order of the authority in charge of enforcing the measure thereof or if some other circumstances prescribed by law arise, and they might have had influence on passing the decision, the execution of the measure thereof can be suspended or the measure thereof can be replaced with other measure of increased supervision or institutional measure.

(2) With the exception of the cases set forth in paragraph 1 of this article, the measure of increased supervision or an institutional measure can be discontinued or replaced with other measure that will better serve the purpose of educational measure, depending on the results achieved in reforming behaviour, unless something else has been prescribed for a particular measure. In relation to the institutional measures, the discontinuation of execution or replacement with other measure shall be made within the following limitations:

1) Measure of submission to an educational reforming institution can be discontinued in execution before the term of six months and by the rest of the term it can be replaced with submission of a juvenile to an educational correction institution or to a special institution for medical treatment and rehabilitation.
2) Measure of submission to an educational reforming institution can be discontinued in execution before the term of one year and by the rest of the term it can be replaced with submission of a juvenile to an educational reforming institution or to a special institution for medical treatment and rehabilitation.

Reconsideration of educational measures
Article 95
(1) If more than two years have passed after the decision which pronounced measure of increased supervision or an institutional measure became enforceable, and the execution has not started, the court shall decide again about the need to have the pronounced measure enforced. In doing that, the court can decide to enforce the previously pronounced measure does not get executed or to be replaced with some other measure.
(2) The measure of submission to a juvenile educational center shall not be executed if more than six months have passed after the decision which pronounces the measure thereof turns final and the execution has not started yet.

Pronouncement of educational measures for combined criminal offences
Article 96
(1) If a juvenile has committed several offences combined, the court shall pronounce one of educational measures for all of the offences thereof on the basis of assessing all of them.
(2) The court shall act pursuant to paragraph 1 of this article even in the case that after the pronouncement of educational measure the court finds that the juvenile has committed some other criminals act before or after its pronouncement.

Punishment of Elder Juveniles / Minors
Article 97

Sentenced may be solely an elder juvenile who has committed a criminal offence for which a penalty of imprisonment is prescribed by the law exceeding five years, if due to a high degree of the offender’s guilt and seriousness of his criminal offence the pronouncement of any correctional measure would be unjustified.

Juveniles’ Imprisonment
Article 98

(1) Juveniles’ imprisonment shall not be less than six months or exceed eight years. Exceptionally, for offences prescribed for which as a milder penalty measure is a prison penalty of 10 years, juveniles’ imprisonment of 10 years may be pronounced.
(2) Penalty of juveniles’ imprisonment shall be pronounced in full years and months.
Elder juveniles shall serve their penalty of imprisonment in specialized houses for correction of juveniles in which they shall be allowed to stay by the age of 23. Should it happen that their serving of the penalty be not completed by that time, they shall be sent to a correctional institution / penitentiary intended for majors who serve their prison penalty. Exceptionally, a person shall be allowed to stay in a house for correction of juveniles after having reached the age of 23, if this is indispensable for the continuation of his education or specialized training, but not after he has reached the age of 25.

**Conditional Release/Discharge from Serving the Penalty of Juveniles’ Imprisonment**

**Article 99**

(1) A person imposed on whom is the penalty of juveniles’ imprisonment may be conditionally released by a court of law from serving the penalty of juveniles’ imprisonment if he served one third of his pronounced sentence, but not less than one year, and if it can be reasonably expected, based on the success achieved in correcting his conduct, that such a person shall behave correctly out of prison and shall not in future perpetrate any criminal offences. The court of law may, along with the conditional release, pass also the measure of a strict supervision.

(2) For cancellation of the conditional release, applied shall be accordingly provisions of Article 37 of the present Code.

**Assessment of the Penalty of Juveniles’ Imprisonment**

**Article 100**

(1) A court of law shall assess the penalty of juveniles’ imprisonment within the statutory limits envisaged for such a sentence, taking into consideration the very purpose of the juveniles’ imprisonment, as well as all circumstance that may exert an impact on the assessment of a larger or milder penalty, and particularly the degree of a juvenile’s mental development and the time needed for his education, correctional education / reeducation and specialized training.

(2) A court of law may pronounce the penalty of juveniles’ imprisonment for a specific criminal offence for a period of time in excess of the statutory prison penalty for such an offence, but it shall not be bound by the least prescribed measure of such a sentence.

**Assessment of the Penalty of Juveniles’ Imprisonment for Criminal Offences in Concurrency**

**Article 101**

(1) Should an elder juvenile commit several criminal offences in concurrency, and the court determine that at least for one of these offences the penalty of juveniles’ imprisonment is to be imposed, the court of law shall determine one sentence for all these offences within the limits prescribed by provisions of Article 98 of the present Code.
Should it be determined by a court of law that an elder juvenile has to be punished for one of these offences, while for other criminal offences he is to be delivered educational measures, the court shall pronounce for all offences in concurrence solely the penalty of juveniles’ imprisonment.

A court of law shall also proceed in the manner referred to in Paragraphs 1 or 2 of this Article should it be ascertained after the pronounced sentence that the sentenced offender has committed another criminal offence, prior or after its pronouncement.

Barring by Limitation of the Juveniles’ Imprisonment Penalty

Article 102

The penalty of juveniles’ imprisonment cannot be executed in the event of expiration of:

1) ten years from the juveniles’ imprisonment sentence exceeding five years;
2) five years from the juveniles’ imprisonment sentence exceeding three years;
3) three years from the juveniles’ imprisonment sentence not exceeding three years.

Cessation of Educational Measures Due to the Pronouncement of a Juveniles’ Imprisonment Penalty

Article 103

Should a court of law, during the term of an educational measure, impose on an elder juvenile the penalty of juveniles’ imprisonment, the educational measure shall cease upon the commencement of the penalty of imprisonment.

Effect of a Penalty on Educational Measures

Article 104

Should a court of law, during the term of an educational measure, impose on a major a penalty of juveniles’ imprisonment (Article 108, Paragraph 3) or a prison penalty (Article 108, Paragraph 4) in duration of at least one year, the educational measure shall cease to be valid when such a person commence to serve his penalty of imprisonment; if a prison penalty of shorter duration is pronounced, the court shall decide by its judgment whether the educational measure shall be continued upon completion of the imprisonment penalty or it shall be cancelled.

Effect of Educational Measures and of Juveniles’ Imprisonment Penalty

Article 105

(1) Educational measures and juveniles’ imprisonment penalty shall not produce any legal consequences consisting in the prohibition of acquiring specific rights.
(2) Persons imposed on whom is a measure of reeducation in the house for correction of juveniles’ imprisonment or a penalty of juveniles’ imprisonment shall not
be allowed to perform, during the term of an educational measure i.e. juveniles’ imprisonment penalty, certain duties or functions in the state agencies, local self-government bodies, enterprises and other organizations that in the conduct of their business activities use the state property i.e. organizations assigned to which by the law are specific public powers.

Disclosure of Data Regarding Pronounced Educational Measures

Article 106

(1) Data on pronounced educational measures shall be disclosed solely to a court of law, the state prosecutor, authorities of internal affairs, guardianship authorities and institutions in charge of juveniles’ protection, solely if the offender has not yet reached the age of 21.

(2) Data on pronounced educational measures shall also be disclosed to the authorities referred to in Paragraph 1 of this Article after the offender has reached the age of 21, if such data are related to criminal offences prescribed for which is the prison penalty exceeding five years.

Pronouncement of Safety Measures to Juveniles

Article 107

(1) Safety measures, with the exception of the prohibition from practicing profession, business activity and duties, can be pronounced to juveniles, should an educational measure or juveniles’ imprisonment be imposed on them.

(2) Safety measures of mandatory medical treatment of drug addicts and obligatory treatment of alcoholics, shall not be pronounced along with disciplinary educational measures.

(3) Safety measures of obligatory psychiatric treatment and keeping in a health institution, as well as obligatory psychiatric treatment at freedom shall be pronounced independently.

Pronouncement of Criminal Sanctions to Majors for Offences Perpetrated in Their Juvenile Age

Article 108

(1) A major who has reached the age of 21 cannot be tried for a criminal offence committed by him as a younger juvenile.

(2) A major who at the time of a trial did not reach the age of 21, can be tried for criminal offences committed by him as a younger juvenile, solely if for that criminal offence the penalty of imprisonment is prescribed exceeding five years. The court may impose on such a person solely a measure of strict supervision by a guardianship authority or a relevant educational measure in the competent institution. When assessing which of these measures to pronounce, a court of law shall take into consideration all relevant circumstances of the case, specifically the seriousness of the committed offence, the time elapsed from its perpetration, conduct of the offender, as well as the purpose of this educational measure.

(3) On a major who committed a criminal offence as an elder juvenile, solely the measure of a strict supervision by a guardianship authority or a relevant
educational measure in the competent institution can be imposed, on conditions referred to in Article 98, Juveniles’ Imprisonment. When assessing which of these measures to pronounce, a court of law shall take into consideration all relevant circumstances of the case, specifically the seriousness of the committed offence, the time elapsed from its perpetration, conduct of the offender, as well as the purpose to be achieved by these sanctions.

(4) Exceptionally to the provision of Paragraph 3 of this Article, a court may impose on the major who at the time of a trial reached the age of 21, a prison penalty instead of juveniles’ imprisonment, duration of which shall be determined within the limits set by provisions of Articles 98 and 100 of the present Code. The prison penalty pronounced in this case shall have, as regards rehabilitation and legal consequences, the same legal effect as the penalty of juveniles’ imprisonment.

Pronouncement of Educational Measures to Younger Majors

Article 109

(1) The court may impose a measure of strict supervision by a guardianship authority or a measure of sending to a house of correction to an offender who committed a criminal offence as a major but at the time of a trial did not reach the age of 21, if it is to be expected, taking into consideration his personality and circumstances under which the offence was committed, that these educational/corrective measures shall help to achieve the same purpose as if a penalty were imposed.

(2) The court may, on conditions envisaged by the present Code, impose on a younger major pronounced to whom is an educational measure, all safety measures with the exception of prohibition from practicing a profession, a business activity and duties.

CHAPTER SEVEN

SEIZURE OF PROPERTY GAINS

Grounds for Seizure of Property Gains

Article 110

(1) No one shall be allowed to keep any property gain obtained by a criminal offence.

(2) The gain referred to in Paragraph 1 of this Article shall be seized on conditions envisaged by the present Code, by a judicial decision ascertained by which is perpetration of a criminal offence.

Conditions and Manner of Seizure of Property Gains

Article 111

(1) Money, things of value and all other property gains obtained by a criminal offence shall be seized from the perpetrator; should such a seizure be not possible, the perpetrator shall be obliged to pay for the monetary value of the obtained property gain.
(2) A property gain obtained by a criminal offence shall be seized from the persons it has been transferred to, without compensation or against compensation that is obviously inadequate to its real value.
(3) Seized shall also be any property obtained by a criminal offence in favor of other persons.

Protection of Injured Persons

**Article 112**

1) Should, in the course of a criminal procedure, a property claim of the injured party be adopted, the court shall decide on the seizure of a property gain solely if such a property gain exceeds the property claim of the injured party adjudicated in that amount.
(2) The injured party who, in the course of a criminal procedure, has been referred to institute a civil action in respect to any kind of property claims, may ask to be compensated from the property gain, should he/she institute civil action within the period of six months of the day of coming into effect of the decision on his/her referral to the civil action and should he/she, within the period of three months of coming into effect of the decision adopted by which is his/her property claim, ask to be compensated from the seized property gain.
(3) The injured party who, within a criminal procedure, has failed to lodge a property claim, may request to be compensated from the seized property should, for the purpose of his/her claim, he/she institute a civil action within three months of the day of coming to the knowledge of the sentence pronounced by which is seizure of a property gain, and at latest within the period of three years of the day of coming into effect of the decision on seizure of a property gain and should he/she, within the period of three months of the day of coming into effect of the decision on adoption of his/her property claim, ask to be compensated out of the seized property gain.

**CHAPTER VIII**

**LEGAL EFFECTS OF A SENTENCE**

Occurrence of Legal Effects

**Article 13**

(1) Sentences for criminal offences or specific penalties may have as a legal consequence the cessation i.e. forfeiture of specific rights or prohibition to acquire certain rights.
(2) Legal effects of a sentence may not appear when a fine has been imposed on the perpetrator for a criminal offence, or a conditional sentence / parole should it not be repealed, a reprimand by the court or when a perpetrator has been released of a penalty.
(3) Legal effects of a sentence can be envisaged solely by the law and come into effect by force of the law.

Kinds of Legal Effects of a Sentence
Article 114

(1) Legal effects of a sentence related to the cessation or forfeiture of specific rights are the following:
   1) deprival of public functions,
   2) cessation of a job or practicing a profession or occupation,
   3) loss of certain permits or licenses issued by the decision of a state authority or a local self-government body.

(2) Legal effects of a sentence related to the prohibition of acquisition of specific rights are:
   1) prohibition of obtainment of certain public functions;
   2) prohibition of obtainment of a specific title, profession or occupation, or promotion in service;
   3) prohibition to be awarded a rank of a military officer;
   4) prohibition of obtainment of certain permits or licenses issued by a decision of state authorities or local self-government bodies.

Commencement and Duration of Legal Effects

Article 115

(1) Legal effects i.e. consequences of a sentence shall begin by the day of coming into effect of a sentence.

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

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

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

(5) Legal effects of a sentence envisaged by provisions of Article 114, Paragraph 2, shall cease by rehabilitation.

CHAPTER NINE

REHABILITATION, CESSATION OF LEGAL EFFECTS OF A SENTENCE AND DISCLOSURE OF DATA FROM CRIMINAL RECORDS

General Term of Rehabilitation

Article 116

(1) It is by rehabilitation that a sentence shall be obliterated and all its legal consequences cease, whereas the sentenced person shall be deemed to be not sentenced.
(2) Rehabilitation shall come into effect either by the law (legal rehabilitation) or upon an appeal by a sentenced person based on the judicial decision (judicial discharge).

(3) No rights of third persons grounded on the sentence shall be encroached by rehabilitation.

Legal Rehabilitation

Article 117

(1) Legal rehabilitation shall be approved solely to persons who, prior to the sentence the rehabilitation is referring to, have had no prior convictions or who have been deemed by the law to have had no prior convictions.

(2) Legal rehabilitation shall be approved in the following instances:
   1) if a person convicted but released of a penalty, or pronounced to whom is a reprimand by the court, does not commit any new criminal offence within the period of one year of coming into effect of the sentence,
   2) if a person imposed on whom is a penalty the execution of which is conditionally suspended, does not commit any new criminal offence during the period of control and within the period of one year of expiration of the term of control,
   3) if a person sentenced to a fine, convicted work in a public interest or penalty of imprisonment in duration of six months, does not commit any new criminal offence within the period of three years of the day of execution, barring by limitation or remission of the penalty,
   4) if a person sentenced to six months to one year of imprisonment, does not commit any new criminal offence within the period of five years of the day of execution, barring by limitation or remission of the penalty.

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

Judicial Rehabilitation / Discharge

Article 118

(1) Judicial discharge can be approved to a person sentenced to imprisonment exceeding one year to two years, should within the period of eight years of the day the penalty has been completed i.e. served, barred by limitation or pardoned, no new criminal offence be committed by that person. (2) Judicial discharge can be approved to a person sentenced to imprisonment exceeding two years to three years, should no new criminal offence be committed by that person within the period of ten years of the day the penalty has been completed i.e. served, barred by limitation of 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 its proper conduct and if he has compensated for the damage caused by his criminal offence according to his financial possibilities, whereas the court shall be obliged to take into consideration all other circumstances of relevance for
approving rehabilitation, and specifically the very nature and seriousness of the criminal offence.

(3) Judicial discharge may not be approved if an accessory penalty has not yet been executed or if safety measures are still in force.

Judicial Discharge of Persons With Several Prior Convictions

Article 119

A person who has been sentenced several times can be approved a discharge by the court solely if conditions referred to in Articles 117 and 118 are satisfied in respect to each of criminal offences that person has been convicted for. When assessing whether to approve rehabilitation in such a case, the court shall take into consideration all circumstances referred to in Article 18, Paragraph 3.

Cessation of Legal Effects of a Sentence

Article 120

(1) After the lapse of time of three years of the day of a served, barred by limitation or pardoned penalty, a court of law may decide on cessation of a legal effect 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 cessation of a legal effect of a sentence, the court shall take into consideration the convicted person’s conduct after imposition of the sentence, whether he has compensated for the damage caused by his criminal offence and returned back the property obtained by perpetration of a criminal offence, as well as other circumstances that may indicate to the justifiability of cessation of legal effects of a sentence.

Disclosure of Data from Criminal Records

Article 121

(1) Data filed in official criminal records may be disclosed solely to a court of law, the state prosecutor and authorities of internal affairs, related to the criminal procedure instituted 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, abolition, rehabilitation or deciding on cessation of legal effects of a sentence, same as to the guardianship authorities when needed for the conduct of duties within their competence.

(2) Data from criminal records may also be disclosed, accompanied by a relevant explanation of reasons, to a state authority, enterprise, other organization or entrepreneur, if legal effects or safety measures are still in force and if there exists a justified interest based on the law.

(3) No one shall be entitled to request from a citizen to submit any evidence on his prior convictions or nonexistence of such prior convictions.

(4) On citizens’ request, data on the existence or nonexistence of prior convictions may be presented to them solely if such data are needed for the purpose of exercising their rights abroad.

CHAPTER TEN
Barring by Limitation / Prescription of Criminal Prosecution

Article 122

If not otherwise prescribed by the present Criminal Code, criminal prosecution may not take place after expiration of the following periods of time:

1) 25 years of perpetration of a criminal offence for which life imprisonment penalty can be pronounced under the law;
2) 20 years of perpetration of a criminal offence for which a prison penalty exceeding 15 years can be pronounced under the law;
3) 15 years of perpetration of a criminal offence for which a prison penalty exceeding 10 years can be pronounced under the law;
4) 10 years of perpetration of a criminal offence for which a prison penalty exceeding 5 years can be pronounced under the law;
5) 5 years of perpetration of a criminal offence for which a prison penalty exceeding 3 years can be pronounced under the law;
6) 3 years of perpetration of a criminal offence for which a prison penalty exceeding one year can be pronounced under the law;
7) 2 years of perpetration of a criminal offence for which a prison penalty not exceeding one year or a fine can be pronounced under the law.

Course and Interruption of Barring by Limitation / Prescription of Criminal Prosecution

Article 123

(1) Barring by limitation / prescription of criminal prosecution shall commence of the day of perpetration of a criminal offence.
(2) Barring by limitation shall not run for the time period in which prosecution cannot commence or be continued.
(3) Barring by limitation shall be interrupted by each procedural act undertaken for the purpose of discovering a criminal offence or prosecuting an offender due to the committed criminal act.
(4) Barring by limitation shall be interrupted when a perpetrator, during the period of barring by limitation, commits another serious or more serious criminal offence.
(5) Upon each interruption, barring by limitation shall start to run again.
(6) Barring by limitation of criminal prosecution shall come in effect anyhow upon expiration of the double time required under the law for prescription of criminal prosecution.

Barring by Limitation of Enforcement of a Penalty

Article 124

(1) If not otherwise specified by the present Code, the pronounced sentence cannot be enforced after the expiration of:
1) 20 years of a sentence to the prison penalty exceeding 15 years;  
2) 15 years of a sentence to the prison penalty exceeding 10 years;  
3) 10 years of a sentence to the prison penalty exceeding 5 years;  
4) 5 years of a sentence to the prison penalty exceeding 3 years;  
5) 3 years of a sentence to the prison penalty not exceeding one year or convicted work in the public interest;  
6) 2 years of a sentence to the prison penalty not exceeding one year or a fine.

(2) Serving the lifetime prison penalty shall not be barred by limitation / fall under the statute of limitations.

Barring by Limitation of Enforcement of an Accessory Penalty and Safety Measures

Article 125

(1) Barring by limitation of enforcement of a fine as an accessory penalty shall take place after expiration of two years of the day of coming into effect of the sentence pronounced by which is that penalty.
92) Barring by limitation of enforcement of a safety measure consisting of obligatory psychiatric treatment at freedom, obligatory medical treatment of drug addicts, mandatory medical treatment of alcoholics and seizure of things shall take place after expiration of five years of the day of coming into effect of the decision pronounced by which are these measures.
(3) Barring by limitation of enforcement of a safety measure consisting of prohibition of serving a profession, business activity and duties, prohibition of driving a motor vehicle and expulsion of foreigners from the country shall take place after expiration of the time period for which these measures have been pronounced.
(4) Enforcement of the measure of mandatory psychiatric treatment and keeping in a health institution shall not be barred by limitation / shall be imprescriptible; however, if more than five years elapsed of coming into effect of the sentence pronounced by which is that safety measure, but its enforcement has not yet commenced, the court shall determine whether the execution of this measure is still needed.

Course and Interruption of Barring by Limitation of Enforcement of a Penalty and a Safety Measure

Article 126

(1) Barring by limitation of enforcement of a penalty shall commence of the day of coming into effect of the sentence by which the penalty is pronounced, and should the conditional sentence / parole be repealed – of the day of coming into effect of the decision on repeal.

(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 needed for barring by limitation to take place shall be determined by a new penalty, but the period of prescription shall be considered from the former sentence.
(3) Barring by limitation shall not run during the time period in which enforcement of a penalty cannot be undertaken under the law.
(4) Barring by limitation 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) Barring by limitation of enforcement of a penalty shall take place anyway after expiration of the double time prescribed under the law for prescription of enforcement of a penalty.
(7) In the event of barring by limitation referred to in Paragraph 6 of this Article, the commenced execution of a penalty shall be interrupted.
(8) Provisions of Paragraphs 2 to 5 of this Article shall also be applied accordingly to barring by limitation of enforcement of safety measures.

Imprescriptibility of Criminal Prosecution and Enforcement of a Penalty

Article 127

Criminal prosecution and execution i.e. enforcement of a penalty for criminal offences envisaged by Articles 424 to 429 of the present Code shall be imprescriptible, as well as for criminal offences for which according to the international treaties, prescription cannot take place.

CHAPTER ELEVEN

AMNESTY AND PARDON

Amnesty

Article 128

(1) To persons under amnesty, a release from criminal prosecution or a complete or partial release from execution of a penalty shall be granted, a pronounced penalty shall be replaced by a milder penalty, rehabilitation granted or specific or all legal effects of a sentence repealed.
(2) Repealed by amnesty can also be safety measures of prohibition of serving a profession, conducting a business activity and performing an official duty, prohibition of driving a motor vehicle and expulsion of foreigners from the country.

Pardon

Article 129

(1) By a pardon, a specifically named person shall be released from criminal prosecution or completely or partially released from execution of a penalty, a pronounced penalty shall be replaced by a milder penalty or a conditional penalty / parole, rehabilitation shall be granted, duration of a specific legal effect reduced or specific or all legal effects of a sentence repealed.
(2) By a pardon, a safety measure, prohibition of serving a profession, conducting a business activity and performing an official duty, prohibition of driving a motor vehicle and expulsion of foreigners from the country can be repealed or reduced.

Effect of Amnesty and Pardon on Third Persons’ Rights
Article 130

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

CHAPTER TWELVE

VALIDITY OF CRIMINAL LEGISLATION OF MONTENEGRO

Time of Validity of a Criminal Law

Article 131

(1) The law in force at the time of perpetration of a criminal offence shall be applied to a perpetrator of a criminal offence.
(2) Should it happen that in the course of perpetration of a criminal offence the applicable law be replaced, applied shall be the law in force at the time of completion of the criminal offence.
(3) Should it happen that after perpetration of a criminal offence the law be replaced once or twice, applied shall be the law that is the most lenient for the perpetrator.
(4) To a perpetrator of a criminal offence prescribed by the law of a limited time of validity, applied shall be that law regardless of when he is to be tried, if not otherwise prescribed by that law.
(5) Safety measures and educational measures prescribed by a new law can be applied to a perpetrator if not less lenient for him than those that could have been applied under the law in force at the time of perpetration of a criminal offence.

Validity of Criminal Legislation of Montenegro for Everyone Who Commits a Criminal Offence in the Territory of Montenegro

Article 132

(1) Criminal legislation of Montenegro shall be valid for everyone who commits a criminal offence in its territory.
(2) Criminal legislation of Montenegro shall also be valid for everyone who commits a criminal offence on board / national ship, regardless of where the ship was located at the time of perpetration of a criminal offence.
(3) Criminal legislation of Montenegro shall also be valid for everyone who commits a criminal offence in a domestic civil aircraft while at flight or in a domestic military aircraft regardless of where the aircraft was located at the time of perpetration of a criminal offence, if the perpetrator is a national of Montenegro.

Validity of Criminal Legislation of Montenegro for Perpetrators of Criminal Offences Committed Abroad

Article 133

Criminal legislation of Montenegro shall be valid for everyone who commits abroad a criminal offence referred to in Articles 355 to 367 and Articles 369 to 372 of the
present Code or Article 256 of this Code if it refers to the counterfeiting of money that at the time of perpetration of the criminal offence was the legal means of payment in Montenegro.

Validity of Criminal Legislation of Montenegro for a National of Montenegro Who Commits a Criminal Offence Abroad

Article 134

Criminal legislation of Montenegro shall also be valid for a national of Montenegro if he commits other criminal offence than those referred to in Article 133 of the present Code, should he be caught in the territory of Montenegro or extradited to the state union of Serbia and Montenegro.

Validity of Criminal Legislation of Montenegro for a Foreigner Who Commits a Criminal Offence Abroad

Article 135

(1) Criminal legislation of Montenegro shall also be valid for a foreigner who, outside the territory of Montenegro, commits a criminal offence against it or its national for criminal offences other than those referred to in Article 133 of the present Code, should he be caught in the territory of Montenegro or extradited to the state union of Serbia and Montenegro.

(2) Criminal legislation of Montenegro shall also be valid for a foreigner who commits abroad, against a foreign country or a foreigner, a criminal offence for which under the law of the country it was committed in, a prison penalty may be pronounced in duration of five years or more, should he be caught in the territory of Montenegro but not extradited to a foreign country. If not otherwise prescribed by the present Code, a court of law may not in such an instance pronounce a penalty more severe than one prescribed by the law of the country in which the criminal offence was committed.

Special Requirements for Criminal Prosecution

Article 136

(1) Should in the event referred to in Article 132 of the present Code, a criminal procedure has been instituted or completed in a foreign country, prosecution in Montenegro shall be undertaken solely upon the approval of the state prosecutor of Montenegro.

(2) In the event referred to in Articles 134 and 135 of the present Code, prosecution shall not be undertaken:

1) if a perpetrator has completed serving a penalty adjudicated to him abroad;
2) if a perpetrator has been released abroad by a valid sentence or if his penalty has been statute-barred or pardoned;
3) if a corresponding safety measure has been applied abroad against a mentally incompetent perpetrator;
4) if, under the foreign law, prosecution is undertaken for a criminal offence on request of an injured party, but such a claim has not been filed.
(3) In the event referred to in Articles 134 and 135 of the present Code, prosecution shall take place solely when the criminal offence in question is also punishable by the law of the country in which it was committed. When in the event referred to in Articles 134 and 135, Paragraph 1, under the law of the country in which the criminal offence was committed, the criminal offence in question is not punishable, prosecution may be undertaken solely if approved so by the state prosecutor.

(4) In the event referred to in Article 135, Paragraph 2 of the present Code, if the offence in question at the time of perpetration is regarded a criminal offence in line with general legal principles recognized in the international law, prosecution may be undertaken in Montenegro upon the approval of the state prosecutor, regardless of the law of the country in which the criminal offence was committed.

(5) In the event referred to in Article 132 of the present Code, prosecution of foreigners may, on condition of reciprocity, be transferred to a foreign country.

Credit of Detention and of Penalty Served Abroad

Article 137

Detention, as any other deprivation of freedom related to a criminal offence, deprivation of freedom during an extradition process, as well as a penalty served by a perpetrator under the sentence of a foreign court, shall be credited to the penalty pronounced by a national court for the same criminal offence; should the penalties be not of the same kind, such crediting shall be based on the court’s appraisal.

Validity of the Law of a Member State Envisaged by Which Is a Criminal Offence

Article 138

(1) Criminal legislation of a member state envisaged by which is a criminal offence, shall be valid for everyone who commits in the territory of that member state a criminal offence envisaged by its criminal legislation, regardless of where the perpetrator is tried for the offence in question.

(2) If a criminal offence envisaged by criminal legislation of a member state was committed in the territory of other member state, applied shall be the law of the member state in which the perpetrator is tried.

(3) For criminal offences envisaged by the law of a member state, when such offences were committed outside the territory of the state union of Serbia and Montenegro or on a national ship or in a national aircraft while being outside the state territory of the state union of Serbia and Montenegro, applied shall be the law of the member state in which the perpetrator is tried.

Validity of the General Part of the Code

Article 139

Provisions of the general part of the present Code shall be valid for all criminal offences prescribed by this Code or other law.
CHAPTER THIRTEEN

Interpretations and Definitions Applicable to this Code

Article 140

(1) The abbreviation SMN (SCG) shall mean the state union of Serbia & Montenegro (Srbija & Crna Gora).

(2) The territory of Montenegro shall be deemed to include the land territory, coastal sea and water surfaces within its borders, as well as air space above it.

(3) Criminal legislation of Montenegro shall be deemed to mean the present Code, as well as all other criminal provisions embraced by other laws of Montenegro.

(4) Persons in an official capacity shall be deemed to mean:

1) a person who performs official duties with state authorities,

2) elected, appointed or designated person in a state authority, 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, enterprise or other organization assigned to whom is performance of public powers, who decides on rights, obligations or interests of natural and legal persons or public interests,

4) a person in charge of specific official duties or tasks,

5) a military person, with the exception of provisions of Chapter Thirty Four (against official duties) of the present Code.

(5) A responsible person represents the owner of an enterprise or other organization, or a person with an enterprise, institution or other organization assigned to whom is, by virtue of his function, funds invested 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 in charge of specific tasks. A responsible person shall also be deemed a person in an official capacity, in the event of criminal offences for which a responsible person is designated as a perpetrator, such offences being not envisaged by the present Code in the Chapter dealing with criminal offences against official duties i.e. as criminal offences of a person in an official capacity.

(6) A military person shall mean a professional soldier (professional military officer, sergeant, officer by contract, sergeant by contract and soldier by contract), soldier serving his military obligation, student of a military academy, student of a military high school, person from reserve military forces while on military duty as a military servant, as well as a civil person who performs a specific military duty.

(7) When a person in an official capacity, a responsible person or a military person is designated as a perpetrator of specific criminal offences, persons referred to in Paragraphs 4, 5 and 6 of this Article can be perpetrators of these acts, unless the nature of an individual act or individual regulation implies that the perpetrator can be solely someone of these persons.
A child shall be considered a person who has not reached the age of fourteen years.

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

An underage person is a person who has not yet reached the age of eighteen.

Perpetrators shall be deemed to be the persons who have committed a criminal offence, participated in its perpetration, instigated it and helped that such act be committed.

Force / violence shall also mean the use of hypnosis or hypnotizing means with the purpose to bring someone against his will to the state of unconsciousness or inability to give resistance.

Elections are to be understood the elections for the Assembly of the state union of Serbia and Montenegro, president of the state union of Serbia and Montenegro, president of the Republic of Montenegro, municipal assemblies and other elections called for and conducted on the basis of the constitution and the law.

Referendum is pronouncement of citizens where they decide on specific issues as specified by the constitution and the law.

Narcotics are substances and preparations declared by relevant regulations to be narcotics.

A movable thing is also considered to be every generated or collected energy for production of light, heat or for movement, as well as a telephone impulse, computer data and computer program.

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

A computer network is considered to be an assembly of mutually connected or interconnected computers that communicate mutually by exchanging data and information.

A computer program is defined as a regulated assembly of orders the aim of which is 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 some other assembly of orders entered into a computer or computer network designed to multiply itself and so act upon other programs or data in a computer or computer network by adding that program or assembly of orders to one or more computer programs or data.

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

A protected natural property is deemed to be a property that, under regulations on protection of natural wealth, enjoys such protection.

A cultural property is deemed to be a property that, under regulations on preservation of cultural property, enjoys such protection, as well as a part of cultural property and protected environment of an immovable cultural property.
(24) Money means both metal coins or paper money or money made of some other material that is statutory prescribed to be in circulation in the state union of Serbia and Montenegro or a foreign country.
(25) Value symbols are deemed to be also foreign value symbols.
(26) A motor vehicle is every transportation means with a motor drive used in the land, water and air transportation.
(27) A document shall be deemed to be any thing that is suitable for or prescribed to serve as an evidence of a specific fact of relevance for legal relations, as well as a computer data.
(28) A letter, mail and document can also be in an electronic form.
(29) A family or family community are also deemed to be former marital partners and their children, as well as parents of former marital partners.
(30) The term “shall not be punished” means that there exists no criminal offence in that event.
(31) When an imperfective verb is used to express the action of a criminal offence, it shall mean that the offence is committed if the action is done once or several times.

**SPECIAL PART**

**CHAPTER FOURTEEN**

**CRIMINAL OFFENCES AGAINST LIFE AND BODY**

Homicide

**Article 141**
A person who deprives of life other person shall be sentenced to five to fifteen years of imprisonment.

Serious Homicides

**Article 142**

Sentenced to imprisonment of at least ten years or life sentence shall be a person:
1) who deprives of life other person in a cruel or perfidious manner,
2) who deprives of life other person behaving in an unscrupulous and violent manner,
3) who deprives of life other person and thereby intentionally endanger somebody else’s life,
4) who deprives of life other person with theft as a motive, for the purpose of perpetration or concealment of other criminal offence, from unscrupulous revenge or other vicious motives,
5) who deprives of life a person in an official capacity or a military person while serving or related to serving an official duty,
6) who deprives of life a child or a pregnant woman,
7) who deprives of life a member of own family or family community after having assaulted them,
8) who intentionally deprives of life several persons, such offences being not regarded as a murder committed while temporarily insane, while a homicide or a homicide from compassion.

Murder Committed While in the State of Strong Excitation

Article 143

A person who commits a murder suddenly brought, without his own guilt, into the state of strong excitation by an attack, assault or heavy insult by the murdered, shall be sentenced to one to eight years of imprisonment.

Infanticide

Article 144

A mother who deprives of life her child at birth, in the course of or immediately after delivery, while in the state of disorder caused by delivery, shall be sentenced to six months to five years of imprisonment.

Deprivation of Life from Compassion

Article 145

A person who deprives of life an adult person from compassion due to his serious health condition, or at his serious and explicit request, shall be sentenced to six months to five years of imprisonment.

Deprivation of Life by Negligence

Article 146

A person who deprives of life other person by negligence, shall be sentenced to six months to five years of imprisonment.

Incitement to Suicide and Help in the Commitment of Suicide

Article 147

(1) A person who incites other person to suicide or help him in committing suicide, and should suicide be committed or attempted, shall be sentenced to one to eight years of imprisonment.

(2) A person who helps other person in committing suicide subject to conditions referred to in Article 145 of the present Code, and should suicide be committed or attempted, shall be sentenced to three months to five years of imprisonment.

(3) A person who commits the act referred to in Paragraph 1 of this Article against a minor or a person in the state of considerably impaired accountability, shall be sentenced to two to ten years of imprisonment.

(4) Should the act referred to in Paragraph 1 of this Article be committed against a child or an unaccountable person, the perpetrator shall be sentenced in line with provisions of Article 142 of the present Code.
A person who treats with cruelty or brutality other person subordinate or dependant on him, and should the person in question due to such treatment, commit or attempt suicide that can be attributed to the offender’s negligence, shall be sentenced to six months to five years of imprisonment.

Illegal Termination of Pregnancy / Abortion

Article 148

(1) A person who, contrary to the regulations governed by which are abortions, carries out an abortion, commences with carrying out an abortion or assists a pregnant woman in termination of her pregnancy with her consent, shall be sentenced to three months to three years of imprisonment.

(2) A person who carries out or commences with carrying out an abortion of a pregnant woman without her consent and, if younger than 16, without her consent and a written agreement by her parents, adoptive parents or guardians, shall be sentenced to one to eight years of imprisonment.

(3) Should it happen that, due to the acts referred to in Paragraphs 1 and 2 of this Article, the woman subjected to abortion dies or her health be impaired heavily or another serious bodily injury be inflicted upon her, the offender shall be sentenced for the offence referred to in Paragraph 2 of this Article to two to twelve years of imprisonment.

Serious Bodily Injury

Article 149

(1) A person who wounds other person or impairs seriously his health, shall be sentenced to six months to five years of imprisonment.

(2) A person who wounds other person or impairs his health so seriously that the injured person’s life is endangered or any vital part of his body destroyed or permanently or considerably damaged or weakened, or the injured person’s permanent ability to work or permanent and serious impairment of his health or deformation is caused, shall be sentenced to one to eight years of imprisonment.

(3) Should it happen that, due to the acts referred to in Paragraphs 1 and 2 of this Article, the injured person has died, the perpetrator shall be sentenced to two to twelve years of imprisonment.

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

(5) A person who commits the act referred to in Paragraphs 1 to 3 of this Article, without his own guilt, while in the state of strong excitation caused by an attack, assault 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 150
(1) A person who inflicts a light bodily injury upon other person or impair his health less seriously, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Should such an injury be inflicted by weapons, dangerous tools or other means 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 an admonition to the perpetrator referred to in Paragraph 2 of this Article, should he be provoked by rude or vulgar conduct of the injured party.

(4) Prosecution for the offence referred to in Paragraph 1 of this Article shall be initiated against a private action.

Participation in Affrays

Article 151
A person who participates in an affray in which someone has been deprived of life or other person has been seriously wounded, shall be sentenced on the grounds of participation to three months to three years of imprisonment.

Threat by Dangerous Tools in Affrays or Brawls

Article 152
A person who, in affrays or brawls, reaches for weapons, dangerous tools or other means suitable for causing serious bodily injuries or heavy impairment of health, shall be sentenced to a fine or imprisonment in not exceeding six months.

Exposure to Danger

Article 153

(1) A person who leaves other person without help in the state and under circumstances dangerous to life or health caused by himself, shall be sentenced to three months to three years of imprisonment.

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

(3) Should, due to the act referred to in Paragraph 1 of this Article, the abandoned person die, the perpetrator shall be sentenced to one to eight years of imprisonment.

Abandonment of an Invalid Person

Article 154

(1) A person who leaves an invalid person committed to his custody or an invalid person he is anyway obliged to take care of, without help in the condition and under circumstances dangerous to life or health, shall be sentenced to three months to three years of imprisonment.
(2) Should it happen that, due to the act referred to in Paragraph 1 of this Article, the abandoned person’s health be seriously impaired or other serious bodily injury be inflicted upon him, the perpetrator shall be sentenced to one to five years of imprisonment.
(3) Should, due to the act referred to in Paragraph 1 of this Article the abandoned person die, the perpetrator shall be sentenced to one to eight years of imprisonment.

Denial of Help

Article 155
(1) A person who denies to help other person in the state of an immediate danger to life though he could have done it with no threat to himself or other person, shall be sentenced to a fine or imprisonment not exceeding one year.
(2) Should, due to denial of help, the health of a person in the state of an immediate danger to life 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 the state of an immediate danger to life dies, the perpetrator shall be sentenced to three months to three year of imprisonment.

CHAPTER FIFTEEN

CRIMINAL OFFENCES AGAINST FREEDOMS AND RIGHTS OF MAN AND THE CITIZEN

Infringement of the Right to Free Use of Language and Alphabet

Article 156

A person who, contrary to the regulations governing the use of language and alphabet of peoples or members of national and ethnic groups living in the state union of Serbia and Montenegro denies or restricts citizens the use of their mother tongue when exercising their rights or addressing authorities or organizations, shall be sentenced to a fine or imprisonment not exceeding one year.

Infringement of Equality of Citizens

Article 157

A person who, due to national affiliation or affiliation to an ethnic group, race or confession or due to political or other beliefs, sex, language, education, social status, social origin, property or other personal status denies or restricts the rights of man and the citizen prescribed by the constitution, laws or other regulations or general enactments or recognized by international treaties or, on the grounds of such differences, grants privileges or exemptions, shall be sentenced to three months to five years of imprisonment.
Article 158

A person who prevents other persons to express their national or ethnic affiliation or culture, shall be sentenced to a fine or imprisonment not exceeding one year.
(1) Sentenced to the punishment referred to in Paragraph 1 of this Article shall be also every person who coerces other person to declare his national or ethnic affiliation.
(2) Should the act referred to in Paragraphs 1 and 2 of this Article be committed by a person in an official capacity, during performance of service, the person in question shall be sentenced to imprisonment not exceeding three years.

Infringement of Freedom of Profession of Religion and Performance of Religious Rites

Article 159

(1) A person who prevents or restricts freedom of confession or profession of religion, shall be sentenced to a fine or imprisonment not exceeding two years.
(2) Sentenced to the punishment referred to in Paragraph 1 of this Article shall be also anyone who prevents or disturbs performance of religious rites.
(3) A person who coerces others to declare their religious beliefs shall be sentenced to a fine or imprisonment not exceeding one year.
(4) A person in an official capacity 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 Freedom / Detention

Article 160

(1) A person who arrests, keeps in detention or in any other manner unlawfully deprives others 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 in an official capacity through abuse of his function or powers, shall be sentenced to imprisonment of one to eight years.
(3) Should the act of unlawful deprivation of freedom / detention be longer than thirty days, or should it be conducted in a cruel manner, or should the health of a person unlawfully deprived of freedom / detained in that manner be heavily impaired 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 be pronounced also for an attempt of offences referred to in Paragraph 1 of this Article.

Infringement of Freedom of Movement and Residence

Article 161
(1) A person who denies or restricts freedom of movement or residence in the
territory of the state union of Serbia and Montenegro to the citizen of Montenegro,
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
person in an official capacity, during performance of service, shall be sentenced to
imprisonment not exceeding three years.

Abduction by Force / Kidnapping

Article 162

(1) A person who, by the use of force, threat, deceit or in other manner takes
away or keeps someone with the intention of obtaining by insidious means money
or other property gain from that person or others or coercing that person or others
to do or not to do something or to suffer, shall be sentenced to one to eight years of
imprisonment.
(2) A person who, for the purpose of abduction / kidnapping, threatens by murder or
serious bodily injuries of the kidnapped person, shall be sentenced to two to ten
years of imprisonment.
(3) The perpetrator referred to in Paragraphs 1 and 2 of this Article who, by his
own will, sets free the kidnapped person without accomplishing the purpose of the
abduction, may be released from the punishment.
(4) Should the kidnapped person be kept more than ten days or treated with
cruelty or should the kidnapped person’s health be impaired or other serious
consequences occur, or should the offence referred to in Paragraph 1 of this Article
be committed against a minor, the perpetrator shall be sentenced to one to six years
of imprisonment.
(5) Should it happen that, due to the act referred to in Paragraphs 1, 2 and 4 of this
Article, the kidnapped person dies or should the act be committed by several
persons in an organized manner, the perpetrator shall be sentenced to five to fifteen
years of imprisonment.

Coercion

Article 163

(1) A person who by use of force or threat compels someone to do or not to do
something or to suffer, shall be sentenced to three months to three years of
imprisonment.
(2) A person who commits the act referred to in Paragraph 1 of this Article with
cruelty or by threat of murder or serious bodily injuries or abduction, 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 several persons in an
organized manner, the perpetrator shall be sentenced to two to twelve years of
imprisonment.
Forcible Extraction of Confessions or Statements

Article 164

(1) A person in an official capacity who, during performance of service, uses force or threat or other inadmissible means or inadmissible manner with the intention to forcibly extract a confession or 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 extraction of confessions or statements be done by heavy assaults, or should extremely serious consequences occur for an accused in the criminal procedure due to forcibly extracted confessions, the perpetrator shall be sentenced to two to ten years of imprisonment.

Maltreatment

Article 165

(1) A person who maltreats others or treats them in the manner that is humiliating and degrading, shall be sentenced to a fine or imprisonment not exceeding one year.
(2) A person 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 act referred to in Paragraph 1 of this Article be committed by a person in an official capacity, during performance of service, shall be sentenced to one to five years of imprisonment.

Threat to Security

Article 166

(1) A person who endangers security of other person under threat of an attack to his life or body or to a person close to him, shall be sentenced to a fine or imprisonment not exceeding one year.
(2) A person who commits the act referred to in Paragraph 1 of this Article against more than one person, or the act that have caused anxiety of citizens or other serious consequences, shall be punished by three months to three years of imprisonment.

Infringement of Inviolability of Home

Article 167

(1) A person who enters without permission a somebody else’s dwelling or other premises or does not leave the dwelling or other premises on the tenant’s request, shall be sentenced to a fine of imprisonment not exceeding one year.
(2) Should the act referred to in Paragraph 1 of this Article be committed by a person in an official capacity, during performance of service, that person shall be sentenced to imprisonment not exceeding three years.
(3) Punished shall be also an attempt of the act referred to in Paragraphs 1 and 2 of this Article.

Illegal Search of Dwellings

Article 168

A person in an official capacity who, during performance of service, conducts the search of dwellings or other premises illegally, shall be sentenced to imprisonment not exceeding three years.

Disclosure of Secrets Without Permission

Article 169

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

(2) No one who discloses a secret of a public interest or interest of other person, that 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 Mail and Other Means of Communications

Article 170

(1) A person who opens a somebody else’s letter, telegram or other closed correspondence or means of communications or infringes in any other manner their inviolability or who withholds, conceals, destroys or delivers to other person a somebody else’s letter, telegram of other means of communications without permission, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Sentenced to the penalty referred to in Paragraph 1 of this Article shall also be a person who communicates to others the contents he has come to the knowledge of by infringement of a somebody else’s letter, telegram or other closed correspondence or other means of communications or who makes use of such contents.

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

Unauthorized Wiretapping and Recording

Article 171

(1) A person who taps illegally by special listening devices or who records a conversation, statement or any other information not intended for his use, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Sentenced to the punishment referred to in Paragraph 1 of this Article shall also be a person who enables an unknown person to be informed on the conversation, statement or other information illegally wiretapped i.e. recorded.
(3) Should the act referred to in Paragraphs 1 and 2 of this Article be committed by a person in an official capacity, during performance of service, that person shall be sentenced to imprisonment not exceeding three years.

Unauthorized Photographing

Article 172

(1) A person 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, 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 person in an official capacity during performance of service, that person shall be sentenced to imprisonment not exceeding three years.

Unauthorized Publication and Presentation of a Somebody Else’s Written Texts, Portraits and Recordings

Article 173

(1) A person who publishes or presents publicly a written text, portrait, photograph, film or phonogram of a 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 the voice of whom is recorded on a phonogram or without the consent of other person the consent of whom 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 a person in an official capacity, during performance of service, shall be sentenced to imprisonment not exceeding three years.

Unauthorized Collection of Personal Data

Article 174

(1) A person who provides, communicates to others or uses without permission personal data that are collected, processed and utilized in line with the law, for purposes other than those for which they were compiled, shall be sentenced to a fine or imprisonment not exceeding one year.

(2) Sentenced to the penalty referred to in Paragraph 1 of this Article shall also be a person who contrary to the law collects personal data or utilizes so collected data.

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

Infringement of the Right to Legal Remedies

Article 175
(1) A person who prevents someone to exercise the right to submit a petition, lodge a complaint, appeal, plea or other legal remedy, as well as other requests, 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 person in an official capacity, during performance of service, shall be sentenced to imprisonment not exceeding three years.

Infringement of Freedom of Speech and Public Appearance

Article 176

(1) A person who denies or restricts freedom of speech or public appearance of other persons 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 a person in an official capacity, during performance of service, shall be sentenced to imprisonment not exceeding three years.

Prevention of Printing and Distribution of Printed Matters, and Broadcasting

Article 177

(1) A person who prevents or disturbs, without permission, 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) Sentenced to the penalty referred to in Paragraph 1 of this Article shall be a person who prevents or disturbs, without permission, broadcasting of radio or TV programs.

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

Prevention of Publication of Responses and Rectifications

Article 178

A person who, contrary to the decision by a court of law, rejects or prevents to publicize a response or rectification of incorrect published information which violates someone’s rights or interests, shall be sentenced to a fine or imprisonment not exceeding one year.

Prevention of Public Gathering / Assembly

Article 179

(1) A person who by use of force, threat, deceit or in other manner prevents or disturbs calling of or holding of a public gathering / assembly organized in line with the law, shall be sentenced to a fine or imprisonment not exceeding one year.
Should the act referred to in Paragraph 1 of this Article be committed by a person in an official capacity, during performance of service, that person shall be sentenced to imprisonment not exceeding three years.

Prevention of Political, Trade Union or Other Association and Activities

Article 180

A person who by violating the law knowledgeably or in 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 Offences Against Freedoms and Rights of Man and the Citizen

Article 181

Prosecution for offences referred to in Article 166, Paragraph 1, Article 167, Paragraph 1, Article 169, Paragraph 1, Article 170, Paragraphs 1 & 2, Article 171, Paragraphs 1 & 2, Article 172, Paragraph 1, Article 173, Paragraph 1, Article 174, Paragraphs 1 & 2 and Article 175, Paragraph 1, shall be conducted under a private claim.

CHAPTER SIXTEEN

CRIMINAL ACTS AGAINST ELECTORAL RIGHTS

Violation of right to be elected

Article 182

Anyone who violates the law or in any other unlawful way prevents a person or disturbs a person to exercise his/her right to be elected shall be punished by pecuniary penalty or one year imprisonment sentence.

Violation of voting right

Article 183

(1) Anyone who prevents another person in exercising voting right s/he is entitled to, unlawfully fails to register that person in electorate register or removes his/her name from that register or in any other unlawful way prevents or disturbs a person to cast a vote, shall be punished by pecuniary penalty or one year imprisonment sentence.

(2) Punishment as of paragraph 1 herein shall be imposed on anyone who unlawfully registers in electorate register someone so as to enable him/her to cast a vote, or enables him/her to cast a vote in any other unlawful way if he/she is not entitled to such a right.
Violation of exercising free will at voting

Article 184

(1) Anyone who uses force, threat, or in any other unlawful way uses coercion or influences a person at elections, revoking elections or at a referendum to vote or not to vote in favor of or against a particular person, election register or proposal shall be punished by pecuniary penalty or one year imprisonment sentence.
(2) Punishment as of paragraph 1 herein shall be imposed on anyone who requires or accepts a present or some other personal benefit for himself or for another in order to vote or not to vote in favour or against a particular person.
(3) Present or other benefit accepted shall be confiscated.
(2) If an act as of paragraphs 1 and 2 herein is performed by a member of the electoral board or some other person performing duties pertaining to voting, he/she shall be punished by maximum three year imprisonment sentence.
(5) Anyone who after the elections, revoking elections or a referendum, invites a voter to assume responsibility in relation to voting or requires him/her to state who s/he voted for, why he did or did not vote, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

Abuse of the right to vote

Article 185

(1) Anyone who at elections, revoking elections or at a referendum votes instead of another person under his/her name or at the same elections votes more than once or uses more than one ballot paper, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
(2) A member of the electoral board who enables another to commit an act as of paragraph 1 herein, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Composing inaccurate voting list

Article 186

Anyone who with the intention to influence the results of elections, revoking elections or a referendum composes an inaccurate voting list, shall be punished by pecuniary penalty of maximum two year imprisonment sentence.

Obstructing elections

Article 187

(1) Anyone who uses force, threats or in any other unlawful way obstructs or disturbs elections at a polling place shall be punished by maximum three year imprisonment sentence.
(2) Anyone who obstructs voting by causing disorder at the polling place, due to which the elections are interrupted, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Obstructing the monitoring of voting

Article 188

Member of the electoral board who obstructs or disturbs the monitoring of the course of elections or determining of the results of voting by a person entitled to perform such duty according to the law or a decision of the authorized state body shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

Violating the secrecy of voting

Article 189

(1) Anyone who at elections, revoking elections or a referendum violates the secrecy of voting, shall be punished by pecuniary penalty or maximum six month imprisonment sentence.
(2) If an act as of paragraph 1 herein is committed by a member of the electoral board or some other person performing duties pertaining to voting, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Falsifying the results of voting

Article 190

A member of the body for holding elections, revoking elections or a referendum or some other person performing a duty pertaining to voting, who by adding or taking away ballot papers or votes upon counting, or in some other way alters the number of given ballot papers or votes or publishes untrue result of voting, shall be punished by maximum three year imprisonment sentence.

Destroying documentation on voting

Article 191

(1) Anyone who destroys, damages, takes away or conceals a ballot paper or some other document on voting at elections, revoking elections or at a referendum, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
(2) If an act as of paragraph 1 herein is committed by a member of the electoral board or some other person performing her/his duty pertaining to voting, shall be punished by imprisonment sentence ranging from three months to three years.

Aggravated criminal acts against voting rights

Article 192
(1) If as a result of acts as of Articles 183, 184, 185, 187, 188, 189, 190 and 191 public peace and order are disturbed or property imperiled to a larger extent, or life of a number of people brought into danger, the offender shall be punished by imprisonment sentence ranging from six months to five years.

(2) If as a result of acts as of Articles 183, 184, 185, 187, 188, 189, 190 and 191 a person has suffered physical injury or property has been damaged to a larger extent, the offender shall be punished by imprisonment sentence ranging from one to ten years.

(3) If acts as of Articles 183, 184, 185, 187, 188, 189, 190 and 191 leads to death of one or more persons, the offender shall be punished by a minimum three year imprisonment sentence.

CHAPTER SEVENTEEN

CRIMINAL ACTS AGAINST HONOR AND REPUTATION

Insult

Article 193

(1) Anyone who insults other person shall be punished by pecuniary penalty or maximum three month imprisonment sentence.

(2) If an act as of paragraph 1 herein is performed by means of press, radio, television or other communication media or similar media or at some public gathering, the perpetrator shall be punished by a pecuniary penalty or maximum six month imprisonment sentence.

(3) If the insulted person returned the insult, the Court may punish or free both sides or one side from punishment.

(4) Any person who commits an act as of paragraph 1 of 3 herein shall not be liable to any punishment whatsoever if the statement is given within serious critique in a scientific, literary or artistic work, performance of a public service, or journalistic writing, political activity, or to defend a right or protect justifiable interests, if the way in which the statement is expressed or other circumstances indicate it is not done on the grounds of discrediting a person.

Libel

Article 194

(1) Anyone who speaks or transmits untrue information about someone that may harm his/her honor and reputation shall be punished by pecuniary penalty or maximum six month imprisonment sentence.

(2) If an act as of paragraph 1 herein is performed by means of press, radio, television or other communication media or similar media or at a public gathering, s/he shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(3) If an untrue information said or transmitted has caused or could have caused significant harm to the injured party, the perpetrator shall be punished by imprisonment sentences ranging from three months to three years.
(4) If the accused person proves the truthfulness of his/her claims or proves to have
had founded reasons to believe in what s/he spoke or transmitted, s/he shall not be
charged with libel, but s/he can be charged with insult (Article 193) if such an act is
proven to have been committed.

Spreading information about private and family life

Article 195

(1) Anyone who spreads or transmits information about personal or family life of a
person and thereby potentially harms his/her honor or reputation shall be punished by
pecuniary penalty or maximum six month imprisonment sentence.
(2) If an act as of paragraph 1 herein is performed by means of press, radio, television,
other means of public communication or similar media or at a public gathering, the
perpetrator shall be punished by a pecuniary penalty or by maximum one year
imprisonment sentence.
(3) If what is being said or transmitted has entailed or could have entailed serious
consequences for the injured party, the perpetrator shall be punished by imprisonment
sentence ranging from three months to three years.
(4) If the accused person has spread or transmitted information about personal or
family life within performing a duty, defending a right or protecting justified interest,
s/he shall not be punished provided s/he proves that the information is true or that s/he
had founded reasons to believe that the information s/he disclosed or transmitted is
true.
(5) The truthfulness or untruthfulness of what is being said or transmitted pertaining
to personal or family life is not liable to any evidence establishing procedure, except
in cases as of paragraph 4 herein.

Ruining the reputation of the State Union Serbia and Montenegro and of a member
state

Article 196

Anyone who publicly exposes the State Union Serbia and Montenegro or one of its
member states, its flag, coat of arms or anthem to persiflage, shall be punished by
maximum three year imprisonment sentence.

Ruining the reputation of nations, national and ethnic groups of the State Union
Serbia and Montenegro

Article 197

Anyone who publicly exposes a nation, national or ethnic group living in the State
Union Serbia and Montenegro to persiflage, shall be punished by maximum three year
imprisonment sentence.

Ruining the reputation of a foreign state or an international organization

Article 198
(1) Anyone who exposes to persiflage a foreign state, its flag, coat of arms or its anthem, shall be punished by maximum three year prison sentence.
(2) By punishment as of paragraph 1 herein shall be punished the one who publicly exposes to persiflage the United Nations Organization, International Red Cross or some other international organization recognized by the State Union Serbia and Montenegro.

Impunity for criminal acts as of Articles 196 to 198

Article 199

Perpetrator of an act as of Articles 196 to 198 of this code shall not be punished if a statement has been given within serious critique in a scientific, literary or artistic work, or within performance of an official duty, journalistic writing, political activity, defense of a right or protection of justifiable interests, provide the way of expression or other circumstances prove that s/he has not done it with intention of belittling or if s/he proves the truthfulness of his/her claims or that he had founded reason to believe in verity of what s/he is saying or transmitting.

Prosecution for offenses against honor and reputation

Article 200

(1) Prosecution for acts from Art. 193 to 195 of this code is undertaken on private complaint.
(2) If the offenses from Art. 193 to 195 of this code are done to a person that passed away, prosecution is undertaken by private action of his/her spouse or person who lived with the disease in a permanent extramarital association, a relative once removed, adoptive parent, adopted child, brother or sister of the deceased person.
(3) Prosecution for an offense as of Article 198 of this code is undertaken after obtaining a permit of the State Prosecutor of the Republic of Montenegro.

Promulgation of the sentence for criminal acts against honor and reputation

Article 201

In sentence for acts as of Art. 193 to 195 of this code done through press, radio, television, other means of public communication or similar means, at the request of the prosecutor the court may decide to publish the court sentence in its entirety or as an excerpt through the same means, at the cost of the convict.

CHAPTER EIGHTEEN

CRIMINAL ACTS AGAINST SEXUAL FREEDOM

Rape

Article 202
(1) Anyone who forces another person to debauchery or an act equal to it by using coercion or by threats to attack the life or body of that or some other person, shall be punished by imprisonment sentence ranging from two to ten years.
(2) If a person commits an act as of paragraph 1 herein against somebody under threats of doing something that would harm their honor or reputation or by serious threat of some other severe evil, s/he shall be punished by imprisonment sentence ranging from one to eight years.
(3) If due to acts from paragraphs 1 and 2 herein a severe bodily injury is inflicted on a person, or if the act is made by more persons in an especially cruel manner or to a minor, or the consequence of the act is pregnancy, the perpetrator shall be punished by an imprisonment sentence ranging from three to fifteen years.
(4) If due to acts from paragraphs 1 and 2 herein a person died or the act is done to a child, the perpetrator shall be punished by an imprisonment sentence ranging from five to eighteen years.

Debauchery over a helpless person

Article 203

(1) Anyone who performs debauchery or an equal act taking advantage of a person's mental disease, mental retardation, or other mental derangement, disability or some other state of that person due to which s/he is not capable of resistance, shall be punished by an imprisonment sentence ranging from one to ten years.
(2) If due to acts as of paragraph 1 herein a severe bodily injury is inflicted on a disabled person or if the act is committed by more persons or in a specially cruel or humiliating manner or it is done to a minor or the act resulted in pregnancy, the perpetrator shall be punished by an imprisonment sentence ranging from two to twelve years.
(3) If due to an act from paragraphs 1 and 2 herein a person suffering the act died or it is done to a child, the perpetrator shall be punished by imprisonment sentence ranging from five to eighteen years.

Debauchery with a child

Article 204

(1) Anyone who commits debauchery or an equal act to a child shall be punished by an imprisonment sentence ranging from one to ten years.
(2) If due to an act as of paragraph 1 herein a severe bodily injury is inflicted to a person, or the act is performed by more persons or it resulted in pregnancy, the perpetrator shall be punished by imprisonment sentence ranging from two to twelve years.
(3) If due to acts from paragraphs 1 and 2 herein a child died, the perpetrator shall be punished by imprisonment sentence ranging from five to eighteen years.

Debauchery by abuse of office

Article 205
(1) Anyone who by abuse of his/her office leads into debauchery or an equal act a person who is in a subordinate or dependent position to him, shall be punished by an imprisonment sentence ranging from three months to one year.

(2) A teacher, instructor, guardian, adoptive parent, stepfather, stepmother or some other person who by abuse of his/her position or authorities performs debauchery or an equal act with a minor entrusted to him for teaching, education, custody and taking care, shall be punished by an imprisonment sentence ranging from one to ten years.

(3) If an act as of paragraph 2 herein is performed over a child, the perpetrator shall be punished by imprisonment sentence ranging from two to twelve years.

(4) If an act as of paragraphs 1 to 3 herein resulted in pregnancy, the perpetrator shall be punished for an act as of paragraph 1 by imprisonment sentence ranging from six months to five years, for an act as of Article 2 by imprisonment sentence ranging from two to twelve years, and for an act as of paragraph 3 by imprisonment sentence ranging from three to fifteen years.

(5) If due to an act as of paragraph 3 herein a child died, the perpetrator shall be punished by imprisonment sentence ranging from five to eighteen years.

Prohibited sexual acts

Article 206

(1) Anyone who under conditions as of Article 202 paragraphs 1 and 2, article 203, paragraph 1, Article 204 paragraph 1 and Article 205 paragraphs 1 to 3 of this code performs some other sexual act, shall be punished by pecuniary penalty or two year imprisonment sentence.

(2) If due to acts as of paragraph 1 of this Article a severe bodily injury is inflicted to a person, or if the act is performed by more persons or in an extremely cruel or humiliating way or to a child, the perpetrator shall be punished by imprisonment sentence ranging from two to ten years.

(3) If due to an act as of paragraph 1 herein a person died, the perpetrator shall be punished by imprisonment sentence ranging from three to fifteen years.

Sexual intercourse with a minor of the same sex

Article 207

A major who has sexual intercourse with a minor of the same sex shall be punished by maximum three year imprisonment sentence.

Procuring and enabling having a sexual intercourse

Article 208

(1) Anyone who procures a minor for debauchery, an act equal to it or some other sexual act, shall be punished by imprisonment sentence ranging from three months to five years.

(2) Anyone who provides for performing debauchery, an act equal to it or some other sexual act to a minor, shall be punished by maximum imprisonment sentence of three years.
Mediation in prostitution

Article 209

(1) Anyone who leads or encourages another person to prostitution or who by means of public communication or other similar means promotes or advertises prostitution, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
(2) Anyone who take part in giving a person to another for prostitution, shall be punished by imprisonment sentence ranging from three months to five years.
(3) If an act as of paragraphs 1 and 2 herein is done to a minor or by use of force, threat or deceit, the perpetrator shall be punished by imprisonment sentence ranging from two to twelve years.

Displaying pornographic material

Article 210

(1) Anyone who sells or displays to a child or by public displaying or in some other way makes available text, pictures, audio-visual or other objects of pornographic content or displays to it a pornographic show, shall be punished by pecuniary penalty or maximum six month imprisonment sentence.
(2) Anyone who uses a child to produce pictures, audio-visual or other objects of pornographic nature or for a pornographic show, shall be punished by imprisonment sentence ranging for six months to five years.
(3) Anyone who sells, shows, publicly exhibits or in electronic or some other way makes available pictures, audio-visual or other objects of pornographic character resulting from acts as of paragraph 2 herein shall be punished by maximum two year imprisonment sentence.
(4) Objects as of paragraphs 1 to 3 herein shall be confiscated.

Prosecution for criminal acts against sexual freedom

Article 211

Prosecution for criminal acts as of Articles 202 and 203 of this code done to a spouse is taken by private action.

CHAPTER NINETEEN

CRIMINAL ACTS AGAINST MARRIAGE AND FAMILY

Bigamy

Article 212

(1) Anyone who concludes new marriage although s/he is already married shall be punished by imprisonment sentence ranging from three months to three years.
(2) Anyone who marries a person for whom s/he knows s/he is married shall be punished by penalty as of paragraph 1 herein.
Concluding a void marriage

Article 213

(1) Anyone who concluding a marriage hides from the other party a fact due to which the marriage becomes void or deceives or keeps the other party deceived on that fact, shall be punished by imprisonment sentence ranging from three months to three years.

(2) Prosecution can be undertaken only if the marriage concluded is void for reasons as of paragraph 1 herein.

Making possible entering into an unlawful marriage

Article 214

Official person authorized to conclude a marriage who within performance of his/her official duty allows for a marriage which by law is forbidden and void, shall be punished by imprisonment sentence ranging from three months to three years.

Extramarital association with a minor

Article 215

(1) A major who lives in an extramarital association with a minor, shall be punished by imprisonment sentence ranging from three months to three years.

(2) A parent, adoptive parent or a guardian who allows a minor to live in an extramarital association with another person or forces him/her into it shall be punished by penalty as of paragraph 1 herein.

(3) If an act as of paragraph 2 herein is done for gain, the perpetrator shall be punished by imprisonment sentence ranging from six months to five years.

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

Depriving of a minor

Article 216

(1) Anyone who unlawfully keeps a minor from his/her parents, adoptive parent, guardian, other person or an institution, he/she has been entrusted with, or deprives them of him/her, or prevents execution of the decision according to which a minor has been entrusted with a particular person, shall be punished by pecuniary sentence or maximum two year imprisonment sentence.

(2) Anyone who prevents execution of a decision of an authorized body stipulating the way in which personal relationships between a minor and his/her parent or another relative are to be maintained, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(3) If an act as of paragraph 1 of herein is done for gain or other base motives or due to it health, upbringing or education of the minor are seriously endangered, the
offender shall be punished by imprisonment sentence ranging from three months to five years.

(4) Perpetrator of acts as of paragraphs 1 and 3 herein who voluntarily delivers a minor to a person or an institution s/he has been entrusted with or enables the execution of the decision on entrusting a minor, may be remitted from penalty by the Court.

(5) If a conditional sentence is pronounced for an act as of paragraphs 1 to 3 herein, the court may oblige the perpetrator to deliver the minor within the determined time notice to the person or an institution the minor is entrusted with, i.e. to enable execution of the decision stipulating the way personal relationship between the minor and his/her parents or another relative.

Changing the family status

Article 217

(1) Anyone who changes the family status of a child by setting up, substitution or in some other way, shall be punished by imprisonment sentence ranging from three months to one year.

(2) Anyone who changes the family status of a child by substitution or in some other way, shall be punished by maximum one year imprisonment sentence.

(3) An attempted offence as of paragraph 1 herein shall be punished.

Neglecting or abusing a minor

Article 218

(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 he is obliged to take care of, neglects him/her shall be punished by maximum three year imprisonment sentence.

(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 leads him into doing other acts detrimental for his/her development, shall be punished by imprisonment sentence ranging from three months to five years.

Evasion of obligation to maintain

Article 219

(1) Anyone who evades to extend maintenance to other person he is obliged to maintain according to the law on the basis of the final court verdict or executive arrangement in front of the court or other authorized body, to the amount and in the manner determined by the decision or the arrangement, shall be liable to pecuniary penalty or maximum one year imprisonment sentence.

(2) Perpetrator of an act as of paragraph 1 herein shall not be punished if he did not extend maintenance for justifiable reasons.

(3) If due to acts as of paragraph 1 herein, the person maintained suffered serious consequences, the perpetrator shall be punished by imprisonment sentence ranging from three months to three years.
(4) If the court pronounces a conditional sentence, it can oblige perpetrator to clear the due amount and to pay alimony regularly.

Violation of family obligations

Article 220

(1) Anyone who violates family obligations stipulated by law and thereby leaves a family member in a difficult position where he is not capable of taking care of himself, s/he shall be punished by imprisonment sentence ranging from three months to three years.

(2) If due to acts as of paragraph 1 herein the health of a family member is severely damaged, the perpetrator shall be punished by imprisonment sentence ranging from one to five years.

(3) If due to acts as of paragraph 1 herein, a family member died, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.

(4) If the court pronounces a conditional sentence as of paragraphs 1 and 2 herein, the court may oblige the perpetrator to perform his family duties stipulated by the law.

Incest

Article 221

A major who performs a sexual intercourse or an equal act with a minor with whom he is related in blood in straight line, or with a minor brother or sister, shall be punished by maximum three year imprisonment sentence.

CHAPTER TWENTY

CRIMINAL ACTS AGAINST LABOR RIGHTS

Violation of labor rights

Article 222

Anyone who deliberately violates the law or any other regulation, collective agreement and other by-laws on labor rights and on special protection of youth, women and disabled persons at work, and thereby deprives another person or restricts the right belonging to him/her, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Violation of equality at employment

Article 223

Anyone who deliberately violates regulations or in any other unlawful way deprives a person of the right to be freely employed under equal conditions at the territory of Montenegro, or restricts this right, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Violation of the right to manage
Article 224

(1) Anyone who by force, threat, deliberate violation of regulations or in any other unlawful way prevents or disturbs decision making of managing bodies, or a member of managing bodies to participate in the work and decision making process in that body, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) If an act as of paragraph 1 herein is performed by an official or responsible person through abuse of his/her position or authorities, s/he shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Violation of the right to go on strike

Article 225

(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 accordance with law, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) Penalty as of paragraph 1 herein, shall be imposed on an employer or any other responsible person who lays off one or more employees on the grounds of taking part in a strike organized in accordance with the law or institutes other measures violating their labor rights.

Abuse of the right to go on strike

Article 226

Anyone who organizes or leads the strike in a way contrary to the law and other regulations and thereby poses threat to human life and health or property of high value, or if that leaves grave consequences and if other features of some other criminal act are excluded, s/he shall be punished by maximum three year imprisonment sentence.

Violation of the right to social security benefits

Article 227

Anyone who deliberately violates the law or other regulations or by-laws pertinent to social security benefits and thereby deprives a person of the right s/he is entitled to, or restricts this right, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Abuse of the right to social security benefits

Article 228

Anyone who simulates or inflicts him/herself an illness or disability or performs any other unlawful act to become eligible to a social security benefit s/he is not entitled to
according to law or other regulations or by-laws, s/he shall be punished by pecuniary penalty or one year imprisonment sentence.

Violation of the rights pertinent to temporary redundancy

Article 229

Anyone who deliberately does not observe the law or by-laws on the rights of citizens pertinent to temporary redundancy and thereby deprives other persons of the right they are entitled to or restricts this right to them, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Disregard of protection measures at workplace

Article 230

(1) Any person responsible for undertaking protection measures at work who deliberately does not observe the law or other regulations or by-laws on measures for protection at workplace, due to which life or health of workers may be endangered or threatened, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
(2) If the court pronounces a conditional sentence it can oblige the perpetrator to act in compliance with the measures for protection at work within a set deadline.

CHAPTER TWENTY ONE

CRIMINAL ACTS AGAINST AUTHOR'S, INVENTOR'S AND RELATED RIGHTS

Violation of author's and performer's right

Article 231

(1) Anyone who in his own name or in the name of another person publishes, presents, transmits a performance or presentation, or broadcasts, author's work of some other person or records, multiplies, transmits or broadcasts other person's performance, in entirety or as an extract, shall be punished by pecuniary penalty or maximum three year imprisonment sentence.
(2) Anyone who without a permit or other person entitled to the author's right changes or re-makes other person's author's right or changes other persons recorded performance, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
(3) Anyone who uses other person's author's work or other person's performance or in a way which is insulting for the author or his honor and reputation, shall be punished by pecuniary penalty or a maximum six month imprisonment sentence.

Unauthorized use of author's work or of the object of a related right

Article 232
(1) Anyone who without a permit of the author or other person entitled to the author's or a related right publishes, performs, presents, transmits a performance or presentation, records, multiplies, or puts into use, broadcasts, leases the entire author's work or a part thereof, or in some other way uses it or a subject of a related right, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) Perpetrator of an act as of paragraph 1 herein, who puts into use or leases copies of author's work, recordings of performance, or shows or copies of phonograms, videograms or of a computer program or data base he obtained through an act as of paragraph 1 herein, with the aim of making unlawful property gain for him/herself, shall be punished by an imprisonment sentence ranging from three months to five years.

(3) Anyone who puts into use or leases copies of author's work, recording of performance or of a show, or copies of a phonogram, videogram, or computer program or data base, which are known to have been obtained, recorded or multiplied in an unlawful way, in order to gain unlawful property gain for him/herself or other persons, shall be punished by maximum three year imprisonment sentence.

Violation of an inventor's right

Article 233

(1) Anyone who in an unlawful way uses other person's applied invention or an invention protected by a patent, in production or turnover, shall be punished by pecuniary penalty or maximum three year imprisonment sentence.

(2) Anyone who in an unlawful way publishes the essence of other person's invention before this invention is published in the way stipulated by law, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Unlawful use of other person's model or sample

Article 234

(1) Anyone who in the use of his/her own product unlawfully uses other person's applied outside form, picture or drawing, or the one protected by model or sample, shall be punished by pecuniary penalty or maximum three year imprisonment sentence.

(2) Anyone who unlawfully publishes the object of other persons applied model or sample, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

False registration of author's, inventor's and other related right

Article 235

The person entitled to the author's, inventor's or related rights, who upon registration and depositing of his/her author's work, invention or object of protection of a related right into the public register of the authorized body, provides false or conceals true data on his/her author's work, invention or object or a related right, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
Prosecution for criminal acts against author's, inventor's and other related rights

Article 236

Prosecution for criminal acts as of Articles 227 to 231 of this code shall be undertaken upon private complaint.

CHAPTER TWENTY TWO

CRIMINAL ACTS AGAINST PROPERTY

Theft

Article 237

(1) Anyone who deprives another's mobile property with intention to, by its retaining, obtain for himself/herself or for another person unlawful material benefit, shall be punished by pecuniary penalty or maximum three year imprisonment sentence.

(2) An attempted offence as of paragraph 1 herein shall be punished.

Aggravated theft

Article 238

(1) A person who committed an act of theft (Article 237) shall be punished by imprisonment sentence ranging from one to eight years if the theft is done:
   1) by forcing or breaking into closed buildings, rooms, safes, wardrobes or other closed spaces, or by overcoming of large scale hindrances to reach that object;
   2) by more persons;
   3) in a particularly dangerous or particularly impudent manner;
   4) by a person who had weapons or dangerous tools on them for attack or defense;
   5) during a fire, flood, earthquake or other disaster;
   6) by taking advantage of helplessness or other especially grievous status of a person;
   7) if the value of stolen goods exceeds the amount of three thousand Euro.

(2) If the value of stolen goods exceeds the amount of thirty thousand Euro or the stolen item represents a cultural good, the perpetrator shall be punished by imprisonment sentence ranging from two to ten years.

Brigandage theft

Article 239

(1) Anyone who caught committing a theft, uses force against a person or threats to attack immediately the life or body of a person, with the intention to retain the stolen good, shall be punished by imprisonment sentence ranging for one to eight years.

(2) If the value of stolen goods exceeds the amount of three thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from two to ten years.
(3) If the value of stolen goods exceeds the amount of thirty thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from two to twelve years.
(4) If an act as of paragraphs 1 to herein is done by more persons, the perpetrator shall be punished by imprisonment sentence ranging from three to fifteen years.
(5) If the value of stolen goods does not exceed the amount of one hundred fifty Euro and the perpetrator wanted only to have small material gain, s/he shall be punished by maximum three year imprisonment sentence.
(6) An attempted act as of paragraph 5 herein shall be punished.

Brigandage

Article 240

(1) Anyone who uses force against a person or threats to attack immediately his/her life or body or deprive a person from a mobile property with the intention to make unlawful property gain for her/himself by retaining the property, shall be punished by an imprisonment sentence ranging from two to ten years.
(2) If the value of goods taken away exceeds the amount of three thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from two to twelve years.
(3) If the value of goods taken away exceeds the amount of thirty thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from three to fifteen years.
(4) If an act as of paragraphs 1 to 3 herein is done by more persons, the perpetrator shall be punished by imprisonment sentence ranging from five to fifteen years.
(5) If value of goods taken away does not exceed the amount of one hundred and fifty Euro, and the perpetrator intended to gain small property benefit, the perpetrator shall be punished by imprisonment sentence ranging from three months to three years.
(6) An attempt to do an act as of paragraph 5 herein shall be punished.

Embezzlement

Article 241

(1) Anyone who, intending to obtain for him/herself or another person unlawful property gain, takes into possession other person's mobile property s/he is entrusted with, shall be punished by a pecuniary penalty or maximum two year imprisonment sentence.
(2) If the value of embezzled things exceeds the amount of three thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to six years.
(3) If the value of embezzled things exceeds the amount of thirty thousand Euro or the embezzled thing represents a cultural good, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.
(4) Anyone who unlawfully takes into possession another's mobile thing he found or by accident came by, intending to obtain for him/herself or another person material gain, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
(5) For offenses as of paragraphs 1 to 3 herein, if embezzled things are the possessions of citizens, prosecution is undertaken at private action.
Fraud

Article 242

(1) Anyone who, intending to obtain unlawful property gain for him/herself, by false presentation or covering up of facts brings someone to delusion or keeps him in delusion 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 pecuniary penalty or maximum three year imprisonment sentence.

(2) Anyone who commits an act as of paragraph 1 herein only intending to make detriment to another, shall be punished by pecuniary penalty or maximum six month imprisonment sentence.

(3) If through an act as of paragraphs 1 and 2 herein material gain or damage is made exceeding the amount of three thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.

(4) If through an act as of paragraphs 1 and 2 herein material gain or damage exceeding thirty thousand Euro is made, the perpetrator shall be punished by imprisonment sentence ranging from two to ten years.

Obtaining and using credits and other benefits without grounds

Article 243

(1) Anyone who by false presentation or covering up of facts obtains for him/herself or other person a credit, subsidy or any other benefit, although s/he does not fulfill the required conditions for that, shall be punished by pecuniary penalty or imprisonment sentence ranging for three months to three years.

(2) Anyone who uses a credit, subsidy or any other benefit obtained for purposes other than the ones the credit, subsidy or other benefit is granted for, shall be punished by pecuniary penalty or by maximum two year imprisonment sentence.

(3) For an act as of paragraphs 1 and 2 herein, the responsible person in a company or other business entity shall be punished by prescribed penalty if the credit, subsidy or other benefit are obtained for the company or other business entity and if they are not used for the intended purposes by those entities.

Petty act of theft, embezzlement and fraud

Article 244

(1) Anyone who commits petty theft, embezzlement or fraud, shall be punished by pecuniary penalty or maximum six month imprisonment sentence.

(2) Theft, embezzlement or fraud are considered petty if the value of goods stolen or embezzled, i.e. damage caused by fraud does not exceed the amount of one hundred fifty Euro, and the perpetrator intended to make small property gain, i.e. to cause small damage.

(3) For an act as of paragraph 2 herein, if it is committed to the detriment of citizens, prosecution is taken by private action.
Depriving another person of her/his things

Article 245

(1) Anyone who, without the intention to make property gain, unlawfully deprives other person from a mobile thing, shall be punished by pecuniary penalty or by maximum six month imprisonment sentence.
(2) If the value of things taken away from others or taken possession exceeds the amount of three thousand Euro, the perpetrator shall be punished by maximum two year imprisonment sentence.
(3) If the value of things taken away from others or taken possession exceeds the amount of thirty thousand Euro, or the thing represents a cultural good, the perpetrator shall be punished by imprisonment sentence ranging from three months to three years.
(4) For an act as of paragraphs 1 to 3 herein, if the thing taken is a private possession, prosecution is taken by private action.

Depriving of motor vehicles

Article 246

(1) Anyone who unlawfully deprives another person of her/his motor vehicle with the intention to use it for driving, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.
(2) If the perpetrator of an act as of paragraph 1 herein out of negligence does damage to the vehicle exceeding the amount of a thousand Euro, or makes it possible for another person to do that, s/he shall be punished by pecuniary penalty or a maximum three year imprisonment sentence.
(3) An attempted offence as of paragraph 1 herein shall be punished.

Abuse of trust

Article 247

(1) Anyone who 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 property gain for him/herself or others and to damage the person whose interests he/she represents or whose property s/he takes care of, shall be punished by pecuniary penalty or maximum three year imprisonment sentence.
(2) If through an act as of paragraph 1 herein, property gain is made or damage caused in the amount exceeding three thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to six years.
(3) If through an act as of paragraph 1 herein property gain is made or damage is caused exceeding thirty thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.
(4) If an act as of paragraphs 1 to 3 herein is committed by a custodian or a lawyer, s/he shall be punished for an act as of paragraph 1 herein by imprisonment sentence ranging from six months to five years, for an act as of paragraph 2 by imprisonment sentence ranging from one to eight years and for an act as of paragraph 3 by imprisonment sentence ranging from two to ten years.
Extortion

Article 248

(1) Anyone who, with the intention to make unlawful property gain for him/herself or other person, by force or threat makes another person to do or not do something to the detriment of his/her property or other person's property, shall be punished by imprisonment sentence ranging from one to eight years.
(2) If through an act as of paragraph 1 herein property gain is made in the amount exceeding three thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from two to ten years.
(3) If through an act as of paragraph 1 herein property gain in the amount exceeding thirty thousand Euro is made, the perpetrator shall be punished by imprisonment sentence ranging from two to twelve years.
(4) Anyone who commits an act as of paragraphs 1 to 3 herein or the act is performed by more persons in an organized way, shall be punished by imprisonment sentence ranging from three to fifteen years.

Blackmail

Article 249

(1) Anyone who, intending to obtain unlawful material benefit for him/herself or for another, threatens s/he shall reveal something detrimental to the honor or reputation of that person or persons close to him/her and thereby forces him/her to do something or not do something to the detriment of his/her property or another's property, shall be punished by imprisonment sentence ranging from three months to five years.
(2) If through an act as of paragraph 1 material gain to the amount exceeding three thousand Euro is made, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.
(3) If through an act as of paragraph 1, material gain is made exceeding thirty thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from two to ten years.
(4) Anyone who commits an act as of paragraphs 1 to 3 herein, or if the act is performed by more persons in an organized way, shall be punished by imprisonment sentence ranging from two to twelve years.

Stipulating of disproportionate material benefit

Article 250

(1) Anyone who gives money or other consumable things on loan or for doing other services to another person stipulates for him/herself or for other disproportionate material benefit, taking advantage of serious material status, aggravated circumstances, need, insufficient experience or insufficient capacity for forming a judgment, shall be punished by maximum three year imprisonment sentence and pecuniary penalty.
(2) If as a result of acts as of paragraph 1 herein, the injured person suffered heavy consequences or the perpetrator obtained material gain to the amount exceeding three
thousand Euro, s/he shall be punished by imprisonment sentence ranging from six months to five years and by pecuniary penalty.  
(3) If through an act as of paragraph 1 herein, material gain is made in the amount exceeding thirty thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years and by pecuniary penalty.

Destroying and damaging another's things

Article 251

(1) Anyone who destroys, damages or makes inappropriate for use another's thing, shall be punished by pecuniary penalty or maximum six month imprisonment sentence.  
(2) If through an act as of paragraph 1 herein, damage is caused exceeding three thousand Euro, the perpetrator shall be punished by pecuniary penalty or a maximum two year imprisonment sentence.  
(3) If through an act as of paragraph 1 herein damage is caused in the amount exceeding thirty thousand Euro, or the act is done to a cultural good, the perpetrator shall be punished by imprisonment sentence ranging from three months to one year.  
(4) For an act from paragraphs 1 to 3 herein, if the thing damaged is the property of citizens, prosecution is taken by private action.

Unlawful occupying of land

Article 252

(1) Anyone who unlawfully occupies another's land, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.  
(2) If the land occupied is part of protective forest, national park or other special purposes land, the perpetrator shall be punished by imprisonment sentence ranging from three months to three years.

Injury of another's right

Article 253

(1) Anyone who, with the intention of prevent effectuating of the right to objects alienates, destroys, damages or deprives his/her object to which another has the right of pledge or the right of usufruct and thereby damages him/her, shall be liable to imprisonment sentence ranging from three months to three years.  
(2) Punishment as of paragraph 1 herein shall be imposed upon anyone who, with the intention to obstruct defraying of debts during forced execution, takes away, destroys, damages or conceals parts of his/her property and thereby causes damage to the creditor.  
(3) For acts as of paragraph 1 and 2 herein, if the damaged persons are citizens, prosecution is taken by private action.

Concealment

Article 254
(1) Anyone who conceals, smuggles, purchases, accepts as a pawn, or in some other way obtains an object known to be gained through a criminal act, or whatever is obtained for it through sale or exchange, shall be punished by pecuniary penalty or maximum three year imprisonment sentence, and the punishment cannot be bigger than punishment foreseen for the act by which the object is obtained.

(2) Anyone who commits an act as of paragraph 1 herein, and who could and is obliged to know the object is obtained through a criminal act shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(3) If a perpetrator commits a criminal act as of paragraph 1 herein or the act is committed by more persons in an organized way or the value of objects concealed exceeds the amount of thirty thousand Euro, s/he shall be punished by imprisonment sentence ranging from six months to five years.

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

Article 255

For criminal acts as of Articles 237, 238, 242, 245, Article 246 paragraphs 1 to 3 and Article 253 of this code, if the acts are committed to a spouse, person the injured one is living in permanent extramarital association with, a blood relative once removed, a brother or a sister, adoptive parent or adopted child, or other persons the perpetrators lives with in common household, prosecution is taken by private action.

CHAPTER TWENTY THREE

CRIMINAL ACTS AGAINST PAYMENT OPERATIONS AND ECONOMIC TRANSACTIONS

Counterfeiting money

Article 268

(1) Anyone who makes false money with the intention of releasing it into circulation as genuine, or who alters real money with the same intention, shall be punished by imprisonment sentence ranging from two to twelve years.

(2) Anyone who acquires false money with the intention of releasing it into circulation as genuine, or who releases false money into circulation, shall be punished by imprisonment sentence ranging from two to ten years.

(3) If as a result of an act as of paragraphs 1 and 2 herein false money is made, changed, released into circulation or acquired and it exceeds the amount of fifteen thousand Euro, or an equivalent amount in foreign currency, the perpetrator shall be punished by imprisonment sentence ranging from five to fifteen years.

(4) Anyone who accepted false money as genuine, and after learning it is false releases it into circulation, or who knows that money is counterfeited or that false money is released into circulation and does not report it, shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

(5) False money shall be confiscated.

Counterfeiting securities
Article 257

(1) Anyone who makes false securities, or alters real securities with the intention of using them as real or giving them to another for use, or who uses such false securities as genuine ones, or obtains them with such intention, shall be punished by imprisonment sentence ranging from one to five years.
(2) If the total amount of securities as of paragraph 1 herein exceeds three thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.
(3) If the total amount of securities as of paragraph 1 herein exceeds thirty thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from two to ten years.
(4) Anyone who accepts false securities as genuine ones and releases them into circulation after learning they are false, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
(5) False securities shall be confiscated.

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

Article 258

(1) Anyone who makes a false credit card or a card for non/cash payment or who alters such a card into a genuine one with the intention of using it as a genuine one or who uses such a false card as a genuine one, shall be punished by maximum three year imprisonment sentence.
(2) If the perpetrator of an act as of paragraph 1 herein obtained unlawful material gain by using the card, s/he shall be punished by imprisonment sentence ranging from six months to five years.
(3) If the perpetrator as of paragraph 1 herein obtained unlawful property gain in the amount exceeding three thousand Euro, s/he shall be punished by imprisonment sentence ranging from one to eight years.
(4) If the perpetrator as of paragraph 1 herein obtained unlawful property gain in the amount exceeding thirty thousand Euro, s/he shall be punished by imprisonment sentence ranging from two to ten years.
(5) Punishment as of paragraphs 1 to 4 herein shall be imposed upon a perpetrator who commits such an act by unlawful use of another's card.

Counterfeiting value bearing marks

Article 259

(1) Anyone who makes false or alters genuine value bearing marks with the intention to use them as genuine ones or to give them to other for use or who uses such false marks as genuine ones, or obtains them with such intention, shall be punished by maximum three year imprisonment sentence.
(2) If the total value of marks as of paragraph 1 herein exceeds the amount of three thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from six months to five years.
(3) If the total value of signs as of paragraph 1 herein exceeds the amount of thirty thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.

(4) Anyone who removes the stamp by which value bearing marks are annulled, or uses any other way to give these marks appearance as if they are not used in order to use them again, or who uses again used marks or sells them as if they are valid, shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

(5) False value bearing marks shall be confiscated.

Making, acquiring and alienation of means for counterfeiting

Article 260

(1) Anyone who makes, acquires, sells or gives to another for use means for making false money or false securities shall be punished by imprisonment sentence ranging from six months to five years.

(2) Anyone who makes, acquires, sells or gives to another for use means for making false value bearing marks shall be punished by pecuniary penalty or by maximum two year imprisonment sentence.

(3) Means as of paragraphs 1 and 2 herein shall be confiscated.

Issuing uncovered checks and no-cash payment means

Article 261

(1) Anyone who issues or releases into circulation a check for which s/he knows is not covered, with the intention of obtaining unlawful property gain exceeding one hundred fifty Euro for him/herself or for another, shall be punished by maximum three year imprisonment sentence.

(2) Anyone who, with the intention of obtaining unlawful property gain for him/herself or for another, 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 one hundred and fifty Euro, shall be punished by punishment as of paragraph 1 herein

(3) If by an act as of paragraphs 1 and 2 herein a property gain is obtained in the amount exceeding three thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.

(4) If through an act as of paragraphs 1 and 2 property gain is made in the amount exceeding thirty thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from two to ten years.

Tax and contribution evasion

Article 262

(1) Anyone who, with the intention that s/he or another fully or partially evades payment of taxes, contributions or other prescribed dues, gives false data on
lawfully obtained revenues, objects or other facts influencing establishing of amounts of such obligations or who, with the same intention, in case of obligatory reporting, does not report lawfully obtained gain or objects or other facts that influence the establishing the amount of such obligation, or who with the same intention in some other way conceals data regarding establishing of such obligations, and the amount of obligation exceeds a thousand Euro, shall be punished by a maximum three year imprisonment sentence and a pecuniary penalty.

(2) If the amount of obligation as of paragraph 1 herein which is being evaded exceeds ten thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to six years and a pecuniary penalty.

(3) If the amount of obligation as of paragraph 1 herein, whose payment is being evaded, exceeds one thousand Euro, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years and a pecuniary penalty.

Smuggling

Article 263

(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 threats, shall be punished by imprisonment sentence ranging from six months to five years and by pecuniary penalty.

(2) Anyone who sells, distributes or hides uncleared goods or organizes a network of dealers or middlemen for distribution of such goods, shall be punished by imprisonment sentence ranging from one to eight years and by pecuniary penalty.

(3) Goods which are subject to acts as of paragraphs 1 and 2 herein shall be confiscated.

(4) Means of transport whose hidden or secret places are used for transport of goods subject to acts as of paragraph 1 herein, intended for committing these criminal acts can be taken away if the owner or user of the vehicle is aware of it, or he could have been and is obliged to be aware of it and if the value of goods subject of the criminal act exceeds at least one third of the means of transport value at the time when the criminal act is committed.

Forbidden banking, stock-exchange and insurance transactions

Article 264

(1) Anyone who, without a permit or contrary to conditions under which it is granted performs banking, stock-exchange or insurance transactions, shall be punished by imprisonment sentence ranging from three months to five years.

(2) Responsible person in a legal entity shall be punished by prescribed penalty for an act as of paragraph 1 herein, if the legal person unlawfully deals with one of the above mentioned transactions.

Issuing uncovered bonds

Article 265
(1) A responsible person in a bank, company or economic entity doing economic transactions issuing securities, which allows for securities to be issued, even though it is aware, or could have been and is obliged to be aware of the fact that the issuer could not fulfill its obligations resulting from the issuance under conditions, within the notice and in the way determined by law or by the decision on issuance;
(2) An official allowing for securities to be issued even though s/he is aware or could have been aware of the fact that obligations originating from issuance under conditions could not be fulfilled, with the given notice and in the way determined by law or decision on issuance;
(3) A responsible person in a bank who grants warranty for issuance of securities even though s/he is aware or could have been and is obliged to be aware of the fact that obligations taken on by the bank could not be fulfilled, under conditions, within the given notice and in the way determined by law or warranty

Concealing origin of money obtained through a criminal act

Article 266

(1) Anyone who through banking, financial or other economic operations conceals the way s/he obtained money or other property, which are known to have been obtained through a criminal act, shall be punished by imprisonment sentence ranging from six months to five years.
(2) If the offender committing an act as of paragraph 1 herein is at the same time a perpetrator and an accomplice in a criminal act through which money or property gain as of paragraph 1 herein is obtained, s/he shall be punished by imprisonment sentence ranging from one to eight years.
(3) If the money or property as of paragraphs 1 and 2 herein are of great value, the offender shall be punished by imprisonment sentence ranging from one to ten years.
(4) If an act as of paragraphs 1 and 2 herein is committed by more persons who joined together to commit such acts, they shall be punished by imprisonment sentence ranging from three to twelve years.
(5) If an act as of paragraphs 1 and 2 herein is committed out of negligence, the offender shall be punished by a maximum three year imprisonment sentence.
(6) Money and property as of paragraphs 1,2 and 3 herein shall be confiscated.

Violation of equality in performing economic operations

Article 267

(1) Anyone who through abuse of his/her official position or authority limits free or independent connecting of a company or other economic entity in doing economic transactions at the economic territory of Montenegro, deprives it of the right or limits the right to do economic transactions at a particular territory, puts it into an unequal position in relation to other entities doing economic transactions in view of conditions of doing business or limits free performance of economic transactions, shall be punished by imprisonment sentence ranging from three months to five years.
(2) Anyone who abuses his/her social position or influence in order to commit a criminal act as of paragraph 1 herein shall be punished as of paragraph 1 herein.

Abuse of monopolistic position

Article 268

Responsible person in a company or other economic entity who has the capacity of a legal person or an entrepreneur, who through abuse of monopolistic or dominant position causes market disruptions or brings that entity into a more favorable position in relation to others, so as to make material gain for that entity or for another entity, or does damage to other economic entities, consumers or users of services, shall be punished by imprisonment sentence ranging from three months to five years.

Unauthorized use of another's company

Article 269

Anyone who, with the intention to deceive buyers or users of services, uses another's company, another's geographic mark of origin, another's seal or trademark or another special mark for goods, or includes particular features of these marks into his/her firm, his/her seal or trademark or into his/her special mark of goods, shall be punished by pecuniary penalty or maximum three year imprisonment sentence.

Unconscientious work in economic transactions

Article 270

(1) Responsible person in a company or other economic entity in which s/he has no majority share who consciously breeches laws, other regulations or by-laws on business doing or obviously unconscientiously does and business thereby out of negligence causes damage exceeding three thousand Euro to that company or another economic entity, shall be punished by pecuniary penalty or maximum three year imprisonment sentence.
(2) If as a result of acts as of paragraph 1 herein damage is caused exceeding the amount of thirty thousand Euro or bankruptcy procedure is started, the perpetrator shall be punished by imprisonment sentence ranging from six months to five years.

Causing bankruptcy procedure

Article 271

(1) Responsible person in a company or other economic entity having the capacity of a legal person or an entrepreneur who, through unreasonal spending of means or their selling at an excessively low price, by excessive getting into debt, by undertaking excessive obligations, by concluding or renewing contracts with persons who are incapable of payment, by omitting to timely collect claims, by destroying or concealing property or by other acts which are not in accordance with conscientious business doing causes bankruptcy and thereby causes damage to another, shall be punished by imprisonment sentence ranging from six months to five years.
(2) If an act as of paragraph 1 herein is done out of negligence, the perpetrator shall be punished by imprisonment sentence ranging from three months to three years.

Causing false bankruptcy

Article 272

(1) Responsible person in an economic company or another economic entity who has the capacity of a legal person or an entrepreneur who, with the intention for that entity to evade paying duties, causes bankruptcy of that entity by seeming or real decrease of their property in the following way:
1) by covering up the entire or part of the property of an economic entity, seemingly selling, selling below the market value or relinquishing it free of charge;
2) concluding fictitious contracts on loan and recognizing non-existing claims;
3) covering up, destroying or altering business books the company or organization is bound to keep so that it is not possible to observe from them business results or status of resources or obligations or in other way presenting the status to be such that on these grounds it is possible to declare itself bankrupt;
(2) If due to acts as of paragraph 1 herein creditor suffers grievous consequences, the offender shall be punished by imprisonment sentence ranging from two to ten years.

Damaging creditors

Article 273

(1) Responsible person in a company or other economic entity in the capacity of a legal person or an entrepreneur who, knowing that the entity has become incapable of payment, by paying the debt or in other way, deliberately places the creditor in more favorable position and thereby significantly damages another creditor, shall be punished by imprisonment sentence ranging from three months to three years.
(2) Responsible person as of paragraph 1 herein or an entrepreneur who, knowing that the entity has become incapable of payment and with the intention to deceive or damage the creditor, recognizes false claims, makes false contracts or through some other fraudulent act damages the creditor, shall be punished by imprisonment sentence ranging from three months to five years.
(3) If through an act as of paragraphs 1 and 2 herein, large scale harm is done to the creditor or the procedure of forced settlement or bankruptcy is initiated due to it, the offender shall be punished by imprisonment sentence ranging from one year to eight years.

Abuse of authority in economy

Article 274

(1) Responsible person in a company or some other economic entity who has the capacity of a legal person who, with the intention of obtaining unlawful property gain for the legal person in which s/he is employed, for another legal person or a territorial unit:
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 covering up of facts, falsely presents the status or development of resources and business results, deluding in that way management authorities in the company or in another legal person on occasion of decision making in management affairs or places in more favorable position the company or other legal person on occasion of obtaining resources or other privileges which would not be recognized to them according to existing regulations;
(3) in relation to execution of tax duties or in relation to payment of other dues reduces the amount of resources representing public revenue;
(4) uses resources he disposes of contrary to their purpose;
(5) in some other way violates gravely authorities pertaining to management, disposing and use of propriety;
shall be punished by imprisonment sentence ranging from three months to five years.

Violation of business reputation and credit standing

Article 275

(1) Anyone who, with the intention to violate business reputation or credit standing of another, puts forward false data or falsely presents his/her operation, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
(2) If an act as of paragraph 1 herein results in severe consequences, the perpetrator shall be punished by imprisonment sentence ranging from three months to three years.
(3) Prosecution as of paragraphs 1 and 2 herein shall be undertaken by private complaint.

False balance

Article 276

Anyone who, with the intention of obtaining material benefit for him/herself or for another, makes in a company or another economic entity a false balance determining gain or loss of that entity or determining the share of each member of an association in the loss or gain, shall be punished by imprisonment sentence ranging from three months to five years.

Abuse of assessment

Article 277

(1) Authorized assessor who upon assessment of property of a company or another economic entity abuses his/her authority and thereby makes profit for him/herself or for another or causes damage to another, shall be punished by imprisonment sentence ranging from three months to five years.
(2) If as a result of an act as of paragraph 1 herein property gain is made or damage exceeding three thousand Euro caused, the offender shall be punished by imprisonment sentence ranging from one to eight years.
(3) If as a result of an act as of paragraph 1 herein property gain made or damage caused exceeds thirty thousand Euro, the offender shall be punished by imprisonment sentence ranging from two to ten years.

Revealing a business secret

Article 278

(1) Anyone who opposite to authorization communicates to another, hands over or in other way makes available data representing a business secret or who obtains such data with the intention to hand them over to an unknown person, shall be punished by imprisonment sentence ranging from three months to five years.

(2) If the offense as of paragraph 1 herein is committed in view of gain for him/herself or in respect of especially restricted data or with intention of their publishing or use abroad, the offender shall be punished by imprisonment sentence ranging from two to ten years.

(3) Anyone who commits an act as of paragraph 1 herein out of negligence, shall be punished by a maximum three year imprisonment sentence.

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

Revealing and using stock-exchange secret

Article 279

(1) Anyone who reveals business data from stock-exchange operation or the operation of stock-exchange broker considered to be a stock-exchange secret to a person who has not been invited or who comes by such data, and upon using them makes material gain, shall be punished by imprisonment sentence ranging from three months to five years.

(2) If through an act as of paragraph 1 herein material gain is made exceeding the amount of three thousand Euro, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(3) If as a result of an act as of paragraph 1 herein material gain is made exceeding thirty thousand Euro, the offender shall be punished by imprisonment sentence ranging from two to ten years.

Making impossible performance of control

Article 280

Anyone who makes it impossible for the body performing control to have insight into business books or other documents or makes impossible inspection of material, premises or other objects, shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

Unauthorized production
Article 281

(1) Anyone who in an unauthorized way produces or processes goods for whose production or processing an authorization of a competent body is needed, shall be punished by pecuniary penalty or a maximum two year imprisonment sentence.
(2) Anyone who produces or processes goods whose production or processing is forbidden, shall be punished by maximum three year imprisonment sentence.
(3) Goods and means for the production and processing shall be confiscated.

Unauthorized trade

Article 282

(1) Anyone who, without an authorization for trade, acquires goods or other objects of high value intending to sell them, or who in an unauthorized way or to a larger extent does trade or mediates in trade or represents a company in domestic or foreign trade of goods and services, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.
(2) Anyone who sells goods the production of which he organized in an unauthorized way, shall be punished by imprisonment sentence ranging from three months to three years.
(3) Anyone who in an unauthorized way sells, buys or exchanges goods or objects whose trade is forbidden or limited shall be punished by punishment as of paragraph 2 herein.
(4) If an offender as of paragraphs 1 to 3 herein organized a network of second-hand deals or middlemen, or obtained property gain exceeding the amount of three thousand Euro, s/he shall be punished by imprisonment sentence ranging from six to five years.
(5) If an offender as of paragraphs 1 to 3 herein obtained material gain exceeding the amount of thirty thousand Euro, s/he shall be punished by imprisonment sentence ranging from one to six years.
(6) Goods and objects which are the subject of unauthorized trade shall be confiscated.

Deceiving buyers

Article 283

Anyone who, with the intention to deceive buyers puts into turnover products with the mark including data which do not suit the content, type, origin or quality of the product, or puts into turnover products which according to their quantity and quality do not suit what is normally implied by that type of products, or puts into turnover 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 putting the products into turnover, shall be punished by a maximum three year imprisonment sentence and a pecuniary penalty.

Counterfeiting of signs for marking goods, measures and weights

Article 284
(1) Anyone who, with the intention to use them as genuine makes false seals, stamps, brands or other signs for marking domestic or foreign goods by which gold or other precious metals, wood, cattle or other goods are stamped, or who with the same intention alters such signs, or who uses such false or altered signs as genuine ones, shall be punished by pecuniary penalty or a maximum two year imprisonment sentence.

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

CHAPTER TWENTY FOUR

CRIMINAL ACTS AGAINST HUMAN HEALTH

Not reacting according to health regulations during an epidemic

Article 285

Anyone who during an epidemic of a dangerous contagious disease does not act according to regulations, decisions or orders with which measures are determined for it to be wiped out or prevented, shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

Transmitting a contagious disease

Article 286

Anyone who does not act according to regulations, decisions or orders pertaining to wiping out or preventing contagious diseases, due to which contagious disease is transmitted, shall be punished by maximum three year imprisonment sentence.

Transmitting an infection by HIV virus

Article 287

(1) Anyone who consciously brings another into danger of being infected by HIV virus, shall be punished by a maximum two year imprisonment sentence.

(2) Anyone who consciously does not observe regulations and measures pertaining to preventing spreading of HIV infection and thereby out of negligence brings about transmission of HIV virus infection to another, shall be punished by imprisonment sentence ranging from one to five years.

(3) Anyone who, knowing he has contracted HIV virus, consciously transmits the infection to another, shall be punished by imprisonment sentence ranging from two to twelve years.

(4) If as a result of an act as of paragraph 3 herein, the infected person dies, the perpetrator shall be punished by imprisonment sentence ranging from five to fifteen years.

(5) If an act as of paragraphs 3 and 4 herein is done out of negligence, the perpetrator shall be punished for an act as of paragraph 3 by a maximum three year
imprisonment sentence, and for an act as of paragraph 4 by imprisonment sentence ranging from six months to five years.

Unscrupulous providing of medical assistance

Article 288

(1) A doctor who in providing medical assistance applies evidently inadequate medicine or evidently inadequate treatment, or does not apply adequate hygienic measures or otherwise evidently unconsciously acts and thereby causes deterioration of the health condition of a person, shall be punished by imprisonment sentence ranging from three months to three years.

(2) A health worker who in providing medical assistance or care or in doing other medical activity evidently acts unconsciously thereby causing deterioration of a person’s health condition, shall be punished as of paragraph 1 herein.

(3) If an act as of paragraphs 1 and 2 herein is done out of negligence, the perpetrator shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

Unlawful doing of medical experiments and testing of medicines

Article 289

(1) Anyone who contrary to regulations does medical or other related experiments to people, shall be punished by imprisonment sentence ranging from three months to five years.

(2) Anyone who contrary to regulations does clinical trials of a medicine, shall be punished by imprisonment sentence ranging from three months to three years.

Not providing medical assistance

Article 290

(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 endangered or who is in danger of suffering severe bodily injury or whose health may severely deteriorate, shall be punished by pecuniary penalty or a maximum two year imprisonment sentence.

(2) If due to an act as of paragraph 1 herein a person to whom medical assistance is not provided suffers severe bodily injury or his/her health severely deteriorates, the perpetrator shall be punished by imprisonment sentence ranging from three months to four years.

(3) If as a result of an act as of paragraph 1 herein a person who did not receive medical health dies, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.

Quackery

Article 291
Anyone who without adequate qualification provides treatments to patients or provides other medical services, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Unlawful transplantation of parts of human body

Article 292

(1) A doctor who prior to doing transplantation of a part of human body does not obtain a written consent of the recipient, or his/her parent, adoptive parent or custodian, if the recipient is a minor or a mentally incompetent person, shall be punished by imprisonment sentence ranging from three months to three years.

(2) Responsible person in a health organization taking or transplanting parts of human body or examining their correspondence for transplantation, shall be punished by punishment as of paragraph 1 herein if the organization does not fulfill conditions prescribed for that.

Unlawfully taking parts of human body for transplantation

Article 293

(1) A doctor who for transplantation takes a part of the body from a live, major, mentally healthy and capable of work person, without prior obtaining a written consent of that person and if s/he takes a part of the body of a live minor, who is mentally incompetent or is not able to work without obtaining a written consent of that person’s parent or adoptive parent or custodian, shall be punished by imprisonment sentence ranging from three months to four years.

(2) A doctor who takes for transplantation a part of a dead person whose death is not established in a way and through a procedure complying with regulations on transplantation of parts of human body, shall be punished by penalty as of paragraph 1 herein.

(3) A doctor who for transplantation takes a part of the body of a dead person who during his/her life expressly in writing stated s/he is against taking of parts of the body or if s/he takes a part of a dead minor or a mentally incompetent person without prior obtaining consent of a parent, adoptive parent or a custodian, shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

Unscrupulous preparation and issuing of medicaments

Article 294

(1) A person authorized to issue medicaments for use in medicine who issues another medicine instead of the prescribed and required medicament, if the replacement is not allowed, or who does not prepare a medicament to the prescribed proportion and quantity, or who in some other way evidently acts unscrupulously in issuing medicaments and thus causes the health condition of a person to deteriorate, shall be punished by imprisonment sentence ranging from three months to three years.

(2) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
Production and putting release for trade of harmful products

Article 295

(1) Anyone who produces for sale, sells or releases for trade harmful provisions, food or drinks or other harmful products, shall be punished by imprisonment sentence ranging from three months to three years.

(2) Anyone who releases products as of paragraph 1 herein for trade without inspection of an authorized person, when such an inspection is foreseen by regulations, shall be punished by a maximum three year imprisonment sentence.

(3) If an act as of paragraphs 1 and 2 herein is done out of negligence, the perpetrator shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(4) Objects as of paragraphs 1 and 2 herein shall be confiscated.

Unscrupulous inspection of life provisions

Article 296

(1) Authorized person who unscrupulously inspects beef cattle, meat intended for eating and other provisions or contrary to regulations does not inspect them thereby making possible release for trade of meat and other provisions harmful for life of people, shall be punished by imprisonment sentence ranging from three months to three years.

(2) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

Polluting drinking water and living provisions

Article 297

(1) Anyone who pollutes drinking water or life provisions by some harmful substance, shall be punished by imprisonment sentence ranging from three months to three years.

(2) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

Unauthorized production, keeping and releasing for trade of narcotics

Article 298

(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 to trade substances or preparations pronounced
to be narcotics, shall be punished by imprisonment sentence ranging from two to ten years.

(2) Anyone who unlawfully brings into Montenegro substances or preparations proclaimed to be narcotics, shall be punished by imprisonment sentence ranging from two to twelve years.

(3) If an act as of paragraphs 1 and 2 herein is committed by more persons, or the offender organized a network of resellers and mediators, the perpetrator shall be punished by imprisonment sentence ranging from three to fifteen years.

(4) A perpetrator of acts as of paragraphs 1 to 3 herein who discloses the person from whom s/he obtains the drugs may be released from punishment.

(5) Anyone who unlawfully makes, acquires or gives for use equipment, material or substances which are known to be intended for producing narcotics, shall be punished by imprisonment sentence ranging from six months to five years.

(6) Narcotics and substances used for making them shall be confiscated.

Enabling the taking of narcotics

Article 299

(1) Anyone who induces another to take narcotics, or gives narcotics to another for this person or someone else, or places at someone's disposal premises for taking the narcotics, or in some other way enables another to take narcotics, shall be punished by imprisonment sentence ranging from six months to five years.

(2) Narcotics shall be confiscated.

Severe crimes against the health of people

Article 300

(1) If as a result of acts as of Article 286, Article 288 paragraphs 1 and 2, Article 289 and 291, Article 294 paragraph 1, Article 295 paragraph 1 and 2, Article 296, paragraph 1 and Article 297 paragraph 1 of this code, a person suffers severe bodily injuries or his health is severely damaged, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(2) If as a result of acts as of Article 286, Article 288 paragraphs 1 and 2, Article 289 and 291, Article 294, paragraph 1, Article 295, paragraphs 1 and 2, Article 296 paragraph 1 and Article 297 paragraph 1 of this code, one or more persons die, the offender shall be punished by imprisonment sentence ranging from two to twelve years.
(3) If as a result of an act as of Article 288, paragraph 3, Article 294 paragraph 2, Article 295 paragraph 3, Article 296 paragraph 2 and Article 297 paragraph 2 of this code a person is severely injured or her/his health severely damaged, the offender shall be punished by a maximum three year imprisonment sentence.

(4) If as a result of an act as of Article 288 paragraph 3, Article 294 paragraph 2, Article 295 paragraph 3, Article 296 paragraph 2 and Article 297 paragraph 2 of this code a person dies, the offender shall be punished by imprisonment sentence ranging from one to eight years.

CHAPTER TWENTY FIVE
CRIMINAL ACTS AGAINST THE ENVIRONMENT

Pollution of the environment

Article 301

(1) Anyone who by not adhering to regulations for protection and development of the environment pollutes the air, water and soil to a larger extent or in a wider area, shall be punished by maximum three year imprisonment sentence.

(2) If an act as of paragraph 1 herein is committed out of negligence, the offender shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(3) If due to an act as of paragraph 1 herein animal or plant life is destroyed or damaged to a larger extent or the environment is polluted to such an extent that longer period of time and larger expenditures are needed for removing harmful consequences, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(4) If as a result of an act as of paragraph 2 herein animal and plant life is destroyed or damaged to a larger extent or the environment polluted to such an extent that longer time period and larger expenditures are needed for removing harmful consequences, the offender shall be punished by imprisonment sentence ranging from six months to five years.

(5) If a conditional sentence is pronounced for offenses as of paragraphs 1 and 4 herein, the court may order the perpetrator to take particular prescribed measures for protection, preservation and development of the environment within a certain time notice.

Failing to take measure for the protection of the environment

Article 302

(1) Person responsible for taking measure for the protection, preservation and development of the environment who does not take the prescribed measures for the
protection of the environment, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by pecuniary penalty or a maximum six month imprisonment sentence.

(3) If due to an act as of paragraph 1 herein the air, water or soil are polluted to a larger extent or in a wider area, the offender shall be punished by a maximum three year imprisonment sentence.

(4) If due to an act as of paragraph 2 herein the air, water or soil are polluted to a larger extent or in a wider area, the offender shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(5) If due to acts as of paragraph 1 and 3 herein animal or plant life is destroyed to a larger extent or the environment polluted to such an extent that longer time period and large expenditures are needed to remove harmful consequences, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(6) If due to acts as of paragraphs 2 and 4 herein animal and plant life is destroyed to a large extent or the environment polluted to such an extent that longer time period and larger expenditures are needed to remove harmful consequences, the offender shall be punished by imprisonment sentence ranging from six months to five years.

(7) If it pronounces a conditional sentence for acts as of paragraphs 1 to 6 herein, the court may order the offender to take certain prescribed measures for protection, preservation and development within a determined time period.

Unlawful construction and putting into function buildings and plants which pollute the environment

Article 303

(1) An official or responsible person who by not adhering to regulations on protection, preservation and development of the environment allows construction, putting into function or use of buildings or plants or use of technology which to a larger extent or in a wider area pollutes the environment, shall be punished by imprisonment sentence ranging from six months to five years.

(2) If due to acts as of paragraph 1 herein animal or plant life is destroyed to a larger extent or the environment polluted to such an extent that for removing the consequences of pollution longer time period or larger expenditures are needed, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(3) If a conditional sentence is pronounced for acts as of paragraphs 1 and 2 herein, the court may order the offender to take certain prescribed measures for protection, preservation and development of the environment within a certain time period.
Destroying buildings and plants for the protection of the environment

Article 304

(1) Anyone who damages, destroys, removes or in any other way makes useless buildings or plants or the protection of the environment, shall be punished by imprisonment sentence ranging from one to three years.

(2) If an act as of paragraph 1 herein is committed out of negligence, the offender shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

(3) If due to acts as of paragraph 1 herein air, water or soil are polluted to a larger extent and in a wider area, the offender shall be punished by imprisonment sentence ranging from six months to five years.

(4) If due to an act as of paragraph 2 herein air, water or soil are polluted to a large extent and in a wider area, the offender shall be punished by maximum three year imprisonment sentence.

(5) If due to an act as of paragraphs 1 and 3 herein animal or plant life are destroyed or damaged to a larger extent or the pollution of the environment is of such an extent that for removing its consequences longer time period or major expenditures are needed, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(6) If due to acts as of paragraphs 2 and 4 herein animal or plant life are destroyed or damaged to a larger extent or the environment polluted to such a measure that for removing its consequences longer time and larger expenses are needed, the offender shall be punished by imprisonment sentence ranging from six months to five years.

(7) If a conditional sentence is pronounced for acts as of paragraphs 1 to 6 herein, the court may order to the offender to take particular prescribed measures for protection, preservation and development of the environment within a determined time period.

Damaging the environment

Article 305

(1) Anyone who by not adhering to regulations, by using natural resources, constructing buildings, doing any kinds of works or in any other way causes damage to the environment to a larger extent or in a wider area, shall be punished by maximum three year imprisonment sentence.

(2) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(3) If due to an act as of paragraph 1 herein animal or plant life are destroyed or damaged to a large extent or the environment polluted to such an extent that for removing its consequences longer time and major expenses are needed, the offender shall be punished by imprisonment sentence ranging from one to eight years.
(4) If due to an act as of paragraph 2 herein animal or plant life are destroyed or damaged to a larger extent or the environment polluted to such an extent that for removing its consequences longer time period and major expenses are needed, the offender shall be punished by imprisonment sentence ranging from six months to five years.

(5) If a conditional sentence is pronounced for acts as of paragraphs 1 to 4 herein, the court may oblige the offender to take particular prescribed measures for protection, preservation and development of the environment within a determined time period.

Destruction of plants

Article 306

(1) Anyone who by not adhering to regulations destroys or damages plants to a larger extent or in a wider area, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) If an act as of paragraph 1 herein is done to a specially protected species of plants, the offender shall be punished by imprisonment sentence ranging from six months to five years.

(3) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by pecuniary penalty or maximum six month imprisonment sentence.

(4) If an act as of paragraph 2 herein is done out of negligence, the offender shall be punished by a maximum three year imprisonment sentence.

Killing and torturing animals

Article 307

(1) Anyone who by not adhering to regulations kills, hurts or tortures animals or damages and destroys their habitats to a larger extent or in a wider area, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) If due to an act as of paragraph 1 herein animals belonging to specially protected animal species are killed or hurt, the offender shall be punished by imprisonment sentence ranging from six months to five years.

(3) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by maximum three year imprisonment sentence.

Destroying and damaging protected natural goods

Article 308

(1) Anyone who damages or destroys a protected natural good, shall be punished by imprisonment sentence ranging from three months to three years.

(2) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by pecuniary penalty or maximum six month imprisonment sentence.
(3) If the good destroyed or damaged is of great importance, the offender shall be punished by imprisonment sentence ranging from one to six years.

(4) If an act as of paragraph 3 herein is done out of negligence, the offender shall be punished by maximum two year imprisonment sentence.

(5) If a natural good of extreme importance is destroyed or damaged, the offender shall be punished by imprisonment sentence ranging from two to ten years.

(6) If an act as of paragraph 5 herein is done out of negligence, the offender shall be punished by imprisonment sentence ranging from six months to five years.

(7) An offender shall be punished for an attempted offense as of paragraph 1 herein.

Stealing protected natural good

Article 309

(1) Anyone who commits theft (Article 237) of a protected significant natural good, shall be punished by imprisonment sentence ranging from one to six years.

(2) If an act as of paragraph 1 is committed in the way and under the circumstances described in Article 238 paragraph 1 of this code, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(3) If an act as of paragraphs 1 and 2 herein is done to a protected natural good of great importance, or if the value of the stolen protected natural good exceeds the amount of three thousand Euro, the offender shall be punished by imprisonment sentence ranging from two to ten years.

(4) If an act as of paragraphs 1 and 2 herein are done to a protected natural good of outstanding importance, or if the value of stolen protected natural good exceeds the amount of thirty thousand Euro, the offender shall be punished by imprisonment sentence from two to twelve years.

(5) If the protected natural good taken away by brigandage theft or brigandage, the offender shall be punished by imprisonment sentence ranging from five to fifteen years.

(6) Anyone who, when doing construction, mining, water supply, agricultural or other works takes possession of a natural good which has the characteristics due to which it may be declared a protected natural good, the offender shall be punished according to provisions 1 to 5 herein.

Taking abroad protected natural goods and particularly protected plants and animals

Article 310
(1) Anyone who, by not adhering to regulations exports or takes abroad a protected natural good or particularly protected plant or animal, shall be punished by imprisonment sentence ranging from three months to three years.

(2) An attempted offense shall be punished.

Bringing dangerous substances into Montenegro

Article 311

(1) Anyone who, by not adhering to regulations, brings into Montenegro radioactive or other dangerous substances or dangerous iste, or who transports such substances over the territory of Montenegro, shall be punished by maximum three year imprisonment sentence.

(2) Anyone who by abusing her/his position or authority allows or makes it possible for substances and iste as of paragraph 1 herein to be brought into Montenegro, transports the above mentioned substances over the territory of Montenegro, shall be punished by imprisonment sentence ranging from six months to five years.

(3) Anyone who organizes acts as of paragraph 1 herein shall be punished by imprisonment sentence ranging from one to eight years.

(4) An attempted offense as of paragraph 1 herein shall be punished.

Unlawful processing, taking away and storing of dangerous substances

Article 312

(1) Anyone who contrary to regulations processes, takes away, collects, stores or transports radioactive or other dangerous substances or dangerous iste, shall be punished by maximum three year imprisonment sentence.

(2) Anyone who by abusing his/her office or authority allows or makes possible processing, taking away, collecting, storing or transport of substances or iste as of paragraph 1 herein, shall be punished by imprisonment sentence ranging from six months to five years.

(3) If due to acts as of paragraphs 1 and 2 herein, animal or plant life is destroyed to a large extent or the environment polluted to such an extent that a longer period or major expenses are needed to remove its consequences, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(4) An attempted offense as of paragraph 1 herein shall be punished.

(5) If a conditional sentence is pronounced for acts as of paragraph 1 to 4 herein, a member of court may oblige the offender to take particular prescribed measures of
protection from ionizing radiation or other prescribed protection measures within a
determined time notice.

Unlawful construction of nuclear plants

Article 313

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
iste, shall be punished by imprisonment sentence ranging from six months to five
years.

Nonobservaing the decision pertaining to environment protection measures

Article 314

(1) An official or responsible person who does not observe the decision of the
authorized body pertaining to taking environment protection measures, shall be
punished by maximum three year imprisonment sentence.

(2) If a conditional sentence is pronounced the court may oblige the offender to take
measures determined by the authorized body in the defined time period.

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

Article 315

(1) Anyone who contrary to regulations does not provide 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 pecuniary penalty or maximum one
year imprisonment sentence.

(2) Anyone who makes public untrue data on the state of the environment and thereby
causes panic or major alarm among citizens shall be punished as of paragraph 1
herein.

Transmitting contagious animals and plants diseases

Article 316

(1) Anyone who during an epidemics of a livestock disease that may endanger cattle
breeding does not adhere to regulations, decisions and orders prescribing
measures for combating and preventing the disease, shall be punished by
pecuniary penalty or a maximum two year imprisonment sentence.

(2) Anyone who in course of danger of diseases and pests which can endanger animal
or plant life does not obey regulations, decisions and orders prescribing measures
for fighting and preventing the disease or pests shall be punished by punishment
as of paragraph 1 herein.
(3) If due to an act as of paragraphs 1 and 2 herein animals died, plants are destroyed or some other major damage is done, the offender shall be punished by a maximum three year imprisonment sentence.

(4) If an act as of paragraphs 1 to 3 herein is done out of negligence, the offender shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(5) Anyone who contrary to regulations conceals the existence of a contagious disease among animals and does not report to the veterinary services, the veterinary doing private practice or a body authorized to do veterinary work, that there are sings indicating the existence of such a disease, due to which the contagious disease spreads or animals die or some other major harm is done, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

Unscrupulous rendering of veterinary services

Article 317

(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 unscrupulously acts in treatment of animals thereby causing animals to die or causes other major harm, shall be punished by maximum two year imprisonment sentence.

(2) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by pecuniary penalty or maximum six month imprisonment sentence.

Quack veterinary assistance

Article 318

Anyone who without the prescribed qualification deals with treatment of animals or provides other veterinary services, shall be punished by a pecuniary penalty or maximum six month imprisonment sentence.

Producing harmful products for treating animals

Article 319

(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 pecuniary penalty or maximum one year imprisonment sentence.

(2) If due to an act as of paragraph 1 herein an animal dies or other major harm is done, the offender shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

(3) If an act as of paragraphs 1 and 2 herein is done out of negligence, the offender shall be punished by pecuniary penalty or a maximum six month imprisonment sentence.
Polluting livestock fodder and water

Article 320

(1) Anyone who pollutes with some harmful substance livestock fodder or water and thereby brings into danger life and health of animals, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) Anyone who pollutes water in a fishery, lake, river, channel or sea, or by stocking with fish from polluted waters causes danger for survival of fish or other water animals, shall be punished by punishment as of paragraph 1 herein.

(3) If by an act as of paragraphs 1 and 2 herein animals die or other large scale damage is done, the perpetrator shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

(4) If an act as of paragraph 1 herein is done out of negligence, the offender shall be punished by pecuniary penalty or a maximum six month imprisonment sentence.

Devastation of forests

Article 321

(1) Anyone who contrary to regulations and orders of authorized bodies cuts or digs out forests, or who cuts off the bark of trees, or in some other way devastates forests or falls one or more trees in a park, line of trees or in some other place where it is forbidden to cut trees, shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

(2) Anyone who commits an act as of paragraph 1 herein in a protective forest, national park or some other special purpose forest shall be punished by imprisonment sentence ranging from three months to three years.

Stealing trees in a forest

Article 322

(1) Anyone who, with purpose of stealing, falls one or more trees in a forest, park or a line of trees, and the quantity of fallen trees is larger than one cubic meter, the offender shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

(2) If an act as of paragraph 1 herein is done with the intention to sell the fallen tree, and if the quantity of trees fallen exceeds five cubic meters, or if the act is committed in a protective forest, national park or other special purpose forest, the offender shall be punished by imprisonment sentence ranging from three months to three years.

(3) An attempted offense as of paragraphs 1 and 2 herein shall be punished.

Unlawful hunt
Article 323

(1) Anyone who hunts game during close season or in a territory where hunting is forbidden, shall be punished by pecuniary penalty or maximum six month imprisonment sentence.

(2) Anyone who unlawfully hunts game in another’s preserve and kills or hurts game or catches it alive, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(3) If an act as of paragraph 2 herein is done to big game, the offender shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

(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 destroy game in a massive way, shall be punished by maximum three year imprisonment sentence.

(5) The game hunted and the means for hunting shall be confiscated.

Unlawful fishing

Article 324

(1) Anyone who catches fish or other water animals during close season or in waters in which fishing is forbidden, shall be punished by pecuniary penalty or maximum six month imprisonment sentence.

(2) Anyone who uses explosive, electric current, poison, intoxicating substances or a way noxious for breeding or used for mass destruction for catching fish or other water animals shall be punished by maximum three year imprisonment sentence.

(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 punished as of paragraph 2 herein.

(4) The catch and means for fishing shall be confiscated.

CHAPTER TWENTY SIX

CRIMINAL ACTS AGAINST GENERAL SECURITY OF PEOPLE AND PROPERTY

Causing general danger

Article 325

(1) Anyone who causes danger to life or body of people or for property of significant scope through causing fire, flood, explosion, ionizing, electrical power or any
other act or substance representing general danger shall be punished by imprisonment sentence ranging from six months to five years.

(2) The sentence as of paragraph 1 herein shall be imposed on any official or 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 as to the functioning level, or if in need fails to use the equipment, or does not observe regulations or technical protection standards and by this causes danger to life and physical existence or human body or for larger scale property.

(3) If the acts as of paragraphs 1 and 2 herein are done at the venue gathering a lot of people, the perpetrator shall be punished by imprisonment sentence ranging from one to six years.

(4) If an act as of paragraphs 1 and 3 herein is done out of negligence, the perpetrator shall be punished by maximum three year imprisonment sentence.

Destroying and damaging public infrastructure

Article 326

(1) Anyone who destroys, damages, changes or makes unavailable or removes a public infrastructure items for water supply, heating, gas, electrical or other power or items of telecommunications system or other items of public infrastructure and disturb their use, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

(2) If due to an act as of paragraph 1 herein the use of these items is significantly disturbed, the perpetrator shall be punished by imprisonment sentence ranging from three months to five years.

(3) If an act as of paragraph 1 herein is done out of negligence, the perpetrator shall be punished by pecuniary penalty or maximum six month imprisonment sentence.

(4) If an act as of paragraph 2 herein is done out of negligence, the perpetrator shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Jeopardizing safety at workplace

Article 327

(1) Anyone who in mines, factories, workshops, in construction sites or in some other work place, damages or removes safety equipment and hereby causes danger to life or physical existence or for property of significant value, shall be punished by imprisonment sentence ranging from six months to five years.
(2) Punishment as of paragraph 1 herein shall be imposed upon a responsible person in a mine, factory, workshop, at a construction site or in some other work place who does not install safety equipment or does not maintain them at functioning level or does not observe regulations and technical standards on safety at work and hereby causes danger for life and physical existence or for property of significant value.

(3) If an act as of paragraphs 1 and 2 herein is done out of negligence, the offender shall be punished by maximum three year imprisonment sentence.

(4) If a conditional sentence is pronounced for acts as of paragraph 2 herein the court may oblige the perpetrator to ensure safety equipment to be installed, maintained or used within the set time limit.

Construction work which does not comply with regulations and standards

Article 328

(1) Anyone responsible for designing, managing or executing construction or construction works, who does not observe regulations and general technical standards thereby causing danger to life and physical existence or property of larger value, shall be punished by imprisonment sentence ranging from six months to five years.

(2) If an act as of paragraph 1 herein is done out of negligence, the perpetrator shall be punished by pecuniary penalty or a maximum three year imprisonment sentence.

Damage to dams and water supply constructions

Article 329

(1) Anyone who damages or makes unusable a dam or other water supply construction or equipment for protection against natural disasters, shall be punished by maximum one year imprisonment sentence.

(2) If an act as of paragraph 1 herein is done to a building or an item of greater importance, the perpetrator shall be punished by imprisonment sentence ranging from six months to five years.

(3) If an act as of paragraph 2 herein is done out of negligence, the perpetrator shall be punished by pecuniary penalty or maximum three year imprisonment sentence.

Destroying, damaging or removing danger warning signs

Article 330

(1) Anyone who destroys or removes a danger warning sign of any kind, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

(2) Punishment as of paragraph 1 herein shall be imposed upon anyone damaging, destroying or removing an item, means or sign relating to traffic safety or
signalization equipment or protective or defensive railing serving public traffic safety.

Abuse of telecommunication signs

Article 331

(1) Anyone who abuses or unnecessarily sends away an internationally agreed sign for call for help or a danger warning sign, or who deceives others by using telecommunication no danger signs, or who abuses internationally agreed communication sign, shall be punished by maximum three year imprisonment sentence.

(2) If due to an act as of paragraph 1 herein danger is caused for life of people or property of larger value, the perpetrator shall be punished by imprisonment sentence ranging from six months to five years.

Failing to remove danger

Article 332

(1) Anyone who does not report to a state entity a fire, flood, an explosion, a traffic accident or some other danger for life of people or property of larger value, or who does not take measures for removing that danger, even though he could have done it without any damage to him/herself or another shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) Anyone who prevents another from taking measures for removing fire, flood, explosion, traffic accident or other danger for life and physical existence of people or for propriety of larger value, shall be punished by maximum three year imprisonment sentence.

Unauthorized handling of explosive and inflammable material

Article 333

(1) Anyone who contrary to regulations stores, keeps, transports or hands over for transport by public traffic means explosive or easily inflammable material or transports such material by him/herself using a public transport means, shall be punished by pecuniary penalty or a maximum one year imprisonment sentence.

(2) A punishment as of paragraph 1 herein shall also be imposed upon anyone who unlawfully brings explosive or easily inflammable material into a room 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 the pit is dangerous, shall be punished by imprisonment sentence ranging from three months to three years.

(4) Punishment as of paragraph 3 herein shall be imposed also on anyone who when entering a storehouse, warehouse or a storeroom explosive material does not adhere to prescribed protection measures.

(5) If an act as of paragraphs 3 and 4 herein is done out of negligence, the offender shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

Unlawful acquisition and disposing of nuclear substances

Article 334

Anyone who unlawfully acquires, possesses, uses, transports, hands over to another nuclear substances or makes it possible for another to acquire them, shall be punished by maximum three year imprisonment sentence.

Endangering safety with nuclear substances

Article 335

(1) Anyone who threatens to use a nuclear substance to endanger the safety of people, shall be punished by imprisonment sentence ranging from six months to five years.

(2) If an act as of paragraph 1 herein is done with the intention to force somebody into doing or not doing something, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.

(3) If a perpetrator commits an act as of paragraphs 1 and 2 herein through threats due to which a severe bodily injury is inflicted or property damaged to a large extent, the offender shall be punished by imprisonment sentence ranging from two to ten years.

(4) If an offender as of paragraphs 1 and 2 herein pronounced threats due to which one or more persons died, the offender shall be punished by imprisonment sentence ranging from three to fifteen years.

Severe crimes against safety

Article 336

(1) If due to acts as of Article 325 paragraphs 1 to 3, Article 326, paragraphs 1 and 2, Article 327 paragraphs 1 and 2, Article 328, paragraph 1 and Article 331 paragraphs 1 and 2 of this code, severe bodily injury is inflicted to a person or large scale property damage is done, the perpetrator shall be punished by imprisonment sentence ranging from one to eight years.
(2) If due to acts of Article 325 paragraphs 1 to 3, Article 326 paragraphs 1 and 2, Article 327 paragraphs 1 and 2, Article 328 paragraph 1 and 331 paragraphs 1 and 2 of this code, one or more persons die, the offender shall be punished by imprisonment sentence ranging from two to twelve years.

(3) If due to acts as of Article 325, paragraph 4, Article 326 paragraphs 3 and 4, Article 327 paragraph 3, and Article 328 paragraph 2 of this code, severe bodily injury of a person is caused or property damaged to a large extent, the offender shall be punished by maximum three year imprisonment sentence.

(4) If as a result of acts as of Article 325 paragraph 4, Article 326 paragraphs 3 and 4, Article 327 paragraph 3 and Article 328 paragraph 2 of this code one or more persons died, the offender shall be punished by imprisonment sentence ranging from one to eight years.

CHAPTER TWENTY SEVEN
CRIMINAL ACTS AGAINST PUBLIC TRAFFIC SAFETY

Endangering public traffic

Article 337

(1) A participant in traffic on public roads, who does not adhere to the traffic regulations, and herewith endangers public traffic in such a way as to bring into danger the life and body of people or property to a significant extent, and because of this another sustains an easy body injury or significant property damage exceeding three thousand Euro, shall be punished by maximum three year imprisonment sentence.

(2) Anyone who does not adhere to traffic safety regulations and herewith causes danger to rail, ship or bus traffic or cable railway so as to bring into danger the life and body of people or property to a large extent, shall be punished by imprisonment sentence ranging from six months to six years.

(3) If an act as of paragraphs 1 and 2 herein is done out of negligence, the perpetrator shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

Endangering traffic safety with dangerous acts or means

Article 338

(1) Anyone who destroys, removes or severely damages a traffic device, means or sign, or a signalization device or protective and defending railing serving the traffic safety at roads, or gives a wrong signal or sign, or sets up obstacles on the roads or in some other similar way brings into danger public traffic and
herewith brings into danger the life and body of people or property to a larger extent, shall be punished by maximum three year imprisonment sentence.

(2) Anyone who as of paragraph 1 herein brings into danger railroad, ship, bus traffic or cable railway and herewith brings into danger life and body of people or property to a larger extent, shall be punished by imprisonment sentence ranging from six months to five years.

(3) If an act as of paragraphs 1 and 2 herein is done out of negligence, the offender shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

Endangering air traffic safety

Article 339

(1) Anyone who controls an aircraft in an incorrect way or contrary to regulations, omits his duty or supervision related to the safety of air traffic, gives incorrect information important for the flight of an airline, or in some other way endangers the safety of air traffic, shall be punished by imprisonment sentence ranging from one to six years.

(2) If an act as of paragraph 1 herein is done out of negligence or by damaging navigation devices or doing other damage to the aircraft by negligence, the perpetrator shall be punished by imprisonment sentence ranging from three months to three years.

Endangering air traffic safety by violence

Article 340

(1) Anyone who uses violence to persons in an aircraft, who sets or brings into the aircraft explosive or other dangerous devices or substances, or destroys or by destroying navigation devices or causing other damage to the aircraft brings into danger the safety of air traffic, shall be punished by imprisonment sentence ranging from two to ten years.

(2) If due to an act as of paragraph 1 herein severe bodily injury is inflicted to a person or large scale damage is caused, the offender shall be punished by imprisonment sentence ranging from five to fifteen years.

Hijacking an aircraft, ship or other means of transport

Article 341

(1) Anyone who by force or threat that s/he will use force takes over the control of an aircraft during flight or of a ship when sailing or other means of transport during while they are in motion, shall be punished by imprisonment sentence ranging from two to ten years.
(2) If due to an act as of paragraph 1 herein severe bodily injury is inflicted on a person or large scale damage caused, the perpetrator shall be punished by imprisonment sentence ranging from two to twelve years.

(3) If due to an act as of paragraph 1 herein one or more persons died, the offender shall be punished by imprisonment sentence ranging from five to fifteen years.

Failing to provide assistance to a ship or another vessel or to persons in danger at sea or in domestic waters

Article 342

(1) Commander of a ship, boat or other vessel sailing, person who acts on his/her behalf or a person who only navigates one of the above mentioned vessels, who contrary to regulations does not undertake saving at sea or in domestic waters of the ship, boat or another vessel, of persons or goods in danger, if he could undertake saving without running risk for his/her ship, boat or other vessel, shall be punished by imprisonment sentence ranging from three months to three years.

(2) Person as of paragraph 1 herein who contrary to regulations does not remove from the navigable way in domestic waters a vessel with which the vessel he is in command of, or which he navigates, collided with, and could do that without running risk for that vessel, shall be punished by maximum three year imprisonment sentence.

Piratry

Article 343

(1) Member of the crew or passenger of a private ship or private aircraft who in the open sea or at a place not coming under the authority of any state performs an act of violence or robbery to persons on another ship or aircraft or to goods placed on it, or causes damage of greater extent, shall be punished by imprisonment sentence ranging from three to fifteen years.

(2) If due to an act as of paragraph 1 herein one or more persons die, the offender shall be punished by imprisonment sentence from one five to fifteen years.

(3) If an act as of paragraphs 1 and 2 herein is done by a member of the crew or a passenger of a man of war or other state ship or military or other state aircraft whose crew has risen to arms or taken over the control of a ship or an aircraft, shall be punished by a penalty prescribed for such an act – by a suitable law.

Unscrupulous performance of supervision of public traffic

Article 344
(1) An official or responsible person who has been entrusted with the supervision of the state of roads and constructions along them, means of transport or public transport and of maintenance thereof, and the meeting of prescribed work conditions for drivers, or who has been entrusted the direction of driving, who by unscrupulous performance of his/her duty causes danger to life or physical existence of people or to property to a larger extent, shall be punished by imprisonment sentence ranging from six months to five years.

(2) Punishment as of paragraph 1 herein shall be imposed upon 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 life and physical existence of people or property to larger extent is endangered.

(3) If an act as of paragraph 1 herein is done out of negligence, the perpetrator shall be punished by maximum three year imprisonment sentence.

Failing to provide assistance to a person injured in a traffic accident

Article 345

(1) Driver of a motor vehicle or another means of transport who leaves helpless a person who is hurt by that means of transport or whose injury is caused by that means, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

(2) If due to failure to provide assistance a severe physical injury is inflicted, the perpetrator shall be punished by pecuniary penalty or maximum three year imprisonment sentence.

(3) If due to failure to provide assistance the injured person dies, the offender shall be punished by imprisonment sentence ranging from three months to four years.

Aggravated criminal acts against traffic safety

Article 346

(1) If due to an act as of Article 337, paragraphs 1 and 2, Article 338, paragraphs 1 and 2, Article 339, paragraph 1, Article 342 and Article 344 paragraphs 1 and 2 of this code, severe bodily injury is inflicted to a person, or property damaged to a large extent, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(2) If due to acts as of Article 337, paragraph 1 and 2, Article 338 paragraphs 1 and 2, Article 339, paragraph 1 and Article 342 and Article 344 paragraphs 1 and 2 of this code, one or more persons die, the offender shall be punished by imprisonment sentence ranging from two to twelve years.

(3) If due to acts as of Article 337, paragraph 3, Article 338, paragraph 3, Article 339, paragraph 2 and Article 344, paragraph 3 of this code severe bodily
injury is inflicted on a person or property is damaged to a larger extent, the offender shall be punished by a maximum three year imprisonment sentence.

(4) If due to acts as of Article 337, paragraph 3, Article 338 paragraph 3, Article 339, paragraph 2 and Article 344 paragraph 3 of this code one or more persons die, the offender shall be punished by imprisonment sentence ranging from one to eight years.

CHAPTER TWENTY EIGHT

CRIMINAL ACTS AGAINST THE SAFETY OF COMPUTER DATA

Damaging computer data and programs

Article 347

(1) Anyone who without authorization deletes, alters, damages, conceals or in any other way makes useless a piece of computer data or a program, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) If due to an act as of paragraph 1 herein damage exceeding three thousand Euro is caused, the offender shall be punished by imprisonment sentence ranging from three months to three years.

(3) If due to an act as of paragraph 1 herein damage exceeding thirty thousand Euro is caused, the offender shall be punished by imprisonment sentence ranging from three months to five years.

(4) If equipment and means used for committing a criminal act as of paragraphs 1 and 2 herein are the possession of the offender, they shall be confiscated.

Computer sabotage

Article 348

Anyone who brings in, destroys, deletes, alters, damages, conceals or in any other way makes useless a piece of computer data 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 bodies, public services, companies and other organizations, shall be punished by imprisonment sentence ranging from one to eight years.

Producing and entering computer viruses

Article 349

(1) Anyone who makes a computer virus with the intention of entering it into another’s computer or computer network, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.
(2) If the offender enters a computer virus into another’s computer or computer network and causes damage hereby, s/he shall be punished according to provisions of Article 252 of this code.

(3) The device and means whereby the criminal act as of paragraph 1 and 2 herein is done shall be confiscated.

Computer fraud

Article 350

(1) Anyone who enters an untrue piece of data, omits to enter a correct piece of data or in some other way conceals or falsely presents a piece of data and thereby influences the result of electronic processing and transfer of data with the intention of obtaining lawful property gain for him/herself or for another and thereby cause property damage for another, shall be punished by imprisonment sentence ranging from six months to five years.

(2) If by an act as of paragraph 1 herein property gain is obtained exceeding three thousand Euro, the offender shall be punished by imprisonment sentence ranging from two to ten years.

(3) If by an act as of paragraph 1 herein, property gain is made exceeding the amount of thirty thousand Euro, the offender shall be punished by imprisonment sentence ranging from two to twelve years.

(4) If an act as of paragraph 1 herein is done only with the intention to cause damage to another, the offender shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

Unauthorized use of computers and computer network

Article 351

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 pecuniary penalty or maximum three month imprisonment sentence.

Disturbing electronic processing functioning and data transfer and computer network

Article 352

(1) Anyone who accesses electronic data processing or a computer network without authorization, causes a hold up or disturbs the functioning of electronic processing and data transfer or disturbs the network, shall be punished by pecuniary penalty or maximum two year imprisonment sentence.

(2) If an act as of paragraph 1 herein causes severe consequences, the offender shall be punished by imprisonment sentence from six months to five years.

Accessing protected computer and computer network without authorization
Article 353

(1) Anyone who, violating protection measures connects a computer to a computer network, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) Anyone who uses a piece of data obtained in the way foreseen in paragraph 1 herein, shall be punished by pecuniary penalty or maximum three year imprisonment sentence.

(3) If due to acts as of paragraph 2 herein, severe consequences occurred for another person, the offender shall be punished by imprisonment sentence ranging from six months to six years.

Protecting and limiting access to public computer network

Article 354

(1) Anyone who prevents or disturbs access to public computer network in an unauthorized way, shall be punished by pecuniary penalty or maximum one year imprisonment sentence.

(2) If an act as of paragraph 1 herein is committed by an official person while performing his/her duty, s/he shall be punished by maximum three year imprisonment sentence.

CHAPTER TWENTY NINE

CRIMINAL ACTS AGAINST THE CONSTITUTIONAL ORDER AND SAFETY OF MONTENEGRO AND SCG

Jeopardizing independence

Article 355

Anyone who brings Montenegro or the state union SCG into the position of subordination or dependence from some other state, shall be punished by imprisonment sentence from three to fifteen years.

Admitting capitulation or occupation

Article 356

A citizen of Montenegro who signs of admits capitulation or accepts or admits occupation of Montenegro, the state union SCG or any part thereof, shall be punished by minimum ten year imprisonment sentence or by life imprisonment.
Endangering territorial entirety

Article 357

(1) Anyone who uses force or in some other way unconstitutional way tries to secede a part of the territory of Montenegro or SCG, or to annex that part to another state, shall be punished by imprisonment sentence ranging from three to fifteen years.

(2) Anyone who by force or in some other unconstitutional way tries to change the borders between member states of SCG, shall be punished by imprisonment sentence ranging from two to twelve years.

Attacking the constitutional order

Article 358

Anyone who uses force or threats to use force in an attempt to change the constitutional order of Montenegro and SCG, shall be punished by imprisonment sentence from three to fifteen years.

Deposing the supreme state bodies

Article 359

Anyone who uses force or threats to use force in an attempt to depose some of supreme state bodies of Montenegro or SCG, or representatives thereof, shall be punished by imprisonment sentence ranging from one to eight years.

Calling for forced change of constitutional order

Article 360

(1) Anyone who, with the intention to endanger the constitutional order and safety of Montenegro or SCG calls for or instigates a forced change of their constitutional order, to depose the supreme state bodies or representatives thereof, shall be punished by imprisonment sentence ranging from three months to five years.

(2) Anyone who commits an act as of paragraph 1 herein with help from abroad shall be punished by imprisonment sentence ranging from one to eight years.

(3) Anyone who produces or reproduces material which is by its content such that it calls for or instigates acts as of paragraph 1 herein to be committed or who directs or transfers to the territory of SCG such material, keeps larger quantity thereof with the intention to distribute it him/herself or that someone else distributes it, shall be punished by imprisonment sentence ranging from one to three years.
Assassination of the president of Montenegro or of the president of SCG, of the president of the parliament of Montenegro or of the president of the Government of Montenegro

Article 361

Anyone who, with the intention to jeopardize the constitutional order or safety of Montenegro or SCG deprives of life the president of Montenegro or the president of SCG, president of Parliament of Montenegro or the president of the Government of Montenegro, shall be punished by minimum ten year imprisonment sentence or by life imprisonment.

Armed rebellion

Article 362

(1) Anyone who participates in an armed rebellion directed at jeopardizing the constitutional order, safety or territorial integrity of Montenegro and SCG, shall be punished by imprisonment sentence ranging from three to fifteen years.

(3) Anyone who organizes or leads an armed rebellion, shall be punished by imprisonment sentence ranging from five to fifteen years.

Terrorism

Article 363

Anyone who, with the intention of endangering the constitutional order and safety of Montenegro or SCG causes explosion or fire or takes other dangerous measures or kidnaps a person, or commits another act of violence or threats to undertake some dangerous action or to use nuclear, chemical, bacteriological or other dangerous substance and thereby causes fear or feeling of insecurity in citizens shall be punished by imprisonment sentence from three to fifteen years.

Diversion

Article 364

Anyone who with the intention to endanger the constitutional order or safety of Montenegro or SCG destroys, sets fire to or damages in some other way an industrial, agricultural or some other economic structure, means of traffic, equipment or plant, telecommunication system device, water, gas or power supply system plant, dam, construction site, building or some other object of greater significance for the safety or supply of citizens or for economy or for the functioning of public services, shall be punished by imprisonment sentence ranging from three to fifteen years.

Sabotage

Article 365
Anyone who, with the intention to endanger the constitutional order or safety of Montenegro or SCG, in a covered, underhand or other similar way in performing his/her official duty or work obligations, causes damage exceeding the amount of fifteen thousand Euro to the organization he/she is employed in, or to any other state body or other organization, shall be punished by imprisonment sentence ranging from three to fifteen years.

Espionage

Article 366

1) Anyone who reveals military, commercial or official data or hands over or reports documents or makes them available to a foreign state, foreign organization or a person in their service, shall be punished by imprisonment sentence ranging from three to fifteen years.

2) Anyone who for a foreign state or organization creates an intelligence service in Montenegro or directs it shall be punished by imprisonment sentence from five to fifteen years.

3) Anyone who joins a foreign intelligence service, collects data for it or in some other way supports its work, shall be punished by imprisonment sentence from two to ten years.

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 punished by imprisonment sentence ranging from one to eight years.

5) If due to acts as of paragraphs 1 and 2 herein, severe consequences occurred for the safety, commercial and military power of the country, the offender shall be punished by minimum ten year imprisonment sentence.

6) Confidential are considered to be all those military, commercial or official data or documents which are by law, some other regulation or decision of an authorized body, made in accordance with the law, proclaimed to be confidential, as well as data and documents which are available only to a certain circle of people, and the revealing of which would cause or could cause harmful consequences for the safety, defense or for the political, military or commercial interests of the country.

Revealing a state secret

Article 367

1) Anyone who without an authorization reports, hands over or makes available to an uninvited person data or documents entrusted with him/her, or data or documents s/he obtained in some other way, and which represent a state secret, shall be punished by imprisonment sentence ranging from two to ten years.

2) If an act as of paragraph 1 herein is done during immediate danger of war, an armed conflict or a state of emergency or leads to the safety, economic or military
power of Montenegro or SCG to be endangered shall be punished by imprisonment sentence from three to fifteen years.

(3) If an act as of paragraph 2 herein is done out of negligence, the offender shall be punished by imprisonment sentence ranging from one to six years.

(4) Data or documents are considered a state secrete if they are proclaimed as such by law, by some other regulation or decision of an authorized body passed in accordance with the law, and the revealing of which would cause or could cause harmful consequences to the safety, defense and the political, military and economic interests of Montenegro and SCG.

(5) A state secret as of paragraph 5 herein are not considered data or documents which are directed to endangering the constitutional order and safety of Montenegro and SCG.

Causing national, race and religious hatred, divisions and intolerance

Article 368

(1) Anyone who causes and instigates national, religious or race hatred, divisions or intolerance among people, national minorities or ethnic groups living in Montenegro, shall be punished by imprisonment sentence ranging from six months to five years.

(2) If an act as of paragraph 1 herein is done by coercion, abuse, endangering of safety, exposure to derision of national, ethic or religious symbols, by damaging other person's goods, by profanation of monuments, memorial-tablet or tombs, the offender shall be punished by imprisonment sentence ranging from one to eight years.

(3) Anyone who commits an act as of paragraphs 1 and 2 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 people, national minorities or ethnic groups living in Montenegro occur, shall be punished for an act as of paragraph 1 herein by imprisonment sentence ranging from one to eight years, and for an act as of paragraph 2 by imprisonment sentence ranging from two to ten years.

Violation of territorial sovereignty

Article 369

Anyone who by not adhering to international law bursts upon the territory of Montenegro and the territory of SCG, shall be punished by imprisonment sentence ranging for one to eight years.

Forming association for enemy activity

Article 370

(1) Anyone who forms a group or any other association in order to commit criminal acts as of Articles 355 to 360, Articles 362 to 365, and Article 371,
paragraph 3 of this code, shall be punished by a sentence prescribed for the act for which the association is organized.

(2) Punishment as of paragraph 1 herein shall be imposed on anyone who makes an agreement with another to commit any of the acts quoted in that paragraph, and a milder punishment can be imposed on him/her.

(3) Anyone who becomes a member of an association as of paragraph 1 herein, shall be punished by imprisonment sentence ranging from six months to five years.

(4) Anyone who committed an act as of paragraph 1 herein, who by revealing the association or in any other way prevents criminal acts foreseen in paragraph 1 herein to be committed, shall be punished by maximum three year imprisonment sentence, and s/he can be acquitted.

(5) A member of an association as of paragraph 3 herein who reveals the existence of an association before committing a criminal act as of paragraph 1 herein, in it or on behalf of it, shall be punished by maximum one year imprisonment sentence, and s/he can be acquitted.

Preparing acts against the constitutional order and safety of Montenegro and SCG

Article 371

(1) Anyone who prepares the committing of criminal acts as of Articles 355 to 356 and Article 366 paragraphs 1 and 2 of this code, shall be punished by imprisonment sentence ranging from one to five years.

(2) Anyone who directs or sends to the territory of Montenegro or the territory of SCG persons or arms, explosive, poisons, equipment, ammunition or other material, with the intention of committing one or more criminal acts as of this chapter, shall be punished by imprisonment sentence ranging from two to ten years.

(3) Preparations as of paragraph 1 herein include acquiring and rendering usable means for committing the criminal act, removing obstacles for committing the criminal acts, making arrangements, planning or organizing with others committing of the criminal act or of other activities for creating conditions for immediate execution of the criminal act.

Aggravated acts against the constitutional order and safety of Montenegro and SCG

Article 372

(1) For a criminal act as of Articles 357 to 359, and Articles 362 to 365 of this code, due to which one or more persons died, or which brought into danger life of
people, or is followed by brutal violence and widespread devastation or endangers the safety of economic or military power of the country, the offender shall be punished by minimum ten year imprisonment sentence.

(2) If on the occasion of committing an act as of paragraph 1 herein the offender deliberately deprived of life one or more persons, the offender shall be punished by minimum ten year imprisonment sentence or by life imprisonment.

(3) Punishment as of paragraph 2 herein shall be imposed also on anyone committing a criminal act as of Articles 355, 357, Articles 358 to 360, Article 32 to 366, Article 370, Article 371, paragraph 2 of this code during immediate war danger, state of war, armed conflict or state of emergency.

CHAPTER THIRTY
CRIMES AGAINST STATE AUTHORITIES

Prevention of a civil servant in performance of official duty

Article 373

(1) Whoever by either force or threat to use force prevents a civil servant from performance of an official duty performed within regular powers, or forces a civil servant in the same manner into performance of an official duty,

shall be punished by imprisonment for a maximum term of three years.

(2) If during commission of offence referred to in paragraph 1 of this Article, the offender insults or abuses a civil servant or causes a light bodily injury or threats to use weapons,

the offender shall be punished by imprisonment for a term from three months to three years.

(3) Whoever commits the offence referred to in paragraphs 1 and 2 of this Article to a judge or a public, i.e. state prosecutor, during their performance of judicial and prosecutorial duties respectively or to a civil servant in performing the duty related to public or state security or the duty of preserving public peace and order, preventing and detecting a crime and seizure of a perpetrator of crimes or safeguard of persons deprived of their liberty,

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

(4) An attempt of crimes referred to in paragraphs 1 and 2 of this Article shall be liable to punishment.

(5) If the perpetrator of crimes referred to in paragraphs 1 to 3 of this Article was provoked by unlawful or rude acting of a civil servant, the perpetrator can be acquitted from punishment.

Attack on a civil servant while on duty

Article 374
(1) Whoever attacks or threatens to attack a civil servant in the performance of his duty,
shall be punished by imprisonment for a maximum term of three years.
(2) If during the commission of crimes referred to in paragraph 1 of this Article, the civil servant suffers a light bodily injury or is threatened by use of weapons,
the perpetrator shall be punished by imprisonment for a term from three months to three years.
(3) If the crime referred to in paragraphs 1 and 2 of this Article is committed to a judge or the public, i.e. state prosecutor, in relation to their judicial or prosecutorial duty or to a civil servant in his performance of duty of public or state security,
the perpetrator shall be punished by imprisonment for a term from six months to five years.
(4) An attempt of crimes referred to in paragraphs 1 and 2 of this Article shall be liable to punishment.
(5) The perpetrator of crimes referred to in paragraphs 1 to 3 of this Article who was provoked by unlawful or rude acting of a civil servant can be acquitted from punishment.

Participation in a group preventing a civil servant from performance of duty

Article 375

(1) Whoever is part of group preventing by joint action a civil servant from performance of duty, or forces a civil servant into such performance in the same manner,
shall be punished for participation in such a group by imprisonment for a maximum term of two years.
(2) If prevention or forcing referred to in paragraph 1 of this Article was only attempted,
the punishment imposed shall be either a fine or imprisonment for a maximum term of one year.
(3) The leader of group performing the crime referred to in paragraphs 1 and 2 of this Article,
shall be punished by imprisonment from six months to five years.

Appeals for resistance

Article 376

(1) Whoever makes an appeal on others for resistance or disobedience to lawful decisions or measures of state authorities or to a civil servant in his performance of official duty,
shall be punished by imprisonment for a term from six months to five years.

Failure to obey orders to break up

Article 377
(1) Whoever fails to part from a group of people that a person in authority or military person has asked to break up in circumstances threatening public order, shall be punished by either a fine or imprisonment for a maximum term of three months.

(2) The leader of group who has committed the crime referred to in paragraph 1 of this Article, shall be punished by either a fine or imprisonment for a maximum term of two years.

Failure to take part in eliminating danger to the public

Article 378

Whoever disobeys the order of the authorized body or organization without a good reason and refuses to participate in eliminating the danger caused by fire, flood, earthquake, or other natural disaster, shall be punished by either a fine or imprisonment for a maximum term of three months.

Removal and destruction of official seal and sign

Article 379

(1) Whoever removes or damages the official seal or sign that a civil servant has placed on an object or premises for security reasons, or whoever, without prior removal or damage of seal or sign, enters such premises or opens an object with an official seal or sign on it, shall be punished by either a fine or imprisonment for a maximum term of one year.

(2) An attempt of commission shall be subject to punishment.

Removal or destruction of the official seal and document

Article 380

(1) Whoever unlawfully seizes, hides, destroys, damages or make useless in other way the official seal, book, file, or document belonging to a state authority, company, institution, or other organization with public authority, or held by such a state authority, shall be punished by imprisonment for a maximum term of three years.

(2) An attempt of commission shall be liable to punishment.

Impersonating

Article 381

(1) Whoever, with a view to obtaining for oneself or other any benefit or causing damage to another, impersonates as a person in authority or military person or
wears on oneself any sign of the person in authority or military person without autorization,
    shall be punished by either a fine or imprisonment for a maximum term of one year.

(2) Punishment referred to in paragraph 1 of this Article shall also be imposed on a person performing an act only a certain official or military person has authority over.

Autocracy

Article 382

(1) Whoever acquires a right of his own or a right he feels is pertaining to him, shall be punished by either a fine or imprisonment for a maximum term of six months.

(2) If the crime referred to in paragraph 1 of this Article was committed by use of force or threat,
    the perpetrator shall be punished by imprisonment for a term from three months to three years.

(3) If the crime referred to in paragraph 1 of this Article was committed by threat of murder or grave bodily injury,
    the perpetrator shall be punished by imprisonment for a term from six months to five years.

(4) Whoever commits the crime referred to in paragraphs 1 to 3 of this Article for another person,
    shall be punished by imprisonment prescribed for such an offence.

(5) If the crime referred to in paragraph 1 and paragraph 4 with regard to paragraph 1 of this Article was committed to the detriment of citizens, the prosecution shall be initiated by a private person.

CHAPTER THIRTY-ONE

CRIMES AGAINST JUSTICE

Failure to report preparation of a crime

Article 383

(1) Whoever has information that preparation is underway for a commission of a crime punishable by law by either five years' imprisonment or a more serious punishment, but fails to report it when such offence could have been prevented, and the crime is attempted or committed,
    shall be punished by either a fine or imprisonment for a maximum term of one year.

(2) For failure to report preparation of a crime punishable by law by life imprisonment,
    the perpetrator shall be punished by imprisonment for a term from three months to three years.
(3) For a crime referred to in paragraph 1 of this Article exempted from punishment shall be persons to whom the perpetrator is: a spouse, partner in an extra-marital relationship, direct relative by blood, brother or sister, adoptive parent or child, as well as a spouse to one of the previously stated persons, or a person living with one of such persons in a permanent extra-marital relationship.

Failure to report a crime and offender

Article 384

(1) Whoever has information that a person has committed a crime punishable under the law by life imprisonment or has information that such a crime has been committed but fails to report it before such a crime and perpetrator have been detected,

shall be punished by imprisonment for a maximum term of two years.

(2) Punishment referred to in paragraph 1 of this Article shall also be imposed on official or responsible person who knowingly fails to report the crime he has been informed about in the performance of his duty, if it is a crime punishable under the law by five years' imprisonment or a more serious punishment.

(3) For failure to report a crime or perpetrator referred to in paragraphs 1 and 2 of this Article exempted from punishment shall be persons to whom the perpetrator is: a spouse or a partner in an extra-marital relationship, direct relative by blood, brother or sister, adoptive parent or child, as well as a spouse to one of the previously stated persons, or a person living with one of such persons in a permanent extra-marital relationship, as well as a defence counsel, doctor or religious confessor of the perpetrator.

Assistance to perpetrator after the commission of crime

Article 385

(1) Whoever hides the perpetrator of a crime or assists the perpetrator by hiding means of crime, traces or assists in another way to avoid detection, and whoever hides a convict or takes other measures with a view to avoiding the enforcement of the sanction, a security measure, or referral to educational or correctional institution,

shall be punished by either a fine or imprisonment for a maximum term of two years.

(2) Whoever assists a perpetrator of crime punishable under the law by imprisonment for a term exceeding five years,

shall be punished by imprisonment for a term from three months to five years.

(3) Whoever assists a perpetrator of crime punishable under the law by life imprisonment,

shall be punished by imprisonment for a term from one to eight years.

(4) Punishment for the crime referred to in paragraph 1 of this Article shall not be more serious in terms of either kind or duration than the punishment prescribed for a crime committed by person who has been provided assistance.

(5) For crimes referred to in paragraphs 1 to 3 of this Article exempted from punishment shall be persons to whom the perpetrator is: a spouse or a partner in an extra-marital relationship, direct relative by blood, brother or sister, adoptive parent or
child, as well as a spouse to one of the previously stated persons, or a person living with one of such persons in a permanent extra-marital relationship.

False reporting

Article 386

(1) Whoever reports a person to have committed a crime prosecuted ex officio, and is aware that person is not the perpetrator of that crime, shall be punished by imprisonment for a term from three months to three years.

(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 other way leads to criminal charges for a crime prosecuted ex officio and initiated against the person who he knows is not the perpetrator of that crime.

(3) Whoever reports himself for having committed a crime prosecuted ex officio, although he is aware that he has not committed such a crime, shall be punished by a fine or imprisonment for a maximum term of one year.

(4) Punishment referred to in paragraph 3 of this Article shall also be imposed on a person who reports that a crime prosecuted ex officio has been committed, although he knows no such crime has been committed.

False testimony

Article 387

(1) A witness, forensic expert, translator or interpreter who gives a false statement before the court in a disciplinary, petty-crime, administrative, or any other procedure prescribed by the law, shall be punished by imprisonment for a maximum term of 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 interviewing witnesses in court or administrative procedure gives a false statement, when such a statement serves as grounds for the decision made in that procedure.

(3) If a false statement was given in a criminal procedure, the party giving such a statement shall be punished by imprisonment for a term from three months to five years.

(4) In the event that due to offence referred to in paragraph 3 of this Article particularly grave consequences have occurred for the accused, the perpetrator shall be punished by imprisonment for a term from one to eight years.

(5) If the perpetrator revokes the false statement of his own free will before the final decision is made, he shall be punished by either a fine or imprisonment for a maximum term of three months, and can also be exempted from any punishment.

Prevention of collection of evidence

Article 388
(1) Whoever, with the intention to prevent or hinder the collection of evidence, hides, destroys, damages, or partially or completely makes useless the document of other objects of other persons serving as evidence, shall be punished by either a fine or imprisonment for a maximum term of one year.

(2) Punishment referred to in paragraph 1 of this Article shall also be imposed on a person who removes, destroys, damages, moves, or relocates a borderline stone, land registry mark or any other mark indicating ownership on property or right to use of water, or a person who fraudulently places such a mark with the intentions listed above.

Violation of confidentiality of procedure

Article 389

(1) Whoever discloses without authorization information obtained in court, petty crime, administrative procedures or other legally defined procedures, when such information cannot be publicized by law or has been declared as secret by decision of a court or other competent authority, shall be punished by either a fine or imprisonment for a maximum term of 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 procedure taken against juveniles or the decision taken in such a procedure or who publicizes the name of a juvenile who is being prosecuted or the data revealing identity of the juvenile.

Rebellion of arrested persons

Article 390

(1) Persons who have been arrested under the law and who gather with the intention to free themselves by force, or who jointly attack persons entrusted with the duty of their supervision, or make such officers by force or threat with force to do or fail to do something, which is in contravention of their duty, shall be punished by imprisonment for a maximum term of three years.

(2) The offender referred to in paragraph 1 of this Article using force or threat, shall be punished by imprisonment for a term from six months to five years.

Escape of arrested persons

Article 391

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 punished by imprisonment for a term from three months to five years.

Enabling escape of arrested persons

Article 392
(1) Whoever by use of force, threat, defraud, or in some other way, enables a person arrested under the law to escape, shall be punished by imprisonment for a term from three months to five years.

(2) If the offence referred to in paragraph 1 of this Article is done jointly by several persons or if escape of several persons is enabled, the offender shall be punished by imprisonment for a term from one to eight years.

Failure to enforce a judgement

Article 393

An official or accountable person who refuses to enforce a final court judgment or fails to enforce it within the term defined by the law or decision, shall be punished by either a fine or imprisonment for a maximum term of two years.

Unlawful enabling another to engage in profession, perform a function, duty, tasks, and activities

Article 394

Whoever enables another to engage in a profession, perform a function, duty, tasks, or activities, although he knew that such engagement or performance is contravention of a final judgement against that person imposing a security measure or protective measure or that such a ban took effect as a legal consequence of the judgment, shall be punished by either a fine or imprisonment for a maximum term of two years.

Unlicensed practice of law

Article 395

Whoever provides legal services without required qualifications, shall be punished by either a fine or imprisonment for a maximum term of two years.

CHAPTER THIRTY-TWO

CRIMES AGAINST PUBLIC ORDER

Instigation of panic and riots

Article 396

(1) Whoever by disclosing or spreading false information or statements causes panic or seriously disrupts public order, impedes or hampers the enforcement of
decisions and implementation of measures of state authorities or organizations entrusted with public authority,

shall be punished by either a fine or imprisonment for a maximum term of one year.

(2) If the offence referred to in paragraph 1 of this Article is done by print media, radio, television or other mass communications or other similar means or in a public meeting,

the offender shall be punished by imprisonment for a maximum term of three years.

Acts of violence

Article 397

(1) Whoever, by rude insults or abuse of other, by acts of violence over another, or by causing fight, or by rude and careless conduct significantly endangers the calm of citizens or disturb the public order,

shall be punished by imprisonment for a term from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article is done in a group, or when the offence causes light bodily injury, or seriously humiliate the citizen,

the offender shall be punished by imprisonment for a term from six months to five years.

Conspiracy to commit a crime

Article 398

Whoever conspires with another to commit a crime punishable by five years' imprisonment or a more serious punishment,

shall be punished by either a fine or imprisonment for a maximum term of one year.

Criminal association

Article 399

(1) Whoever organizes a group or other association with a view to commit crimes punishable by one year's imprisonment or a more serious punishment,

shall be punished by imprisonment for a maximum term of three years.

(2) If the crime referred to in paragraph 1 refers to an association with an aim to commit crimes punishable by imprisonment for a term of five years or a more serious punishment,

the organizer of association shall be punished by imprisonment for a term from one to eight years, and the member of associates by imprisonment for a maximum term of two years.

(3) If the offence referred to in paragraph 1 of this Article refers to an association with the aim to commit crimes punishable by imprisonment of fifteen years' imprisonment,
the organizer of the association shall be punished by imprisonment for a term from two to twelve years, and the member of association by imprisonment for a maximum term of three years.

(4) If the offence referred to in paragraph 1 of this Article refers to an association with the aim to commit crimes punishable by imprisonment of twenty years or life imprisonment,

the organizer of association shall be punished by imprisonment for at least ten years or life imprisonment, and the member of association by imprisonment for a term from six months to five years.

(5) The organizer of association referred to in paragraphs 1 to 4 of this Article who by reporting the association or prevention in some other way the commission of crimes for which the association was set up,

shall be punished by three years' imprisonment, and may also be acquitted.

(6) A member of association referred to in paragraph 2 to 4 of this Article who reports the association before he as member of association or for the association has committed a crime referred to in paragraphs 2 to 4 of this Article for which the association was founded,

shall be punished by either a fine or imprisonment for a maximum term of one year, and may also be acquitted from punishment.

Manufacture and acquisition of weapons and means intended for commission of crimes

Article 400

(1) Whoever manufactures, procures or provides another with weapons, explosives, means required for their manufacture or poison that he knows are attended for the commission of a crime,

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

(2) Whoever manufactures or hands over to another means for breaking in, although he knows that they are intended for commission of a crime,

shall be punished by either a fine or imprisonment for a maximum term of one year.

Unlawful keeping of weapons and explosives

Article 401

(1) Whoever without authorization manufactures, sells, procures, exchanges, carries or keeps firearms, ammunition, or explosives,

shall be punished by three years' imprisonment.

(2) If the object referred to in paragraph 1 of this Article is a piece of firearms, ammunition, explosives, a dispersion or gas weapon whose manufacture, sale, purchase, exchange, carrying, or keeping is forbidden under the law,

the offender shall be punished by imprisonment for a term from six months to five years.

(3) If the object referred to in paragraphs 1 and 2 of this Article is a larger quantity of arms or means or it is a weapon or other means or large destructive power,

the offender shall be punished by imprisonment for a term from one to eight years.
Participation in a group committing a crime

Article 402

(1) Whoever participates in a group that by joint action kills another, or causes to another serious bodily injury, commits arson, significantly damages property or commits other crime punishable by five years' imprisonment or a more serious punishment, or that attempts to commit one of these crimes,

shall be punished for participation by imprisonment for a term from three months to five years.

(2) The leader of the group committing a crime referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term from one to eight years.

Illegal crossing of the state border

Article 403

Whoever without the prescribed permission crosses or tries to cross the state border of Serbia and Montenegro or who enables another for gain to illegally cross the border,

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

Abuse of sign for help and sign for danger

Article 404

Whoever abuses the sign for help or sign for danger or calls for help for no good reason thus unnecessarily causing the measures of state authorities, fire prevention or other authorized organization or cause disruption in traffic,

shall be punished by either a fine or imprisonment for a maximum term of six months.

Unauthorized organization of games of chance

Article 405

(1) Whoever without a licence issued by an authorized body organizes games of chance,

shall be punished by a fine or imprisonment for a maximum term of three years.

(2) Whoever without authorization sells lottery tickets or accepts payment for games of chance organized abroad,

shall be punished by either a fine or imprisonment for a maximum term of two years.

(3) A person who organizes games of chance or participates in a game referred to in paragraph 1 of this Article using deceit,

shall be punished by imprisonment for a term from three months to five years.
(4) Objects intended or used for commission of offences referred to in paragraphs 1 to 3 of this Article, as well as money and other objects used in games of chance, shall be confiscated.

Unlicensed practice

Article 406

Whoever without a licence and for gain engages in a practice for which a law or other regulations enacted in accordance with a law require a licence issued by an authorized agency, or organization,

shall be punished by either a fine or imprisonment for a maximum term of one year.

Unauthorized ownership and use of radio and television station

Article 407

Whoever owns or uses a radio or television station in contravention of regulations on communication systems,

shall be punished by either a fine or imprisonment for a maximum term of one year.

Desecration of corpse

Article 408

Whoever without authorization digs out, takes away, hides or destroys a corpse, its part or ashes and other remains of the deceased,

shall be punished by either a fine or imprisonment for a maximum term of one year.

Desecration of grave

Article 409

(1) Whoever without authorization digs out, demolishes, damages or significantly devastates a grave or other place where the deceased are buried,

shall be punished by either a fine or imprisonment for a maximum term of 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 graveyard or other monument to the deceased.

(1) If offences referred to in paragraphs 1 and 2 of this Article contain characteristics of a serious crime, the offender shall be subject to punishment for such an offence.

CHAPTER THIRTY-THREE
CRIMES AGAINST LEGAL INSTRUMENTS

Falsifying a document

Article 410

(1) Whoever creates a false document or issues a false document or changes 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 punished by three years' imprisonment.
(2) If the offence referred to in paragraph 1 of this Article is done on a public document, a will, bill, cheque, public or official record or other record that must be kept under a law, the offender shall be punished by imprisonment for a term from three months to five years.
(3) Attempts of crimes referred to in paragraph 1 of this Article shall be liable to punishment.

Special cases of falsifying documents

Article 411

The following persons shall be considered to be falsifying documents and shall be punished under Article 411 of this Code:
(1) whoever without authorization fills in a statement that is affecting the legal relations on a paper, form, or any other document;
(2) whoever deceives another with regard to the content of a document so as to make another place his signature believing that he is signing another document or under a different content;
(3) whoever issues a document on behalf of another without authorization of another or on behalf of a person who does not exist;
(4) whoever, as an entity issuing a document, places next to his signature the name of 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) whoever produces a document using a seal or sign without authorization.

Falsifying an official document

Article 412

(1) An authorized person who fills in false information or fails to fill in important information 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 punished by imprisonment for a term from three months to five years.
(2) Punishment referred to in paragraph 1 of this Article shall also be imposed on an authorized person who uses a false document, record, or file as if they were truthful, or who destroys, hides, or significantly damages or make useless in another way an official document, record, or file.
The person in charge in a company, institution or other organization who commits an offence referred to in paragraphs 1 and 2 of this Article, shall be liable to punishment prescribed for that offence.

Inducement to certify false content

Article 413

(1) Whoever deceives authorized entity to induce it to certify in a public document, minutes or record any false information that can be used as evidence in legal practice, shall be punished by imprisonment for a term from three months to five years.

(2) Punishment referred to in paragraph 1 of this Article shall also be imposed on a person who uses such document, minutes, or record although he knows they are false.

CHAPTER THIRTY-FOUR
CRIMES AGAINST OFFICIAL DUTY

Abuse of office

Article 414

(1) A civil servant who with the intention of either providing gain for himself or another or causing damage to another uses his office or authority, exceeds the limits of his authority, or fails to do his official duty, shall be punished by imprisonment for a maximum term of three years.

(2) If acts referred to in paragraph 1 of this Article have caused significant violation of rights of another, or have been used to acquire illicit profit, or have caused considerable damage, the offender shall be punished by imprisonment for a term from three months to five years.

(3) If the value of acquired illicit profit exceeds the amount of three thousand Euro, the offender shall be liable to imprisonment for a term from one to eight years.

(4) If the value of acquired illicit profit exceeds the amount of thirty thousand Euro, the offender shall be liable to imprisonment for a term from two to ten years.

(5) A person in charge in a company, institution, or other organization who commits offences referred to in paragraphs 1 to 4 of this Article, shall be liable to punishment prescribed for such offences.

Negligent performance of office

Article 415

(1) A civil servant who by violation of law or other regulations or enactments, by failure to do supervision or in some other way knowingly acts with negligence in the performance of his office, although 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 of another, when such violation, or damage exceeding three thousand Euro actually takes place,

shall be liable to either a fine or imprisonment for a maximum term of 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 thirty thousand Euro,

the offender shall be punished by imprisonment for a term from six months to five years.

(3) A person in charge in an institution or other organization, except for those engaged in a business activity, who commits offences referred to in paragraphs 1 to 2 of this Article shall be punished by imprisonment prescribed for such an offence.

Unlawful collection and payment

Article 416

An authorized person who collects money from another that another is not obliged to pay or charges another more than another has to pay, or who when paying another or handing over to another pays or hands over less that he is obliged to,

shall be punished by either a fine or imprisonment for a maximum term of three years.

Fraud in service

Article 417

(1) A civil servant who during his service and with the intention of acquiring for himself or another illicit profit by submitting false statements of account or in some other way deceits an authorized person to make unlawful payment,

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

(2) If illicit profit acquired as a result of an offence referred to in paragraph 1 of this Article exceeds three thousand Euro,

the offender shall be punished by imprisonment for a term from one to eight years.

(3) If illicit profit acquired as a result of an offence referred to in paragraph 1 of this Article exceeds thirty thousand Euro,

the offender shall be punished by imprisonment for a term from two to ten years.

(4) A person in charge in a company, institution or other organization, who commits offences referred to in paragraphs 1 to 3 of this Article shall be punished by imprisonment imposed for such an offence.

Embezzlement

Article 418

(1) A person who, with the intention of acquiring illicit profit for himself or another, usurps money, securities or other movables entrusted to him by virtue of his
office or under the terms of his position in a state authority, company, institution, or other organization or activity,
shall be punished by imprisonment for a term from six months to five years.
(2) If illicit profit acquired as a result of an offence referred to in paragraph 1 of this Article exceeds three thousand Euro,
the offender shall be punished by imprisonment for a term from one to eight years.
(3) If illicit profit acquired as a result of an offence referred to in paragraph 1 of this Article exceeds thirty thousand Euro,
the offender shall be punished by imprisonment for a term from two to ten years.

Unauthorized use

Article 419

A person who makes an unauthorized use of money, securities or other movables entrusted to him by virtue of his office or under terms of his position in a state authority, company, institution, or other organization or activity or without authorization confers such things to another for use,
shall be punished by imprisonment for a term from three months to five years.

Illegal influence

Article 420

(1) Whoever accepts a reward or any other benefit for using his official or social position to intercede that an official act be or not be performed,
shall be punished by imprisonment for a term from three months to three years.
(2) Whoever, 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 should be performed not be performed,
shall be punished by imprisonment for a term from six months to five years.
(3) If a reward or any other benefit has been received for influence referred to in paragraph 2 of this Article,
the offender shall be punished by imprisonment for a term from one to eight years.
(4) Illicit reward and property gain shall be seized.

Passive bribery

Article 421

(1) A civil servant who requests or receives a gift or any other benefit, or who accepts a promise of gift or any benefit for agreeing to perform within the scope of his official powers an act he should not perform, or not perform an official act which he should perform,
shall be punished by imprisonment for a term from two to twelve years.
(2) A civil servant who request or receives a gift or other benefit or who accepts a promise of gift or any other benefit for agreeing to perform within the scope of his official powers an official act he must perform, or not perform an official act he should otherwise not perform,

shall be punished by imprisonment for a term from two to eight years.

(3) A civil servant who commits a crime referred to in paragraphs 1 or 2 of this Article in relation to a crime, bringing or conducting criminal proceedings, pronouncement or enforcement of a criminal sanction,

shall be punished by imprisonment for a term from three to fifteen years.

(4) A civil servant 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, or in relation with it,

shall be punished by imprisonment for a term from three months to three years.

(5) A person in charge in a business organization, institution, or other organization who commits an offence referred to in paragraphs 1, 2 and 4 of this Article, shall be liable to punishment imposed for such an offence.

(6) Accepted gift or property gain shall be seized.

Active bribery

Article 422

(1) A person who gives or promises a gift or other gain to a civil servant who agrees to perform an official act within his official powers that he ought not to perform or to omit to perform an official act he ought to perform, or a person who mediates in bribery of a civil servant,

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

(2) A person who gives or promises a gift or other gain to a civil servant who agrees to perform an official act within his official powers that he is obliged to perform or to omit to perform an official act he must not perform or who mediates in such bribery of a civil servant,

shall be punished by imprisonment for a maximum term of three years.

(3) The offender referred to in paragraphs 1 and 2 of this Article who had reported the crime before he found out that the crime was detected, can be acquitted from punishment.

(4) Provisions under paragraphs 1 to 3 of this Article shall be also in effect when bribe was given or promised to a person in charge in a company, institution, or other organization.

(5) A gift or other benefit seized from a person who has received a bribe can be returned to the person giving the bribe under conditions referred to in paragraph 3.

Disclosure of official secrets

Article 423

(1) A civil servant who without authorization communicates, conveys or make 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 punished by imprisonment for a term from three months to five years.

(2) If an offence referred to in paragraph 1 of this Article has been committed out of greed in respect of particularly confidential information or for the purpose of its disclosure or use abroad,
the offender shall be punished by imprisonment for a term from one to eight years.

(3) If an offence referred to in paragraph 1 of this Article has been committed by negligence,
the offender shall be punished by imprisonment for a maximum term of three years.

(4) An official secret shall be understood to mean information or documents that, under the law, other regulation or a decision of authorized entity taken in accordance with the law, have been proclaimed an official secret whose disclosure would result or could result in detrimental consequences to the office.

(5) Provisions referred to in paragraphs 1 to 4 of this Article shall also be imposed on a person who has disclosed an official secret after his position of a civil servant ceased.

CHAPTER THIRTY-FIVE

CRIMES AGAINST HUMANITY AND RIGHTS GUARANTEED UNDER INTERNATIONAL LAW

Genocide

Article 424

Anyone who with the intention of partially or completely destroying a national, ethnic, racial, or religious group issues orders for commission of homicide or infliction of serious bodily injuries or serious harm to physical or mental health of group members or forced resettlement of population, or placement of the group under such living conditions so as to bring about complete or partial extermination of the group, or taking of measures with which to prevent reproduction among group members, or forced movement of children into another group, or who commits one of the stated crimes with the same intention,
shall be punished by imprisonment for a minimum term of five years or life imprisonment.

Crimes against humanity

Article 425

A person who in violation of provisions of international law as part of a wider or systematic attack against civil population orders: homicide, placing entire population or its part under such living conditions so as to bring about their complete or partial extermination; enslavement; forced resettlement; torture; rape; coercion to prostitution; coercion to pregnancy or sterilization with a view to changing the ethnic composition of population; persecution or expulsion on political, religious, racial, national, ethnic, cultural, sexual, or any other grounds; detention or abduction of persons without disclosing information on it so as to deprive them of legal assistance;
oppression of a racial group or establishment of domination of one such group over another; or any other similar inhuman acts intended to cause serious suffering or seriously harm health; or who commits one of the crimes listed above,

shall be punished by imprisonment for a minimum term of five years or life imprisonment.

War crimes against civil population

Article 426

(1) A person who in violation of provisions of international law during a war, armed conflict, or occupation orders an attack upon civil population, settlement, individual civilians, persons incapacitated for combat or members or facilities of humanitarian organizations or peace missions; an attack without a specific target which strikes civil population or civil facilities under special protection of international law; an attack upon military targets that was expected to cause suffering of civil population or damage to civil facilities in obvious disproportion to expected military effect; orders action against civil population so as to physically injure, torture, brutally treat, use in biological, medical and other research experiments 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; coercion to prostitution or rape; taking of measures of intimidation or terror, taking of hostages, collective punishment, illegal seizure and detention; deprivation of right to a just and impartial trial; coercion to service in armed forces of enemy forces or its intelligence service or administration; forced service in armed forces of persons under the age of fifteen; forced labour; starving of population; illegal confiscation, usurpation or destruction of property to the extent not justified by military needs; taking an unlawful and excessive contribution and requisition; devaluation of local currency or unlawful issuance of currency; or who commits some of the crimes mentioned above,

shall be punished by imprisonment for a minimum term of five years.

(2) Punishment referred to in paragraph 1 of this Article shall also be imposed on a person who in violation of international law during a war, armed conflict or occupation orders: an attack upon facilities under special protection of international law or facilities and installations of dangerous power such as dams, embankments, and nuclear power plants; strikes at civil facilities under special protection of international law, places without defence and demilitarised zones; long term and extensive damage to environment that can cause harm to health of population or its survival; or who commits some of the crimes mentioned above.

(3) A person who during a war, armed conflict or occupation orders homicide against civil population or who commits such a crime,

shall be liable to imprisonment for a minimum term of ten years or life imprisonment.

(4) A person who in violation of international law during a war, armed conflict or occupation, as an occupying force, orders or commits displacement of part of its own civil population to the occupied territory,

shall be liable to imprisonment for a minimum term of five years.

(5) A person who threatens to commit one or more crimes referred to in paragraphs 1 and 2 of this Article,

shall be liable to imprisonment for a term from six months to five years.
War crimes against the wounded and ill

Article 427

(1) Whoever in violation of international law during a law or armed conflict orders against the wounded, ill, survivors of shipwreck or sanitary or religious service staff, infliction of bodily injuries, torture, brutal treatment, biological, medical or other research experiment, taking of tissue or body organs for transplantation, or other acts causing harm to health or serious suffering or order unlawful destruction or usurpation of large quantities of material, means of transport for medical purpose and stocks of medical institutions or units that is not justified by military needs; o who commits some of the above stated crimes,

shall be liable to imprisonment for a minimum term of five years.

(2) Whoever during a war, armed conflict or occupation orders homicide against civil population or commits such a crime,

shall be punished by imprisonment for a minimum term of ten years or life imprisonment.

War crimes against prisoners of war

Article 428

(1) Whoever in violation of international law orders against prisoners of war the infliction of bodily injuries, torture, brutal treatment, biological, medical or other research 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, deprivation of right to a just and impartial trial; or who commits some of the crimes stated above,

shall be punished by imprisonment for a minimum term of five years.

(2) Whoever during a war, armed conflict, or occupation orders homicide of civil population or commits such a crime,

shall be punished by imprisonment for a minimum term of ten years or life imprisonment.

Organization and instigation to genocide and war crimes

Article 429

(1) Whoever conspires with another to commit a crime referred to in Articles 424 to 428 of this Code,

shall be punished by imprisonment for a term from three months to three years.

(2) Whoever organizes a group so as to commit crimes referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term from five to fifteen years.

(3) Whoever becomes a member of the group referred to in paragraph 1 of this Article,

shall be punished by imprisonment for a term from one to eight years.
(4) The person committing 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.

Use of forbidden means of combat

Article 430

(1) Whoever during a war or armed conflict orders the use of combat means or combat method forbidden under provisions of international law, or applies them himself,
    shall be punished by imprisonment for a term from two to ten years.
(2) If the commission of crimes referred to in paragraph 1 of this Article resulted in death of several persons,
    the offender shall be liable to imprisonment for a minimum term of five years or life imprisonment.
(3) Whoever instigates or prepares the use of arms referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term from six months to five years.

Manufacture of forbidden weapons

Article 431

(1) Whoever, in violation of the law, other regulations or rules of international law, manufactures, purchases, sells, imports, exports or in some other way obtains and provides another with, keeps or transports weapons the manufacture or use of which is forbidden or materials required for their manufacture,
    shall be punished by imprisonment for a term from one to five years.
(2) An authorized person or person in charge who orders or enables a legal entity to engage in activities referred to in paragraph 1 of this Article,
    shall be punished by imprisonment for a term from one to eight years.

Unlawful killing and wounding of enemies

Article 432

(1) Whoever, in violation of provisions of international law during a war or armed conflict, kills or wounds an enemy who has laid down his weapons or has unconditionally surrendered or was left without any means of defence,
    shall be punished by imprisonment for a term from one to fifteen years.
(2) If the murder referred to in paragraph 1 of this Article has been done in a cruel manner, or succumbing to basic instincts,
    the offender shall be punished by imprisonment for a minimum term of ten years.
(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 offender shall be punished by imprisonment for a minimum term of ten years or life imprisonment.

(4) Punishment referred to in paragraph 3 of this Article shall also be imposed on a person who in violation of international law during a war or armed conflict orders that there must be no survivors or combats enemy with that aim in mind.

Unlawful dispossession of articles from the killed

Article 433

(1) Whoever orders unlawful dispossession of articles from the dead or wounded on battlefield, or who commits such an offence, shall be punished by imprisonment for a term from one to five years.

(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 three thousand Euro, the offender shall be punished by imprisonment for a term from one to eight years.

(3) If the value of articles referred to in paragraph 1 of this Article exceeds the amount of thirty thousand Euro, the offender shall be punished by imprisonment for a term from two to ten years.

Violation against a parliamentary

Article 434

Whoever, in violation of provisions of international law during a war or armed conflict insults, mistreats, holds a parliamentary or his escort or who hinders their return, or in some other way violates their inviolability or orders the commission of such offences, shall be punished by imprisonment for a term from six months to five years.

Cruel treatment of the wounded, ill, and prisoners of war

Article 435

Whoever, in violation of provisions of international law, cruelly treats the wounded, ill or prisoners of war, or who obstructs them or deprives them from using rights they are entitled to under such provisions or orders the commission of such offences, shall be punished by imprisonment for a term from six months to five years.

Unjustified delay of repatriation of prisoners of war

Article 436
Whoever, in violation of provisions of international law, after the war or armed conflict ended unjustifiably delays repatriation or prisoners of war or civilians, or who orders such delay,
shall be punished by imprisonment for a term from six months to five years.

Destruction of cultural heritage

Article 437

(1) Whoever, in violation of provisions of international law during a war or armed conflict destroys cultural or historical monuments or other cultural facilities or religious structures or institutions or facilities intended for research, art, education or humanitarian goals or orders commission of such offences,
shall be punished by imprisonment for a term from three to fifteen years.
(2) If an offence referred to in paragraph 1 of this Article resulted in the destruction of a facility that enjoys special protection of international law as cultural heritage,
the offender shall be punished by imprisonment for a term from five to fifteen years.

Omission to take measures to prevent crimes against humanity and other rights protected under international law

Article 438

(1) A military commander or a person performing this function who knows that forces he is commanding or controlling are preparing or have already started commission of crimes referred to in Articles 425 to 429, Articles 431, Articles 433 to 436 and Article 438, but fails to take necessary measures that he could have taken and was obliged to take for the prevention of commission of such crimes, and this results in actual commission of that crime,
shall be punished by a sentence imposed for such a crime.
(2) Another superior who knows that his subordinates are preparing or have started commission of crimes referred to in Articles 425 to 429, Article 431, Articles 433 to 436 and Article 438 in the performance of operations under his supervision, and fails to take all necessary measures that he could have taken and was obliged to take in order to prevent the commission of crimes, and this eventually results in commission of that crime,
shall be punished by a sentence imposed for such a crime.
(3) If crimes referred to in paragraphs 1 and 2 of this Article have been done in negligence,
the offender shall be punished by imprisonment for a maximum term of three years.

Unauthorized use of international signs

Article 439

(1) Whoever abuses or carries without authorization the flag or sign of the United Nations Organization, or the flag or sign of the Red Cross Organization or
signs corresponding to them, or other internationally recognized signs used to mark certain facilities for their protection from military operations or orders that such offences be committed,
shall be punished by imprisonment for a maximum term of three years.
(2) Whoever commits the crime referred to in paragraph 1 of this Article in the zone of war operations,
shall be punished by imprisonment for a term from six months to five years.

Aggressive war

Article 440

(1) Whoever who calls to or instigates aggressive war,
shall be punished by imprisonment for a term from two to twelve years.
(2) Whoever orders aggressive war,
shall be punished by imprisonment for a minimum term of ten years or life imprisonment.

Racial and other discrimination

Article 441

(1) Whoever, on grounds of a difference in race, colour of skin, nationality or ethnic origin, violates fundamental human rights and freedoms recognized by the international community,
shall be punished by imprisonment for a term from six months to five years.
(2) The punishment referred to in paragraph 1 of this Article shall be imposed on persons who persecutes organizations or individuals for their efforts to ensure equality of people.
(3) Whoever spreads ideas about the superiority of one race over another, or promotes racial hatred, or instigate racial discrimination,
shall be punished by imprisonment for a term from three months to three years.

Trafficking in human beings

Article 442

(1) Whoever 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: recruits, transports, transfers, hands over, sells, buys, mediates in sale, hides or keeps another person for gain, exploitation of work, commission of crimes, prostitution or begging, pornographic use, taking away a body part for transplantation or for use in armed conflicts shall be punished by imprisonment for a term from one to ten years,
(2) If the offence referred to in paragraph 1 of this Article is committed to a juvenile person, the offender shall be punished by at least three years imprisonment.
(3) For crimes referred to in paragraph 1 of this Article committed to a person who is not yet 14, the offender shall be sanctioned by punishment imposed for that
crime even when there was no force, threat, or any other of the stated methods present in the commission of the crime.

(4) Whoever interferes with committing crimes referred to in paragraphs 1 to 3 of this Article or participates in their organized commission together with several other persons shall be punished by imprisonment for a minimum term of five years.

Trafficking in children for adoption

Article 443

(1) Whoever abducts a juvenile person who has not yet reached fourteen for adoption in contravention of 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 fourteen or transports, provides accommodation for or hides such a person, shall be punished by imprisonment for a term from one to five years.

(2) Whoever conducts activities referred to in paragraph 1 of this Article or participates in their organized commission together with several other persons, shall be punished by imprisonment for a minimum term of three years.

Submission to slavery and transportation of enslaved persons

Article 444

(1) Whoever by violation of international law forces another person into slavery or other similar position or keeps another person in such a position, or 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 punished by imprisonment for a term from one to ten years.

(2) Whoever transports persons in the position of slavery or other similar position from one country to another shall be punished by imprisonment for a term from six months to five years.

(3) For crimes referred to in paragraphs 1 and 2 of this Article committed to a juvenile person, the offender shall be punished by imprisonment for a term from five to fifteen years.

International terrorism

Article 445

(1) Whoever, with the intention of causing harm to a foreign state or organization commits abduction over a person or other act of violence, causes explosion or fire or takes other generally dangerous acts or threats by use of nuclear, chemical, bacteriological or other similar instrument, shall be punished by imprisonment for a term from three to fifteen years.

(2) If an offence referred to in paragraph 1 of this Article resulted in death of one or more persons,
the offender shall be punished by imprisonment for a term from five to fifteen years.

(3) If in the commission of crime referred to in paragraph 1 of this Article the offender has committed premeditated murder,

the offender shall be punished by imprisonment for a minimum term of ten years of life imprisonment.

Taking hostages

Article 446

(1) Whoever commits abduction of a person or 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 punished by imprisonment for a term from two to ten years.

(2) The offender 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, can be liable to a reduced sentence.

(3) If an offence referred to in paragraph 1 of this Article resulted in the death of the hostage,

the offender shall be punished by imprisonment for a term from three to fifteen years.

(4) If during the commission of crimes referred to in paragraph 1 of this Article, the offender committed premeditated murder of the hostage,

the offender shall be punished by imprisonment for a minimum term of ten years or life imprisonment.

Financing of terrorism

Article 447

(1) Whoever provides or raises funds intended for financing of crimes referred to in Articles 446 and 447,

shall be punished by imprisonment for a term from one to ten years.

(2) Funds referred to in paragraph 1 of this Article shall be seized.

Bribing a foreign civil servant

Article 448

Whoever gives or promises to give a civil servant in a foreign country or organization a gift or any other gain for committing a crime referred to in Article 421 of this Code,

shall be liable to a sentence pronounced for such offences.

CHAPTER THIRTY-SIX

CRIMES AGAINST
THE ARMY OF SERBIA AND MONTENEGRO
Evasion of military service

Article 449

(1) Whoever, without justifiable cause, fails to report for military conscription, for the compulsory military service or reserve military staff training, or avoids to receive a call-up notice to do his service, shall be punished by either a fine or imprisonment for a maximum term of one year.

(2) Whoever hides so as to avoid his duty referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term from three months to three years.

(3) Whoever leaves the country or stays abroad so as to avoid his military duty referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term from one to eight years.

(4) Whoever calls to several persons or instigates them to commit acts referred to in paragraphs 1 to 3 of this Article, shall be punished for the offences referred to in paragraph 1 by imprisonment for a maximum term of three years, and for the offences referred to in paragraphs 2 and 3 by imprisonment for a term from two to twelve years.

(5) The offender of crimes referred to in paragraphs 1 to 3 of this Article who voluntarily reports himself to a state authority can be acquitted from punishment.

Evasion of registration and inspection

Article 450

(1) Whoever, in violation of an obligation under a law and without justification, fails to observe an invitation to report to a registration or inspection authority, or opposes to registration or inspection of manpower or resources necessary for the defence of the country, or who provides false information for such registration or inspection, shall be punished by either a fine or imprisonment for a maximum term of one year.

Evasion of obligation to provide resources

Article 451

(1) Whoever, in violation of an obligation under a law and without justification, fails to bring to a determined location, at the time and in the condition that make them useful for the intended purpose, the material resources or livestock, shall be punished by either a fine or punishment for a term up to one year.

(2) If the offence referred to in paragraph 1 of this Article was committed during imminent war danger, state of war, armed conflict or emergency state, the offender shall be punished by imprisonment for a term from six months to five years.
Evasion of military service by self-mutilation or deceit

Article 452

(1) Whoever, with the intention to evade military service and be displaced to an easier duty, mutilates himself or temporarily disables himself for army service in some other way, or allows another to temporarily disable him, as well as whoever temporarily disables another with or without the permission of another with the same purpose,
    shall be punished by imprisonment for a term from three months to five years.
(2) If the commission of offences referred to in paragraph 1 of this Article results in permanent disability for military service,
    the offender shall be punished by imprisonment for a term from one to eight years.
(3) Whoever, 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 way deceiving others,
    shall be punished by imprisonment for a term from three months to five years.

Illegal exemption from military service

Article 453

Whoever, by abuse of his office or authority, exempts from duty or assigns to an easier duty a military person or a person subjected to military duty,
    shall be punished by imprisonment for a term from six months to five years.

Arbitrary leave and desertion from the Army of Serbia and Montenegro

Article 454

(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 either a fine or imprisonment for a maximum period of one year.
(2) A military person who hides so as to avoid military service or who arbitrarily leaves his unit or service for over thirty days,
    shall be punished by imprisonment for a term from three months to three years.
(3) A military person who leaves the country or stays abroad so as to avoid military service,
    shall be punished by imprisonment for a term from one to eight years.
(4) A military person who prepares to escape abroad or stays abroad so as to avoid military service,
    shall be punished by imprisonment for a term from three months to three years.
(5) Whoever calls or instigates several persons to commit the crimes referred to in paragraph 1 of this Article,
shall be punished by imprisonment for a term from one to eight years.
(6) Whoever calls or instigates several persons to commit the crimes referred to in paragraphs 2 and 3 of this Article,
shall be punished by imprisonment for a term from two to twelve years.
(7) The perpetrator of crimes referred to in paragraphs 2 and 3 of this Article who voluntarily reports himself to authorized state body so as to do his military service can be liable to a reduced sentence.

Failure and refusal to execute an order

Article 455

(1) A military person who fails to execute 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 punished by imprisonment for a term from three months to three years.
(2) If offences referred to in paragraph 1 of this Article resulted in serious consequences for the military service, or the order referred to the receipt and use of weapons,
the offender shall be punished by imprisonment for a term from one to eight years.
(3) If the offences referred to in paragraphs 1 and 2 of this Article were committed out of negligence,
the offender shall be punished for the offences referred to in paragraph 1 by either a fine or imprisonment for a maximum term of one year,
and for the offences referred to in paragraph 2 by imprisonment for a term from three months to three years.

Resistance to superior

Article 456

(1) A military who together with other military persons offers resistance to the order of a superior officer in relation to the service and refuses to execute it, or refuses to discharge his duty,
shall be punished by imprisonment for a term from three months to three years.
(2) If the offence referred to in paragraph 1 of this Article has been committed by organized parties,
the offender shall be punished by imprisonment for a term from one to five years.
(3) If the offence referred to in paragraphs 1 and 2 of this Article was committed by use of weapons,
the offender shall be punished by imprisonment for a term from one to eight years.
(4) A military who when committing crimes referred to in paragraphs 1 to 3 of this Article commits manslaughter by negligence,
shall be punished by imprisonment for a term from two to ten years.

(5) A person organizing and directing offences referred to in paragraph 2 of this Article,
shall be punished by imprisonment for a term from two to ten years.

(6) A person preparing for offences referred to in paragraph 2 of this Article,
shall be punished by imprisonment for a term from three months to three years.

(7) A military superior 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 punished by imprisonment for a term from one to five years.

Resistance to a military performing special military services

Article 457

Whoever offers resistance to a military person who performs sentry, patrol, duty, guard or other similar services or disobeys his call or fails to enforce or refuses to enforce his order, and such resistance or disobedience results in serious detrimental consequences for the service, or serious danger for the service,
shall be punished by imprisonment for a term from three months to three years.

Coercion against a military on duty

Article 458

(1) Whoever by force or threat of immediate use of force prevents a military person from the discharge of his duties, or compels him in the same manner to act in contravention of his official duty,
shall be punished by imprisonment for a term from three months to three years.

(2) If the commission of offences referred to in paragraph 1 of this Article resulted in serious consequences for the service,
the offender shall be punished by imprisonment for a term from one to eight years.

(3) An attempt of offences referred to in paragraph 1 of this Article shall be liable to punishment.

Assault against a military on duty

Article 459

(1) Whoever assaults or threats to assault a military in the discharge of his duty,
shall be punished by imprisonment for a term from three months to three years.

(2) If the commission of offences referred to in paragraph 1 of this Article has resulted in light bodily injuries of the military person or a threat to use weapons,
shall be punished by imprisonment for a term from three months to five years.

(3) If the commission of offences referred to in paragraph 1 of this Article has resulted in grave bodily injuries of the military person or has caused serious consequences for the service out of negligence,
    shall be punished by imprisonment for a term from one to eight years.

(4) If the commission of offences referred to in paragraph 1 of this Article has resulted in manslaughter of the military person by negligence,
    shall be punished by imprisonment for a term from two to ten years.

Acquittal for offences under Articles 455 to 459

Article 460

If the offender referred to in Articles 455, Article 456, paragraph 1, Article 457, Article 458, paragraphs 1 and 2, Article 459, paragraphs 1 and 2 of this Code has been provoked by unlawful or rude action of a military,
    he can be acquitted from punishment.

Ill-treatment of a subordinate or a military of lower rank

Article 461

(1) A military superior who during his duty or in relation to it ill-treats his subordinate or a military of a lower rank or treats them in a way offensive to human dignity,
    shall be punished by imprisonment for a term from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article has resulted in grave bodily injuries or serious harm to health of a subordinate or a military of a lower rank or if the offence has been committed against several persons,
    the offender shall be punished by imprisonment for a term from one to five years.

Violation of special military services

Article 462

(1) A military who acts in contravention of regulations on sentry, patrol, duty, guard or other similar services, and if it results in grave detrimental consequences for the services or serious danger for the service,
    shall be punished by imprisonment for a term from three months to three years.

(2) If the offence referred to in paragraph 1 of this article has been committed at an arms, ammunition, or explosives depots, or at any other important facility,
    the offender shall be punished by imprisonment for a term from three months to five years.

(3) If the offences referred to in paragraphs 1 and 2 of this Article resulted in grave bodily injuries, or extensive damage to property, or other grave detrimental consequences,
the offender shall be punished by imprisonment for a term from one to eight years.

(4) If the offences referred to in paragraphs 1 and 2 of this Article resulted in the death of one or more persons,
the offender shall be punished by imprisonment for a term from two to twelve years.

(5) If the offences referred to in paragraphs 1 to 4 of this Article have been committed by negligence,
the offender shall be punished for the offences referred to in paragraph 1 by a fine or imprisonment for a maximum term of one year, for the offence referred to in paragraph 2 by a fine or imprisonment for a maximum term of two years, for the offence referred to in paragraph 3 by imprisonment for a term from three months to three years and for the offence referred to in paragraph 4 by imprisonment for a term from one to eight years.

Violation of state border guard duty

Article 463

(1) A military who while performing his duty at the state border acts in contravention of the regulations on state border guard, and this results in serious detrimental consequences, or serious danger for the service,
shall be punished by imprisonment for a term from three months to five years.

(2) If the offence 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 offender shall be punished by imprisonment for a term from one to eight years.

(3) If the offence referred to in paragraph 1 of this Article has resulted in death of one or more persons,
the offender shall be punished by imprisonment for a term from two to twelve years.

(4) If the offence referred to in paragraph 1 of this Article has been committed by negligence,
the offender shall be punished by either a fine or imprisonment for a maximum term of one year.

(5) If the offence referred to in paragraph 4 of this Article has resulted in consequences referred to in paragraph 2 of this Article,
the offender shall be punished by imprisonment for a term from three months to three years.
and if it has resulted in the consequence referred to in paragraph 3 of this Article,
the offender shall be punished by imprisonment for a term from one to eight years.

Submission of false reports

Article 464
(1) A military person who reports to his superior, orally or in writing, including false information important for the service or omits important information, or forwards such a report although he knows information is false, and this results in grave detrimental consequences for the service or serious danger for the service, shall be punished by imprisonment for a term from three months to three years.

(2) If the offence referred to in paragraph 1 of this Article has been committed in relation to a report of utmost significance or has resulted in grave consequences, the offender shall be punished by imprisonment for a term from one to eight years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article has been committed by negligence, the offender shall be punished for the offence in paragraph 1 by a fine or imprisonment for a maximum term of one year, and for the offence referred to in paragraph 2 by imprisonment for the term from three months to three years.

Failure to take measures for the security of a military unit

Article 465

(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 life and health of people entrusted to him, security and maintenance of facilities, objects and resources serving for combat readiness, regular provisions of food or military equipment or keeping of livestock, timely restoration work or security of facilities entrusted to him, thus endangering the life of people or seriously harming the health of people or causing damage to property of large value, shall be punished by imprisonment for a term from six months to five years.

(2) If the offences referred to in paragraph 1 of this Article result in a grave bodily injury, or extensive damage to property, or other grave consequences, the offender shall be punished by imprisonment for a term from one to eight years.

(3) If the offences referred to in paragraph 1 of this Article result in the death of one or more persons, the offender shall be punished by imprisonment for a term from two to twelve years.

(4) If the offences referred to in paragraph 1 of this Article have been committed by negligence, the offender shall be punished by either a fine or imprisonment for a maximum term of two years.

(5) If the offences referred to in paragraph 1 of this Article result in the consequence referred to in paragraph 2 of this Article, the offender shall be punished by imprisonment for a term from three months to three years, and if it results in the consequence referred to in paragraph 3 of this Article, the offender shall be punished by imprisonment for a term from one to eight years.

Negligent manufacture and acceptance of delivery
of weapons and other military equipment

Article 466

(1) A military or other person in charge of a company or other legal entity catering to the needs of defence and is entrusted with management of production or other technological process or their supervision who negligently performs his service or duty entrusted to him, and as a result of this, weapons, ammunition, or other military equipment is not manufactured in time or does not correspond to prescribed quality,

shall be punished by imprisonment for a term from three months to three years.

(2) Punishment referred to in paragraph 1 of this Article shall also be imposed on a military or other persons who by negligent discharge of duty accept weapons or other military equipment that do not correspond to the terms or contract.

(3) If the offences referred to in paragraphs 1 and 2 of this Article result in grave consequences,

the offender shall be punished by imprisonment for a term from one to eight years.

(4) If the offences referred to in paragraphs 1 and 2 of this Article have been committed by negligence,

the offender shall be punished by either a fine or imprisonment for a maximum term of one year.

(5) If the offences referred to in paragraph 4 of this Article result in the consequence referred to in paragraph 3 of this Article,

the offender shall be punished by imprisonment for a term from three months to three years.

Failure to observe regulations in handling entrusted weapons

Article 467

(1) Whoever fails to observe regulations while keeping, storing or handling the entrusted weapons, ammunition or explosives owned by the military unit or institution, thus causing extensive damage to them, their destruction or disappearance,

shall be punished by imprisonment for a term from three months to three years.

(2) The manager of the depot of weapons, ammunition, explosives, and other combat means who fails to take measures for their security and maintenance, which results in extensive damage, destruction or disappearance of such combat means,

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

(3) If the offence referred to in paragraph 2 of this Article results in extensive property damage,

the offender shall be punished by imprisonment for a term from one to eight year.

(4) If the offence referred to in paragraphs 1 and 2 of this Article has been committed by negligence,

the offender shall be punished by a fine or imprisonment for a maximum term of two years.
(5) If the offence referred to in paragraph 4 of this Article results in the consequence referred to in paragraph 3 of this Article, the offender shall be punished by imprisonment for a term from three months to five years.

Illegal handling of entrusted weapons

Article 468

Whoever appropriates, disposes of, pawns, confers to another for use, damages or destroys weapons, ammunition or explosives that have been entrusted to him for use and serve the defence purposes, shall be punished by imprisonment for a term from three months to five years.

Theft or weapons and part of combat means

Article 469

(1) Whoever steals weapons, ammunition, explosives, combat means or part of combat means serving for defence purposes, shall be punished by imprisonment for a term from six months to five years.

(2) If the value of objects referred to in paragraph 1 of this Article exceed the amount of three thousand euro, or if the theft has been committed by breaking 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 defence, or during a fire, flood, earthquake or other calamity, the offender shall be punished by imprisonment for a term from two to ten years.

(3) If the value of objects referred to in paragraph 1 of this Article exceeds the amount of thirty thousand euro, the offender shall be punished by imprisonment for a term from two to twelve years.

Disclosure of military secrets

Article 470

(1) Whoever, without authorization communicates, conveys or in some other way makes available to another information that constitutes a military secret or whoever obtains such information with a view to conveying it to unauthorized person, shall be punished by imprisonment for a term from three months to five years.

(2) If the offence 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 offender shall be punished by imprisonment for a term from one to eight years.

(3) If the offence referred to in paragraph 1 of this paragraph has been committed by negligence,
the offender shall be punished by imprisonment for a maximum term of three years.

(4) A military secret shall be understood to mean information that under the law, other regulation or the decision of an authorized body adopted in accordance 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 471

Whoever 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 punished by imprisonment for a maximum term of three years.

Punishment for crimes committed during imminent war danger, state of war, armed conflict and state of emergency

Article 472

(1) For crimes referred to Article 449, paragraph 1, Article 454, paragraphs 1 and 4, Article 455, paragraphs 1 and 3, Article 456, paragraphs 1 and 7, Article 457, Article 458, Article 459, paragraphs 1 and 2, Articles 461, Article 462, paragraphs 1, 2 and 5, Article 463, paragraphs 1, 4 and 5, Article 464, Article 465, paragraphs 1 and 4, Article 466, paragraphs 1, 2 and 5, Article 467, paragraphs 1, 2, 4 and 5, Article 468, Article 469, paragraph 1, Article 470, paragraphs 1 and 3, and Article 471 of this Code, provided they have been committed during imminent war danger, state of war, armed conflict or state of emergency,

the offender shall be punished by imprisonment for a term from two to ten years.

(2) For crimes referred to in Article 449, paragraphs 2 to 4, Article 452, Article 453, Article 454, paragraphs 2, 3 and 5, Article 455, paragraph 2, Article 459, paragraphs 2 to 4, Article 461, paragraph 2, Article 462, paragraph 3, Article 463, paragraph 2, Article 465, paragraphs 2 and 5, Article 466, paragraph 3, Article 467, paragraph 3, Article 469, paragraphs 2 and 3, and Article 470, paragraph 2 of this Code, provided they have been committed during imminent war danger, state of war, armed conflict, or state of emergency,

the offender shall be punished by imprisonment for a term from three to fifteen years.

(3) For crimes referred to in Article 462, paragraph 4, Article 463, paragraph 3, Article 465, paragraph 3 of this Code, provided they have been committed during imminent war danger, state of war, armed conflict, or state of emergency,

the offender shall be punished by imprisonment for a minimum term of ten years.

Failure to fulfil a duty in organization of mobilization
Article 473

(1) A 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, displacement, and accommodation of mobilized manpower, 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 punished by imprisonment for a term from one to five years.

(2) If the offences referred to in paragraph 1 of this Article have resulted in grave consequences, the offender shall be punished by imprisonment for a minimum term of ten years.

(3) If the offences referred to in paragraph 1 of this Article have been committed by negligence, the offender shall be punished by imprisonment for a maximum term of three years.

(4) If the offences referred to in paragraph 3 of this Article have resulted in the consequence referred to in paragraph 2 of this Article, the offender shall be punished by imprisonment for a term from three months to five years.

Weakening of military and defence power

Article 474

(1) Whoever destroys, makes useless or who enables the transfer to enemy of defence installations, defence facilities, position, arms and other military and defence facilities, vessel or aircraft or turns his unit over to the enemy without combat or before all means for combat have been exhausted, or hinders and endangers in some other way the military or defence measures, shall be punished by imprisonment for a term from three to fifteen years.

(2) Whoever commits the act referred to in paragraph 1 of this Article with the intention of assisting the enemy, shall be punished by imprisonment for a term from five to fifteen years.

(3) Whoever prepares the commission of crimes referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term from one to six years.

(4) If the crimes referred to in paragraph 1 of this Article have been committed by negligence, the offender shall be punished by imprisonment for a term from one to eight years.

(5) If the crimes 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 serious acts of violence or extensive devastation or have resulted in a threat to safety, economic or military power of the country, the offender shall be punished by imprisonment for a minimum term of ten years.

Prevention of defence
Article 475

(1) Whoever during a war or armed conflict prevents citizens of the state union of Serbia and Montenegro or citizens of its allies to fight against the enemy, shall be punished by imprisonment for a term from five to fifteen years.

(2) Whoever during a war or armed conflict discourages citizens of the state union of Serbia and Montenegro or citizens of its allies from fighting against the enemy by propaganda activities or in some other way, shall be punished by imprisonment for a term from one to eight years.

Defection and surrender to the enemy

Article 476

(1) A military person who during a war or armed conflict defects to the enemy forces, shall be punished by imprisonment for a minimum term of ten years or life imprisonment.

(2) A military person who during a war or armed conflict defects to the enemy before having previously exhausted all capacity of defence, shall be punished by imprisonment for a term from two to ten years.

Service in the enemy forces

Article 477

(1) A citizen of the state union of Serbia and Montenegro who in times of war or armed conflict serves the enemy forces or other enemy armed formations, or takes part in the war or armed conflict as a soldier against the state union of Serbia and Montenegro and its allies, shall be punished by imprisonment for a term from three to fifteen years.

(2) Whoever recruits citizens of the state union of Serbia and Montenegro for service in the enemy forces or other enemy armed formations or for combat in the war or armed conflict against the state union of Serbia and Montenegro or its allies, shall be punished by imprisonment for a term from five to fifteen years.

Assistance to enemy

Article 478

(1) A citizen of the state union of Serbia and Montenegro 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 punished by imprisonment for a term from two to ten years.

(2) The punishment referred to in paragraph 1 of this Article shall also be imposed on a citizen of the state union of Serbia and Montenegro who had political and economic cooperation with the enemy during the war.

(3) If the crimes referred to in paragraphs 1 and 2 of this Article have resulted in the death of one or more persons, or have endangered the life of people, or have
been accompanied by serious acts of violence, or extensive devastation, or have threatened the safety or the economic or military power of the country, shall be punished by imprisonment for a minimum term of ten years.

Failure to discharge duty and abandonment of duty in combat

Article 479

(1) A military person who in combat or immediately prior to it, fails to discharge his duty and this results in detrimental consequences for the military unit or military situation,

shall be punished by imprisonment for a term from two to ten years.

(2) The punishment referred to in paragraph 1 of this Article shall also be imposed on a military who in combat or immediately before in abandons his duty of his own free will or through deceit.

(3) If the offences referred to in paragraphs 1 and 2 of this Article have resulted in serious consequences,

the offender shall be punished by imprisonment for a minimum term of ten years.

Abandonment of position contrary to order

Article 480

(1) A military commander who, in breach of an order, abandons a position with the unit entrusted to him before having exhausted all capacity for defence,

shall be punished by imprisonment for a term from two to twelve years.

(2) If the offence referred to in paragraph 1 of this Article has resulted in serious consequences,

the offender shall be punished by imprisonment for a minimum term of ten years.

Early abandonment of a damaged vessel and aircraft

Article 481

(1) A commander of a navy vessel who during a war or armed conflict abandons a damaged vessel before having fulfilled his duty under regulations on navy service,

shall be punished by imprisonment for a term from two to ten years.

(2) A member of crew of a navy vessel who during a war or armed conflict deserts the damaged vessel before the commander issues order for abandonment, or a member of crew of a military aircraft who during a war or armed conflict abandons the damaged military aircraft before having fulfilled his duty under regulations on flight and usage of aircraft,

shall be punished by imprisonment for a term form one to eight years.

(3) If the crimes referred to in paragraphs 1 and 2 of this Article have resulted in serious consequences,

the offender shall be punished for the crime referred to in paragraph 1 of this Article by imprisonment for a minimum term of ten years,
and for the crime referred to in paragraph 2 of this Article by imprisonment for a term from two to ten years.

Weakening of combat morale

Article 482

(1) Whoever, immediately before or during combat, by provoking dissatisfaction among military persons, spreading discouraging information, escape, throwing away arms or ammunition, causing or spreading fear, or in some other way, weakens the combat morale or causes harm to military situation, shall be punished by imprisonment for a term from two to twelve years.

(2) A military commander who fails to take necessary measures against a subordinate or other 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 or the unit or causes harm to military situation, shall be punished by imprisonment for a term from one to eight years.

(3) If the crimes referred to in paragraphs 1 and 2 of this Article have resulted in serious negative consequences, the offender shall be punished by imprisonment for a minimum term of ten years.

Failure to report to military bodies

Article 483

(1) Whoever, during imminent war danger, state of war, armed conflict or state of emergency, fails to inform the superior, other officer of a higher rank or military command about the event that obviously requires undertaking of urgent military measures, shall be punished by imprisonment for a maximum term of three years.

(2) If the crimes referred to in paragraph 1 of this Article have resulted in serious consequences, the offender shall be punished by imprisonment for a term from two to ten years.

Crimes committed following orders of superiors

Article 484

Exempted from punishment shall be a subordinate who commits a crime related to official duty following the order of a superior, unless the order referred to the commission of a crime that is punishable by five years' imprisonment or a more serious offence, and the subordinate knew that fulfilment of the order constituted a crime.