

**Act IV of 1978**  
**on the Criminal Code**

**GENERAL PART**

**Aim of the Criminal Code**

**Section 1**

*Chapter I*

**Scope of the Criminal Code**

**Temporal Scope**

**Section 2**

A crime shall be adjudged in accordance with the law in force at the time of its perpetration. If, in accordance with the new Criminal Code in force at the time of the judgment of an act, the act is no longer an act of crime or it is to be adjudged more leniently, then the new law shall apply; otherwise, the new Criminal Code has no retroactive force.

**Territorial and Personal Scope**

**Section 3**

(1) Hungarian law shall be applied to crimes committed in Hungary, as well as to acts committed by Hungarian citizens abroad, which are crimes in accordance with Hungarian law.

(2) The Hungarian law shall also be applied to criminal acts committed on board of Hungarian ships or Hungarian aircraft situated outside the borders of the Republic of Hungary.

**Section 4**

(1) Hungarian law shall also be applied to acts committed by non-Hungarian citizens abroad, if they are  
*a)* criminal acts in accordance with Hungarian law and are also punishable in accordance with the law of the place of perpetration,

*b)* it is a criminal act against the state (Chapter X), excluding espionage against allied armed forces (Section 148), regardless of whether it is punishable in accordance with the law of the country where committed,

c) crimes against humanity (Chapter XI) or any other crime, the prosecution of which is prescribed by an international treaty.

(2) Espionage (Section 148) against allied armed forces by a non-Hungarian citizen in a foreign country shall be punishable according to Hungarian penal law, provided that such offense is also punishable by the law of the country where committed.

(3) In the cases described in Subsections (1)-(2) the indictment shall be ordered by the Attorney General.

## **Diplomatic Exemption and other Exemption Based on International Law**

### **Section 5**

The criminal indictment of persons enjoying diplomatic immunity and other immunity based on international law, shall be governed by international treaties, and failing this, by international practice. In the issue of international practice, the declaration made by the Minister of Justice shall be governing.

## **Effect of Foreign Verdicts**

### **Section 6**

(1) A verdict rendered by a foreign court shall have the same effect as a verdict rendered by a Hungarian court, if

a) the foreign court proceeded on the basis of charges filed by the Hungarian authorities or upon transfer of the criminal proceeding,

b) the foreign court proceeded based on charges filed against the perpetrator for an act that is punishable by Hungarian law and by the law of the foreign state as well, and the proceeding conducted abroad and the sentence imposed or the measure employed is in conformity with Hungarian law.

(2) The validity of a verdict rendered by a foreign court shall not be recognized even in the event that the conditions set forth in Paragraph b) of Subsection (1) prevail, if such verdict was passed in connection with a criminal act of a political nature, or one closely related to such, or in connection with a military offense.

(3) An offense shall not be considered of political or military nature if the criminal aspects of the offense outweigh the political or military aspects in the commission of such offense, in view of all applicable circumstances, such as the intended objective of the act, the motive, the mode of commission and the means physically employed or contemplated.

(4) For the purposes of establishing the validity of a verdict rendered by a foreign court, premeditated homicide and any offense which includes premeditated homicide shall be construed as a criminal offense under any and all circumstances.

(5) If an act of a person falling under the jurisdiction of Hungarian criminal law has already been adjudicated by a foreign court, with the exception set forth in Subsection (1), the Attorney General shall decide on the institution of criminal proceedings. In such case, the time of sentence served in a foreign country or the time of detention shall be deducted from the sentence imposed by the Hungarian court.

## **Espousal and Passing On of the Execution of Punishment**

### **Section 7**

## **Offering of Criminal Proceedings**

### **Section 8**

# **Extradition and Asylum**

## **Section 9**

### *Chapter II*

## **The Act of Crime and the Perpetrator**

### **Title I**

## **The Act of Crime**

### **Section 10**

(1) An act of crime is an act perpetrated intentionally or - if the law also punishes negligent perpetration - by negligence, which is dangerous for society and for which the law orders the infliction of punishment.

(2) That activity or omission shall be an act dangerous for society, which violates or endangers the state, social or economic order of the Republic of Hungary, the person or rights of the citizens.

## **Felony and Misdemeanour**

### **Section 11**

(1) An act of crime is either a felony or a misdemeanour.

(2) Felony is an act of crime perpetrated intentionally, for which the law orders the infliction of a punishment graver than imprisonment of two years. Any other act of crime is misdemeanour.

## **Cumulation**

### **Section 12**

(1) Cumulation of crimes is, if one or more act of the perpetrator realizes more than one act of crime and they are adjudged in the same proceedings.

(2) It is not a cumulation of crimes, but a crime perpetrated continuously, if the perpetrator commits the same crime with unified decision, to the detriment of the same injured party in short intervals on several occasions.

## **Intention and Negligence**

### **Section 13**

An act of crime is perpetrated intentionally by the person who wishes the consequences of his conduct or acquiesces to these consequences.

## **Section 14**

An act of crime is committed by negligence by the person who foresees the possible consequences of his conduct, but carelessly trusts in their non-occurrence; as well as by the person who fails to foresee the possibility of the consequences, because he omits to pay the attention or exercise the circumspection that may be expected of him.

## **Section 15**

The graver legal consequences attached to the result as a qualifying circumstance of the crime may be applied, if the perpetrator is burdened at least by negligence in respect of the result.

## **Title II**

### **Attempt and Preparation**

## **Section 16**

The person, who commences the perpetration of an intentional crime, but does not finish it, shall be punishable for attempt.

## **Section 17**

- (1) The item of punishment of the finished crime shall be applied for the attempt.
- (2) The punishment may be mitigated without limitation or even dispensed with, if the attempt has been perpetrated on an unsuitable subject or with an unsuitable instrument.
- (3) The person, due to the voluntary desisting of whom the finishing of the crime has not taken place, furthermore, the person who voluntarily prevents the occurrence of the result, shall not be punishable for attempt.
- (4) If in the case of subsections (2) and (3), the attempt in itself realizes another crime, the perpetrator shall be punishable for that crime.

## **Section 18**

- (1) If the law orders especially, that who provides for the perpetration of a crime the conditions required therefor or facilitating that, who invites, offers for, undertakes its perpetration, or agrees on joint perpetration, shall be punishable for preparation.
- (2) That person shall not be punishable for preparation
  - a)* due to the voluntary desisting of whom the commencement of the perpetration of the crime does not take place;
  - b)* who withdraws his invitation, offer, undertaking with the aim of the prevention of the perpetration, or makes efforts so that the other contributors desist from the perpetration, provided that the commencement of the perpetration does not take place for any reason whatsoever;
  - c)* who informs the authority about the preparation.
- (3) In the cases of subsection (2), if the preparation is already another act of crime in itself, the perpetrator shall be punishable for that crime.

## **Title III**

## **The Perpetrators**

### **Section 19**

Perpetrators are the perpetrator and the coprincipal perpetrators, the abettor and the accessory (accomplices).

### **Section 20**

- (1) Perpetrator is a person who realizes the legal facts of a crime.
- (2) Coprincipals are the persons who jointly realize the legal facts of an intentional crime, in awareness of each other's activities.

### **Section 21**

- (1) Abettor is a person who intentionally persuades another person to perpetrate a crime.
- (2) Accessory is, who intentionally grants assistance for the perpetration of a crime.
- (3) The item of punishment established for the perpetrators shall also be applied for the accomplices.

## ***Chapter III***

### **Obstacles of Criminal Prosecution**

#### **Title I**

#### **Grounds for the Preclusion of Punishability**

### **Section 22**

Punishability shall be precluded by

- a)* infancy,
- b)* insane mental state,
- c)* constraint and menace,
- d)* error,
- e)* negligible degree of danger to society of the act,
- f)* justifiable defence,
- g)* extreme necessity (emergency)
- h)* absence of private motion,
- i)* other grounds defined in the law.

#### **Infancy**

## **Section 23**

The person who has not yet completed his fourteenth year when perpetrating an act, shall not be punishable.

## **Insane Mental State**

### **Section 24**

(1) That person shall not be punishable, who perpetrates an act in such an insane state of mental functions - thus in particular lunacy, imbecility, dementia, cognitive or personality disorder -, which makes him unable to recognize the consequences of the act or to act in accordance with this recognition.

(2) The punishment may be mitigated without limitation if the insane state of mental function hinders the perpetrator in the recognition of the consequences of the act or in acting in accordance with this recognition.

### **Section 25**

The provisions of Section 24 shall not apply to persons, who perpetrate acts in a drunken or stuporous state through their own fault.

## **Constraint and Menace**

### **Section 26**

(1) The person, who perpetrates an act under the influence of a constraint or menace which renders him incapable of acting according to his will, shall not be punishable.

(2) The punishment may be mitigated without limitation, if the constraint or menace restricts the perpetrator in acting according to his will.

## **Error**

### **Section 27**

(1) The perpetrator shall not be punishable for a fact, of which he was not aware on perpetration.

(2) The person, who commits an act in the erroneous hypothesis that it is not dangerous for society and who has reasonable ground for this hypothesis, shall not be punishable.

(3) Error shall not exclude punishability, if it is caused by negligence, and the law also punishes perpetration deriving from negligence.

## **Negligible Degree of the Danger for Society of the Act**

### **Section 28**

The person, whose act is dangerous for society on perpetration to such a negligible degree, that even the most lenient punishment applicable in accordance with the law is unnecessary, shall not be punishable.

## **Justified Defence**

### **Section 29**

(1) The person, whose act is necessary for the prevention of an unlawful attack against that person, his own goods, or those of other persons, or against the public interest, or of an unlawful attack menacing directly the above, shall not be punishable.

(2) That person shall not be punishable either, who exceeds the necessary measure of prevention because he is unable to recognize it due to fright or justifiable excitement.

(3) The punishment may be mitigated without limitation, if the perpetrator is restricted in recognizing the necessary degree of prevention by fright or justifiable excitement.

## **Extreme Necessity**

### **Section 30**

(1) The person who rescues his own person or goods or the person or goods of other people from a direct danger otherwise not preventable, or acts so in the defence of the public interest, shall not be punishable, provided that the occurrence of the danger is not imputable to him and his act causes a smaller injury than that for the prevention of which he made efforts.

(2) That person is not punishable either, who causes an injury of the same or greater extent than the one for the prevention of which he made efforts, because he is unable to recognize the magnitude of the injury due to fright or justifiable excitement.

(3) The punishment may be mitigated without limitation, if fright or justifiable excitement restricts the perpetrator in the recognition of the magnitude of the injury.

(4) No emergency may be established to the benefit of the person, whose professional duty is the undertaking of exposure to danger.

## **Absence of Private Motion**

### **Section 31**

(1) In the cases defined in the Act, an act of crime is only punishable on the basis of a private motion.

(2) The injured party shall be entitled to submit the private motion.

(3) If the injured party is limited in his disposing capacity, the private motion may also be submitted by his legal representative, and if it has no disposing capacity, it may be submitted exclusively by his legal representative. In these cases the guardianship authority shall also be entitled to submit the private motion.

(4) If the injured party, entitled to submit the private motion, dies, his relative shall be entitled to submit the private motion.

(5) The private motion submitted against any one of the perpetrators shall be effective for all the perpetrators.

(6) A private motion may not be withdrawn.

## **Title II**

## **Grounds for the Termination of Punishability**

### **Section 32**

Punishability shall be terminated by

- a)* the death of the perpetrator,
- b)* prescription,
- c)* remission,
- d)* cessation or becoming negligible of the dangerousness for society of the act,
- e)* other grounds defined in the Act.

## **Prescription of Punishability**

### **Section 33**

(1) Punishability shall be prescribed

- a)* in the case of a felony, which is punishable by life imprisonment, by the elapse of twenty years;
- b)* in case of any other crime, by the elapse of the period of time equal to the upper limit of the punishment, but not less than by the elapse of three years.

(2) The punishability of the following crimes shall not be prescribed:

- a)* war crimes defined in Sections 11 and 13 of Decree No. 81/1945. (II.5.) ME, enacted by Act VII of 1945 and amended and complemented by Decree No. 1440/1945. (V.1.) ME;
- b)* other crimes against humanity (Chapter XI);
- c)* cases of homicide qualifying more seriously [Section 166, subsection (2), paragraph *a)* to *i)*];
- d)* cases of kidnapping and of violence against a superior officer or service official, qualifying more seriously [Section 175/A, subsection (4), Section 355, subsection (5), paragraph *a)*];
- e)* cases of acts of terrorism, seizing of aircraft and mutiny qualifying more seriously, if the act causing death is perpetrated intentionally [Section 261, subsection (2), paragraph *a)*, Section 262, subsection (2), Section 352, subsection (3), paragraph *b)*]

### **Section 34**

Initial day of the period of prescription is

- a)* in case of a finished crime the day, on which the legal facts are realized,
- b)* in case of attempt and preparation, the day when the act realizing them terminates,
- c)* in case of a crime which is realized exclusively by the omission of a duty, the day on which the perpetrator could yet satisfy his duty without the consequence established in the Criminal Code,
- d)* in the case of crimes which consist in the maintenance of an unlawful state, on the day, when this state ceases to exist.

### **Section 35**

(1) Prescription shall be interrupted by the act of criminal proceedings effectuated by the authorities acting in criminal cases against the perpetrator due to the crime. The period of time of prescription shall restart on the day of interruption.

(2) If the criminal proceedings are suspended, the period of suspension shall not be included in the period of time of prescription. This provision may not be applied, if criminal proceedings are suspended, because the perpetrator stays at an unknown place, or has become mentally ill.

(3) In case of probation (Section 72), the period of probation shall not be included in the period of prescription.

## **Cessation of the Dangerousness of the Act for Society**



## **Section 36**

The person, whose act is not dangerous for society any more or is dangerous only to such a negligible degree on adjudgment, that - also with respect to his person -, even the most lenient punishment applicable in accordance with the Act is unnecessary, shall not be punishable.

## ***Chapter IV***

## **Punishments and Measures**

### **Title I**

### **Punishments**

#### **Aim of Punishment**

### **Section 37**

The punishment is a legal prejudice defined in the Act for the perpetration of an act of crime. The aim of a punishment is the prevention - in the interest of the protection of society -, of either the perpetrator or any other person from committing an act of crime.

### **Types of Punishments**

### **Section 38**

(1) Principal punishments

1. imprisonment,
2. labour in the public interest,
3. fine.

(2) Supplementary punishments

1. prohibition from public affairs,
2. prohibition from profession,
3. prohibition from driving vehicles,
4. banishment,
5. expulsion,
6. confiscation of property,
7. fine as supplementary punishment.

(3) The supplementary punishments listed in paragraphs 1 and 6 of subsection (2) may be inflicted independently, without the infliction of punishment (Section 87/B), while the supplementary punishments listed in paragraphs 2-6 may be inflicted independently in lieu of the infliction of principal punishment (Section 88), if the other legal conditions of their application exist.

### **Capital Punishment**

## **Section 39**

### **Imprisonment**

## **Section 40**

- (1) The imprisonment may be a life imprisonment or an imprisonment lasting for a definite period of time.
- (2) The shortest and the longest duration of a sentence for a specific term of imprisonment shall be two months and fifteen years, respectively; or twenty years in respect of cumulative or consolidated sentences.
- (3) Only persons over the age of twenty at the time of commission of the criminal act shall be sentenced to life imprisonment.

## **Section 41**

- (1) The imprisonment shall be executed in an institution for the execution of punishments, in the degrees of high security prison, prison or detention centre.
- (2) The order of the execution of imprisonment, as well as the obligations and rights of the convicts are defined in a special legal rule.
- (3) During the execution of imprisonment, those citizens' rights and obligations of the convict which are contrary to the aim of the punishment, thus particularly those which are also covered by the prohibition from public affairs, shall be suspended.

## **Section 42**

- (1) Life imprisonment shall be executed in a high security prison.
- (2) Imprisonment of the duration of three years or of a longer period shall also be executed in a high security prison, if it has been inflicted for
  - a*) a crime against the state or against humanity (Chapters X and XI),
  - b*) 1. an act of terrorism (Section 261), seizure of an aircraft (Section 262), criminal misuse of explosives and blasting-agents (Section 263), criminal misuse of firearms and ammunition [Subsections (1)-(3) of Section 263/A], arms smuggling (Section 263/B), establishment of a criminal organization (Section 263/C), criminal misuse of weapons prohibited by international treaty (Section 264/C, criminal misuse of narcotic drugs (Section 282),  
2. homicide, kidnapping, trafficking in human beings, rape, sexual assault, sodomy, causing public danger, breach of an international legal obligation and aggravated cases of robbery [Subsection (2) of Section 166, Subsections (2)-(4) of Section 175/A, Subsections (3)-(5) of Section 175/B, Subsections (2)-(3) of Section 197, Subsections (2)-(3) of Section 198, Subsections (2)-(3) of Section 200, Subsections (2)-(4) of Section 259, Subsection (3) of Section 261/A, Subsections (3)-(4) of Section 321],  
3. promotion of prostitution as part of a criminal organization [Paragraph b) of Subsection (3) of Section 205], pandering [Paragraph c) of Subsection (3) of Section 207], smuggling of illegal aliens [Subsection (3) of Section 218], money laundering [Paragraph a) of Subsection (3) of Section 303], foreign exchange fraud [Paragraph c) of Subsection (5) of Section 309], tax or social security fraud [Paragraph b) of Subsection (5) of Section 310], smuggling and trafficking in smuggled goods [Paragraph c) of Subsection (4) of Section 312], theft [Paragraph c) of Subsection (7) of Section 316], fraud [Paragraph c) of Subsection (7) of Section 318], blackmail [Subsection (3) of Section 323], trafficking in stolen goods [Paragraph c) of Subsection (6) of Section 326].
  - c*) military crimes also punishable with life imprisonment (Chapter XX).
- (3) Imprisonment of the duration of two years or longer shall be executed in a high security prison, if the convict is a multiple recidivist.

## **Section 43**

The imprisonment shall be executed in a prison - except for the case of Section 42 -, if

- a)* it has been inflicted for a felony,
- b)* it has been inflicted for a misdemeanour, and the convict is a recidivist.

## **Section 44**

The imprisonment for a misdemeanour shall be executed in a detention centre, except for the case if the convict is a recidivist.

## **Section 45**

(1) If the court applies imprisonment, it shall inflict incarceration in high security prison, prison, or detention centre.

(2) In view of the circumstances to be taken for basis when inflicting the punishment (Section 83) - especially the personality of the perpetrator and the motif for the crime -, an execution type one degree stricter or more lenient than prescribed may be determined.

## **Section 46**

(1) In case of impeccable conduct displayed during the execution of the punishment, the court may order that the remainder of the punishment be executed in a degree which is one step more lenient; and if the convict disturbs repeatedly and seriously the order of the execution of punishment, the court may order that the remainder of the punishment be executed in a degree by one step stricter.

(2) In view of the changed conduct of the convict, the court may invalidate its decision taken on the basis of subsection (1).

## **Parole**

## **Section 47**

(1) The court may place a convict sentenced to imprisonment of a definite period on parole, if it may be reasonably supposed - in view especially of his impeccable conduct displayed during the execution of the punishment and of his readiness to conduct a law-abiding way of life - that the aim of the punishment may also be reached without further incarceration.

(2) Parole may only take place, if the convict has served

- at least four-fifth of his punishment executable in high security prison,
- at least three-fourth of his punishment executable in prison,
- at least two-third of his punishment executable in a detention centre.

(3) If the sentence imposed is for less than three years imprisonment, in cases qualified for special consideration, the court may include a clause of eligibility for parole after one-half the sentence has been served.

(4) Such persons may not be let on parole

*a)* who have been sentenced to imprisonment for an intentional crime, which they perpetrated after they had been sentenced earlier to executable imprisonment, before the termination of the execution,

*b)* a prisoner who served less than two months of his term of imprisonment,

*c)* habitual recidivists,

*d)* persons who committed a criminal act as part of a criminal organization,

*e)* persons who committed a criminal act punishable by imprisonment of three years or longer in a business-like manner or as part of a criminal conspiracy.

(5)

## **Section 47/A**

(1) In the event that a sentence of life imprisonment is imposed, the verdict shall establish the earliest date of eligibility for parole, or shall preclude any eligibility for parole.

(2) If the court has not precluded eligibility for parole, the earliest date of release on parole shall be after serving a term of twenty years, or at least a term of thirty years if the life imprisonment was imposed for a criminal act that is punishable without a statute of limitation.

### **Section 47/B**

(1) If, while serving a term of life imprisonment, a prisoner is sentenced to a specific term of executable imprisonment for a criminal act committed before being sentenced to life imprisonment, the court shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment.

(2) If a prisoner who is released on parole from life imprisonment is sentenced to a specific term of executable imprisonment for a criminal act committed before receiving such sentence of life imprisonment, the court shall revoke the parole and shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment.

(3) If, while serving a term of life imprisonment, a prisoner is sentenced to a specific term of executable imprisonment for a criminal act committed before receiving such sentence of life imprisonment, the court shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment or for a period of no less than five years and no more than twenty years.

(4) If a prisoner who is released on parole from life imprisonment is sentenced to a specific term of executable imprisonment for a criminal act committed while serving such sentence of life imprisonment, the court shall revoke the parole and shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment or for a period of no less than five years and no more than twenty years.

(5) If a prisoner who is released on parole from life imprisonment is sentenced to a specific term of executable imprisonment for a criminal act committed after being released on parole from such life imprisonment, the court shall revoke the parole and shall postpone the earliest date of release on parole for the duration of such specific term of imprisonment or for a period of no less than five years and no more than twenty years.

### **Section 47/C**

(1) Persons sentenced to life imprisonment shall be eligible for parole after serving the period of imprisonment determined by the court, and it can be presumed without reasonable doubt that the aim of the punishment may also be achieved without further incarceration.

(2) A person sentenced to life imprisonment may not be released on parole if he is sentenced to another term of life imprisonment. The second sentence of life imprisonment shall not be executed until the previous term of life imprisonment is served.

### **Section 48**

(1) The duration of parole shall be the same as the remaining part of the term of imprisonment, but no less than one year; or no less than fifteen years in respect of life imprisonment.

(2) If the remaining part of imprisonment is shorter than one year, and its execution has not been ordered, the punishment shall be deemed to be served by the last day of the remaining part after the elapse of the parole.

(3) For the duration of parole, but at least for one year, the convict may be placed under the supervision of a parole officer.

(4) The court terminates the parole, if the convict is sentenced to executable imprisonment for a crime perpetrated during the time of parole. If the convict is sentenced to another punishment, or if he violates the rules of conduct, the court may terminate the parole.

(5) In case of the termination of parole, the time spent on parole shall not be included in the imprisonment.

### **Section 48/A**

(1) If a prisoner is sentenced to more than one specific term of imprisonment which may not be consolidated, and if granted parole from any of such terms, the prisoner may not be released on the grounds of this parole while serving the other term(s) of imprisonment.

(2) If the court grants parole in connection with more than one prison term, the terms of such parole shall simultaneously apply to all such prison terms.

(3) In the case of Subsection (4) of Section 48, the conditions for revoking parole shall be assessed separately for each simultaneous parole term.

## **Labour in the Public Interest**

### **Section 49**

(1) A person sentenced to labor in the public interest is obligated to perform the work defined for him in the court sentence. The personal freedom of the convict may not be otherwise restricted.

(2) Only such work may be ordered as work in the public interest which the convict, in light of his health condition and education, is presumed to be capable of performing.

(3) Unless otherwise provided for by law, the convict shall perform the labor in the public interest at least on one day per week, on the weekly day of rest or on his day off, without remuneration.

(4) The shortest duration of labor in the public interest shall be one day while its longest duration shall be fifty days. One day of work in the public interest shall constitute six hours of work.

### **Section 50**

(1) If the convict does not voluntarily satisfy his work obligation, imprisonment shall be substituted for labour in the public interest or for its remaining part. This imprisonment shall be executed in a detention centre.

(2) The imprisonment substituting labour in the public interest or the remaining part thereof shall be established in such a way that one day of labour in the public interest shall correspond to one day of imprisonment. In such cases the term of imprisonment may be less than two months.

## **The Fine**

### **Section 51**

(1) When imposing a fine, the number of the daily items of the fine shall be established in view of the material gain achieved or contemplated by the act, as well as the amount corresponding to one day's item, in accordance with the financial situation and income, and the everyday needs of the perpetrator.

(2) The minimum and the maximum amount of the fine shall equal to thirty days' and five hundred forty days' items, respectively. The amount of one day's item shall be no less than one hundred and no more than twenty thousand HUF.

### **Section 52**

In case of non-payment, the fine shall be changed into imprisonment executable in a detention centre. The amount of one day's item shall be substituted by one day of imprisonment. In such cases the term of imprisonment may be less than two months.

## **Prohibition from Public Affairs**

### **Section 53**

The person who is sentenced to executable imprisonment for the perpetration of an intentional crime, and is unworthy of the right to participate in public affairs, shall be prohibited from the exercise thereof.

## **Section 54**

- (1) Persons prohibited from public affairs
- a)* may not participate in the election of the members of an organ of popular representation, in plebiscite, and in people's initiatives;
  - b)* may not be official persons,
  - c)* may not function in the body (committee) of organs of popular representation,
  - d)* may not be officials of social organizations, co-operatives, societies,
  - e)* may not reach a military rank,
  - f)* may not be granted a domestic decoration and permission for the acceptance of a foreign decoration.
- (2) By the becoming non-appealable of the sentence, a person prohibited from public affairs shall lose
- a)* each membership, position, office, or mandate, the granting of which is precluded by subsection (1),
  - b)* his military rank, furthermore, his domestic decoration and the right to bear a foreign decoration.

## **Section 55**

- (1) The shortest duration of a prohibition from public affairs shall be one year, its longest duration shall be ten years.
- (2) The duration of the prohibition from public affairs shall begin by the sentence becoming non-appealable. That period of time, during which the rights affected by the prohibition from public affairs are discontinued pursuant to Section 41, subsection (3), and the period of time, during which the convict withdraws himself from the execution of the imprisonment shall not be included therein. If the parole is not terminated, the period sent on parole shall be included in the duration of the prohibition from public affairs.

## **Prohibition from Profession**

### **Section 56**

- (1) Such person may be prohibited from his profession, who commits a crime
- a)* by the violation of the rules of a profession requiring special qualification, or
  - b)* commits it intentionally, by using his profession.
- (2) With respect to applying prohibition from profession as a secondary punishment, the following shall also qualify as profession: if the offender is a member or director of a body exercising general control of an organization; member of the board of directors or supervisory committee of a cooperative; the leading officer of a business association or member of its supervisory committee.

### **Section 57**

- (1) The prohibition from profession may be of final effect, or it shall last for a definite period of time. Such person may be prohibited with final effect, who is unsuitable for the exercise of a profession. The shortest duration of prohibition for a definite period shall be one year, its longest duration shall be ten years.
- (2) The provision relating to the calculation of the duration of prohibition from public affairs [Section 55, subsection (2)] shall be applied *mutatis mutandis* in the case of prohibition from a profession.
- (3) In case of prohibition for a definite period of time, the resumption of the exercise of the profession requiring special qualification may be made dependent on the certification by the prohibited person of the skill required for his profession in a definite manner, after the elapse of the duration of the prohibition. The court may exempt a prohibited person from a prohibition of final effect, if ten years have elapsed from the prohibition, and the prohibited person has become suitable for the exercise of the profession.

## **Prohibition from Driving Vehicles**

### **Section 58**

(1) Such person may be prohibited from driving vehicles, who perpetrates a crime by the violation of the rules of vehicle driving subject to licence, or who uses a vehicle for the perpetration of criminal acts.

(2) The prohibition from driving vehicles may also relate to a vehicle of a definite type.

### **Section 59**

(1) Prohibition from driving vehicles shall be of definitive effect or shall be of definite duration. Such person may be prohibited with definitive effect, who is unsuitable for driving vehicles. The shortest duration of prohibition of definite duration shall be one year, its longest duration shall be ten years.

(2) The provision relating to the calculation of the duration of prohibition from public affairs [Section 55, subsection (2)], as well as the provision relating to the verification of the skill required by a profession, and that relating to the exemption from definitive prohibition [Section 57, subsection (3)] shall be applied *mutatis mutandis* in case of prohibition from driving vehicles.

## **Banishment**

### **Section 60**

(1) In the cases defined in the Act, a person sentenced to imprisonment may be banished from one or more localities or from a definite part of the country, if his stay at these places endangers the public interest.

(2) The shortest duration of banishment shall be one year, its longest duration shall be five years. The provision relating to the calculation of prohibition from public affairs [Section 55, subsection (2)] shall be applied *mutatis mutandis* in the case of banishment.

## **Expulsion**

### **Section 61**

(1) Perpetrators of non-Hungarian citizenship, whose presence in the country is not desirable, shall be expelled from the territory of the Republic of Hungary. Persons expelled shall leave the territory of the country and may not return for the duration of the term of expulsion.

(2) Persons granted refugee status pursuant to other laws may not be expelled.

(3) An order of expulsion may be permanent or for a specific term. Permanent expulsion may be imposed against perpetrators whose presence in the country would significantly jeopardize public safety in view of the nature of the act and the connections of the perpetrator. The duration of expulsion for a specific term shall be no less than one year and no more than ten years.

(4) Expulsion shall take effect upon the judgment becoming definitive. The duration of imprisonment served by the prisoner shall not be included in the term of expulsion.

(5) Upon request, the court may release a person subject to permanent expulsion from the effect of such expulsion if such person is deemed worthy and if ten years have passed since the expulsion.

## **Confiscation of Property**

### **Section 62**

(1) In addition to being sentenced to imprisonment, the property originating from the criminal act as obtained during the commission of or in connection with the criminal act shall be confiscated.

(2) Property obtained by the perpetrator in lieu of the property originating from a criminal act shall also be confiscated.

## **Section 63**

(1) Confiscation of property may be ordered for all or for portions of the perpetrator's property, for certain property items or as defined in a sum of money.

(2) Confiscation shall also be ordered for property items, which the perpetrator has transferred, provided that the transferee was aware of the origin of such transferred property.

(3) In the event of the perpetrator transferring assets gained from criminal activities to an economic organization, confiscation may be ordered if a member or officer of such organization with authorization for management or representation was aware of the origin of such transferred property.

(4) In the cases described under Subsections (2)-(3) confiscation may be ordered even if legal succession has occurred in the person of the transferee.

(5) Confiscation of property shall be imposed in a sum of money if the perpetrator has transferred the property to a bona fide third party or an economic organization pursuant to the method set forth in Subsection (3).

(6) Confiscated properties shall devolve to the state upon the sentence becoming definitive.

## **Fine as Supplementary Punishment**

### **Section 64**

(1) The person who is sentenced to imprisonment of a definite duration and has appropriate earnings (income) or property

*a)* shall be sentenced to fine as supplementary punishment, if he perpetrates the crime for profit-making,

*b)* may be sentenced to fine as supplementary punishment, if he can be more efficiently restrained thereby from the perpetration of a new crime.

(2) The minimum and maximum amount of fines imposed as supplementary punishment shall be ten thousand and ten million HUF, respectively.

(3) In case of confiscation of property, the infliction of a fine as supplementary punishment may not take place.

### **Section 65**

(1) In case of non-payment, the fine as supplementary punishment shall be changed into imprisonment executable in a detention centre. If the principal punishment must be executed, its degree shall also be governing for the imprisonment substituting the fine as supplementary punishment.

(2) In respect of the conversion of a fine as supplementary punishment into imprisonment, one day imprisonment shall be calculated in lieu of an amount from one thousand to fifteen thousand HUF. A term of imprisonment in lieu of a fine as supplementary punishment shall be no less than one day and no more than two years.

## **Reasons Precluding the Execution of Punishment**

### **Section 66**

The execution of a punishment shall be precluded by

*a)* the death of the convict,

*b)* prescription,

*c)* remission,

*d)* other reasons defined in the Act.



## **Prescription of the Punishment**

### **Section 67**

- (1) The principal punishment shall be prescribed by the elapse of
- a)* twenty years in case of imprisonment of fifteen years or a more serious punishment,
  - b)* fifteen years in case of imprisonment of ten or more years,
  - c)* ten years in case of imprisonment of five years,
  - d)* five years in case of imprisonment of less than five years,
  - e)* three years, in case of labour in the public interest or a fine.
- (2) Fine as supplementary punishment shall be prescribed by the elapse of three years.
- (3) A punishment of imprisonment of fifteen years or more severe punishment inflicted for war crimes defined in Sections 11 and 13 of Decree 81/1945. (II.5.) ME, enacted by Act VII of 1945 as amended and complemented by Decree No.1440/1945. (V.1.) ME, as well as punishment inflicted for other crimes against humanity (Chapter XI) shall not be prescribed.

### **Section 68**

- (1) The deadline of the prescription of the principal punishment shall commence on the day of the becoming non-appealable of the decision inflicting the punishment, while, if the execution of the punishment is suspended, on the day of the elapse of the probation. If the convict escapes during the execution of the imprisonment, the deadline of prescription shall restart with the day of the escape.
- (2) The deadline of the prescription of a fine as supplementary punishment shall commence on the day of the termination of the execution of the principal punishment or on the day of the cessation of its executability, and if the execution of the imprisonment is suspended, it shall commence on the day of the elapse of the probation.
- (3) Prescription shall be interrupted by the measure taken against the convict with the aim of the execution of the punishment. The deadline of the prescription shall restart with the day of the interruption.
- (4) In case of the application of a fine as supplementary punishment, any measure taken for the execution of either the principal punishment or the supplementary punishment shall interrupt the prescription of both punishments.

## **Preclusion of the Execution of Punishment in Case of Life Imprisonment**

### **Section 69**

In case of life imprisonment, imprisonment of definite duration and labour in the public interest may not be executed.

## **Title II**

### **Measures**

#### **Types of Measures**

### **Section 70**

- (1) Measures are the following
1. reprimand,

2. probation,
3. forced medical treatment,
4. forced cure of alcoholics,
5. confiscation,
- 6.
7. supervision by probation officer

(2) The measures listed in subsection (1), paragraphs 1 to 3 may be applied independently, instead of a punishment, the measure indicated in paragraph 4 may be applied in addition to a punishment, the measure indicated in paragraph 5 may be applied independently and in addition to a punishment, the measure indicated in paragraph 7 may be applied in addition to a punishment or measure.

## **Reprimand**

### **Section 71**

(1) That person shall be reprimanded, who is not punishable due to the negligible degree of the dangerousness for society of his act (Section 28) or its becoming negligible (Section 36).

(2) Reprimand may also be given to a person, who is not punishable due to the cessation of the dangerousness for society of his act (Section 36), or whose punishability has ceased to exist for another reason defined in the Act [Section 32, paragraph *e*].

(3) By a reprimand, the authority expresses its disapproval, and invites the perpetrator to restrain himself in the future from the perpetration of a crime.

## **Probation**

### **Section 72**

(1) The court may grant probation to suspend the imposition of sentence of a case of an infraction, if it can be presumed without reasonable doubt that the aim of the punishment can also be achieved in this manner.

(2) In cases deserving special consideration, the court may grant probation to suspend the imposition of sentence in respect of a criminal act punishable by no more than three years of imprisonment.

(3) No probation shall be granted in respect of Paragraphs a)-b) of Section 87/C.

(4) A multiple recidivist may not be put on probation.

(5) The duration of the period of probation may last from one year to three years; the duration shall be defined in years.

(6) The person put on probation may be put under the supervision of a probation officer. If the person put on probation is a recidivist, he shall be put under the supervision of a probation officer.

### **Section 73**

(1) The period of probation may be extended once, by not more than one year, if the person put on probation violates the rules of conduct of supervision by probation officer.

(2) The probation shall be terminated and punishment shall be inflicted, if the person put on probation gravely violates the rules of conduct of supervision by probation officer, or he is sentenced for a crime perpetrated during the period of probation.

(3) Apart from the case of subsection (2), the punishability of the perpetrator shall be terminated by the elapse of the period of probation.

## **Forced Medical Treatment**

## **Section 74**

(1) In case of the perpetrator of a violent punishable act against a person, or of a punishable act causing public danger, forced medical treatment shall be ordered, if the perpetrator is not punishable because of his insane state of mental functions, and it is to be supposed, that he will perpetrate a similar act, provided that, in case of punishability, a punishment exceeding one year of imprisonment would have to be inflicted.

(2) Forced medical treatment shall be executed in a closed institution designated for this purpose.

(3) Forced medical treatment shall be terminated, if its necessity ceases to exist.

## **Forced Cure of Alcoholics**

## **Section 75**

The forced curing of a perpetrator may be ordered, if his crime is in connection with his way of life as an alcoholic, and he is sentenced to an executable imprisonment exceeding six months.

## **Section 76**

## **Confiscation**

## **Section 77**

(1) An object

*a)* actually used or intended to be used as an instrument for the commission of a criminal act,

*b)* the possession of which constitutes an endangerment to public safety or is illegal,

*c)* which is created through the perpetration of a criminal act,

*d)* which was received by the perpetrator of a criminal act from the owner of the object, or from another person with the owner's consent, for the commission of such criminal act,

*e)* for which the criminal act was committed,

*f)* which was the subject of the material gain in question

shall be confiscated.

(2) The material assets furnished for the purpose of providing substantive or facilitating elements for the perpetration of a criminal act, actually used or intended to be used as an instrument for the commission of a criminal act shall be confiscated.

(3) Media products, in which a criminal act is realized, shall be confiscated.

(4) In respect of Paragraphs *a)* and *e)* of Subsection (1) confiscation shall not be ordered if the object is not owned by the perpetrator, unless the owner was aware of the perpetration of the criminal act.

(5) Confiscation shall be ordered, even if the perpetrator is not punishable due to being a minor, in a pathological mental state or due to the negligible degree of danger which the act represents to society.

(6) No confiscation shall be ordered after the lapse of the statute of limitations for the punishment of the act, or beyond a period of five years. In respect of the confiscation of property, confiscation of an object included in such procedure shall not be ordered.

(7) Confiscated objects shall become the property of the state.

## **Section 77/A**

(1) Unless otherwise provided for in this Act, in respect of Paragraphs *c)*-*f)* of Subsection (1) of Section 77 and Subsection (2) of Section 77, if confiscation cannot be ordered or enforced, and if the subject matter of the material gain or the material assets as set forth in Subsection (2) of Section 77 is not an object, the perpetrator shall be ordered to pay an amount equal to the value of the object, the value of the material gain or the material asset.

(2) If confiscation would constitute unreasonable burden to the perpetrator, disproportionate to the gravity of the criminal act, provided the omission of confiscation is not precluded by any international legal obligation, the perpetrator shall be ordered to pay an amount equal to the value of the object, the value of the gain or the material asset in lieu of confiscation.

(3) If an object subject to confiscation is not owned by the perpetrator and confiscation would constitute unreasonable burden to the perpetrator, provided the omission of confiscation is not precluded by any international legal obligation, the perpetrator shall be ordered to pay an amount equal to the value of the object in lieu of confiscation.

(4) Confiscation or the order to pay the value subject to confiscation may be dispensed with in exceptional cases, if such action would constitute an unreasonable burden to the perpetrator, disproportionate to the gravity of the criminal act, provided the omission of confiscation is not precluded by any international legal obligation. Confiscation or an order to pay the value subject to confiscation may not be dispensed with in respect of Paragraphs d) and f) of Subsection (1) of Section 77.

## **Strict Custody**

### **Sections 78 to 81**

## **Supervision by Probation Officer**

### **Section 82**

(1) Supervision by a probation officer may take place, if the successful elapse of the parole (Section 48), or of the period of probation (Section 72, Section 89) requires the regular monitoring of the perpetrator. In case of putting on probation and suspension of the execution of imprisonment, the recidivist shall be under the supervision of a probation officer [Section 72, subsection (4), Section 89, subsection (6)].

(2) In addition to the provisions of subsection (1), the court may exceptionally put a convict, who has served his full term of imprisonment under the supervision of a probation officer, if he needs guidance and control in the interest of the prevention of the perpetration of a new crime and of his integration into society.

(3) The duration of the supervision by a probation officer defined in subsection (1) shall be identical to the duration of parole or probation.

(4) The shortest duration of supervision by a probation officer ordered on the basis of subsection (2) shall be one year, its longest duration shall be two years. The court may extend the duration of supervision by a probation officer depending on the conduct of the supervised person or it may terminate the supervision by the probation officer before the elapse of its duration. The duration of supervision by probation officer may not exceed two years even in the case of extension.

(5) A person under supervision by a probation officer shall keep the rules of conduct prescribed in the legal rule and the decision of the court, maintain regular contact with the probation officer and give him the information necessary for control.

(6) The rules of conduct shall prescribe obligations and prohibitions in the interest that the person under supervision work in accordance with his abilities, and pursue a law-abiding way of life. These are especially the obligations relating to work, utilization of earnings, periodical reporting, and possibly arising necessary medical treatment, and the prohibition of the arbitrary changing of dwelling and workplace, the visiting of definite places and contact with certain persons.

## ***Chapter V***

### **Infliction of Punishment**

## **Principles of Infliction of Punishment**

### **Section 83**

(1) Punishment, with due consideration of its intended objective (Section 37), shall be imposed within the framework provided for by law, as consistent with the danger to society represented by the nature of the criminal act and by the perpetrator, with the degree of culpability and with other aggravating and mitigating circumstances.

(2) When sentencing for imprisonment of a specific term the median term of the applicable punishment shall be taken as a guideline. Such median term shall be computed as by adding half of the difference between the minimum and maximum sentence to the lower sentence limit.

(3) If this Act prescribes the applicable punishment set forth in the Special Division of this Act to be increased when sentencing, the calculation described in Subsection (2) shall be applied in view of the increased punishment.

(4) If the court imposes a sentence of imprisonment, the term of such sentence shall be established without regard to the possibility of probation or parole.

### **Section 84**

## **Cumulative Punishment**

### **Section 85**

(1) In case of cumulation of crime (Section 12), one punishment shall be inflicted.

(2) The principal punishment shall be inflicted taking for basis the gravest from among the items of punishment of the crimes being in cumulation of crimes.

(3) If, in respect of multiple count of charges, the imposition of imprisonment for a specific term is prescribed by law in respect of at least two of such criminal acts, the upper limit of applicable punishment set forth in Subsection (2) shall be increased by one-half, but may not reach the total duration of the maximum sentences established for such criminal acts.

### **Section 85/A**

(1) In the case of a waiver of right to trial (CP, Chapter XXV) the provisions of Subsections (1)-(2) of Section 85 shall be authoritative, whereby for multiple counts of criminal acts the primary punishment shall be imposed based on the highest sentence prescribed in Section 87/C for such crimes.

(2) In the case of waiver of right to trial (Chapter XXV of CP), if the law prescribes imprisonment for a specific term in respect of at least two of the crimes included in the multiple count of criminal acts, the maximum sentence prescribed in Section 87/C shall be increased by one-half, however it may not reach the sum total of the sentences which may be imposed for such crimes pursuant to Section 87/C.

### **Section 86**

(1) In case of cumulation of crimes, any supplementary punishment applicable for any one of the crimes in cumulation may be inflicted.

(2) The supplementary punishment may not exceed the highest measure or duration defined in the Act in case of a cumulative punishment either.

## **The Mitigation of Punishment**

## **Section 87**

(1) A principal punishment more lenient than the item of the punishment may be inflicted, if its lowest measure is too rigorous with respect to the provisions of Section 83.

(2) On the basis of Subsection (1), if the sentence to be imposed for a criminal act is

*a)* between ten to fifteen years of imprisonment, in lieu thereof at least seven years and six months of imprisonment,

*b)* between five to fifteen years of imprisonment, in lieu thereof at least three years and six months of imprisonment,

*c)* between five to ten years of imprisonment, in lieu thereof at least three years of imprisonment,

*d)* between two to eight years of imprisonment, in lieu thereof at least one year and six months of imprisonment,

*e)* between one to five years of imprisonment, in lieu thereof at least six months of imprisonment,

*f)* imprisonment up to one year, two years, three years or five years, in lieu thereof labor in the public interest, or a fine

may be imposed.

(3) In respect of an attempted criminal act or being an accomplice to a criminal act, if the punishment to be imposed pursuant to Paragraphs a)-e) of Subsection (2) is still overly severe, the punishment shall be imposed on the basis of the next Paragraph of Subsection (2).

(4) If the Act allows unlimited mitigation, the smallest measure of any type of punishment may be inflicted.

(5) In respect of multiple counts of charges, punishment on the basis of Subsection (2) shall be mitigated only cases deserving special consideration.

## **Section 87/A**

(1) Punishment shall be mitigated pursuant to Subsection (2) of Section 87 only in cases qualified for special consideration, if imposed for

*a)* war crimes defined in Sections 11 and 13 of ME Decree 81/1945 (II. 5.) amended and supplemented by ME Decree 1440/1945 (V. 1.) and enacted by Act VII of 1945,

*b)* other crimes against humanity (Chapter XI)

*c)* aggravated cases of homicide [Paragraphs a)-i) of Subsection (2) of Section 166],

*d)* kidnapping [Subsections (1)-(4) of Section 175/A], acts of terrorism [Subsections (1)-(2) of Section 261], seizure of aircraft [Subsections (1)-(2) of Section 262], criminal misuse of explosives and blasting-agents (Section 263), criminal misuse of firearms and ammunition [Subsections (1)-(3) of Section 263/A], arms smuggling [Subsections (1)-(3) of Section 263/B], establishment of a criminal organization (Section 263/C), criminal misuse of weapons prohibited by international treaties (Section 264/C), criminal misuse of narcotic drugs (Section 282),

*e)* trafficking in human beings, breach of an international legal obligation, aggravated cases of robbery or violent acts against a superior or a law enforcement officer [Subsections (3)-(5) of Section 175/B, Subsection (3) of Section 261/A, Subsections (3)-(4) of Section 321, Paragraph a) of Subsection (5) of Section 355],

*f)* intentionally causing death during an aggravated case of mutiny (Paragraph b) of Subsection (3) of Section 352).

(2) A primary punishment lesser than prescribed shall be imposed, on the basis of the provisions of Subsection (1)-(2) of Section 87, for the criminal acts defined in Subsection (1) if such acts are attempted or aided.

## **Section 87/B**

### **Sentencing in the Case of Waiver of Right to Trial**

## **Section 87/C**

In the case of waiver of right to trial (CP, Chapter XXV) the term of imprisonment may not exceed

*a)* three years in respect of crimes punishable by more than five but less than eight years of imprisonment,

*b)* two years in respect of crimes punishable by more than three but less than five years of imprisonment,

*c)* six months in respect of crimes punishable by imprisonment of up to three years.

## **Supplementary Punishment Applied in lieu of Principal Punishment**

### **Section 88**

A supplementary punishment may be applied in lieu of principal punishment, as an independent punishment, if the item of punishment of the crime is not more severe than three years imprisonment, and the aim of punishment may be achieved in this way. Only one supplementary punishment may be inflicted as an independent punishment.

## **Suspension of the Execution of a Punishment**

### **Section 89**

(1) The execution of an imprisonment not exceeding one year or of a fine may be suspended for probation, if it may be supposed on well-founded grounds - especially with regard to the personal circumstances of the perpetrator -, that the aim of the punishment may also be achieved without the execution thereof.

(2) In a case deserving special appreciation the execution of an imprisonment longer than one year but not exceeding two years may also be suspended.

(3) The period of probation of a fine shall be one year; imprisonment imposed for a misdemeanor offense may be suspended for a period of one to three years, while imprisonment imposed for a felony offense may be suspended for a period of two to five years probation. The period of probation shall be set forth in years and may not be less than the term of imprisonment imposed.

(4) If a perpetrator is sentenced several times to the punishment of the same type, suspended for probation, and the period of probation of no one of the punishments has elapsed, then the probation period of the previous punishment shall be extended up to the elapse of the period of probation of the latter punishment.

(5) If an imprisonment is executed on a perpetrator, for which the execution of a suspended punishment may not be ordered, the period of probation shall be extended by the duration of the imprisonment.

(6) Simultaneously with the suspension of the execution of imprisonment, the perpetrator may be put under the supervision of a probation officer. If the perpetrator is a recidivist, he shall be under the supervision of a probation officer.

### **Section 90**

The execution of a punishment may not be suspended, if

*a)* an intentional crime has been committed before the termination of the execution of imprisonment or during the period of probation of its suspension.

*b)* the perpetrator is a habitual recidivist,

*c)* the perpetrator was acting as part of a criminal organization,

*d)* the perpetrator has committed a criminal act punishable by imprisonment of three years or longer in a business-like manner or as part of a criminal conspiracy,

*e)* the imprisonment was imposed on the basis of Paragraph a) or b) of Section 87/C.

### **Section 91**

(1) A suspended punishment shall be executed, if

*a)* it is established during the period of probation, that the execution of the punishment has been suspended despite the precluding reason contained in Section 90,

*b)* the perpetrator is sentenced to executable imprisonment for a crime committed during the period of probation,

*c)* the perpetrator gravely violates the rules of conduct of supervision by a probation officer.

(2)

(3) A suspended fine shall also be executed, if the perpetrator is sentenced to suspended imprisonment, labour in the public interest or executable fine for a crime committed during the period of probation.

## **Section 91/A.**

In the event that a suspension of punishment is granted for reasons of clemency, the provisions pertaining to the implementation of suspended punishment [Paragraphs b) and c) of Subsection (1) and Subsection (3) of Section 91] shall be duly applied when ordering the execution of such punishment.

## **Sum Total of Punishments**

### **Section 92**

(1) If the perpetrator is sentenced to more than one specific term of imprisonment, and if the perpetrator has committed all crimes prior to the first sentence becoming definitive, the punishments imposed in a final verdict shall be included in a single consolidated sentence.

(2)

(3) An imprisonment substituting a fine or labour in the public interest (Section 50, Section 52) may not be summed up to a sum total of punishments.

### **Section 93**

The term of a single consolidated sentence shall be determined as if imposing a cumulative sentence. Nonetheless, the term of a consolidated sentence shall be at least equal to the most severe sentence, however it may not amount to the combined duration of all sentences.

### **Section 94**

(1) In case of the summing up of imprisonments to be executed in different degrees, the sum total of punishments shall be executed in the most severe degree. However, if the duration of the sum total of punishments is three years or more, or, in case of a multiple recidivist, two or more years, the execution degree of the sum total of punishments shall be defined taking this into account.

(2) If the degree of execution to be established by the application of subsection (1) would constitute an iniquitous disadvantage for the convict, a degree one step more lenient may be established.

### **Section 95**

### **Section 96**

(1) Supplementary punishments may not be summed up, and similarly, an imprisonment substituting a fine may not be summed up either.

(2) From among the supplementary punishments of the same duration - with the exception of confiscation of property and fine as supplementary punishment - that one shall be executed which is more disadvantageous for the convict. This shall also govern supplementary punishments applied in lieu of a principal punishment.

## **Provisions Relating to Special and Multiple Recidivists**

### **Section 97**

(1) In respect of special and multiple recidivists - unless the law otherwise provides - the upper limit of the term of punishment of a new act of crime shall increase by half in case of imprisonment, but it may not exceed fifteen years.



In respect of cumulative sentences and in respect of waiver of right to trial, the term of punishment set forth in Subsection (2) of Section 85 and in Section 87/C, respectively, shall be increased by one-half.

(2) The punishment may be mitigated on the basis of Section 87, subsection (2) only in a case deserving special appreciation.

(3) The more severe legal consequences set forth in Subsection (1) shall not be applied if the Special Division of this Act prescribes sentencing for qualified recidivists to consider such as an aggravating circumstance.

## **Provisions Relating to Multiple Recidivists**

### **Section 98**

#### **Inclusion of Preliminary Detention**

### **Section 99**

(1) The full period of preliminary detention shall be included in the inflicted imprisonment, labour in the public interest, fine, or fine as supplementary punishment.

(2) At the inclusion, one day of preliminary detention shall correspond to one day labour in the public interest or to one day's item. For the inclusion in a fine as supplementary punishment, the calculation in accordance with Section 65, subsection (2) shall govern.

## ***Chapter VI***

### **Exemption from the Disadvantages Attached to Previous Convictions**

#### **Effect of Exemption**

### **Section 100**

(1) Due to an exemption, a convict shall be exempted from the disadvantageous consequences which are attached by a legal rule to a conviction.

(2) A person exempted shall be deemed to be of clean criminal record, and he need not give account about a conviction regarding which he has been exempted.

(3) In case of the perpetration of a new act of crime, the exemption shall not extend to those disadvantageous consequences which are attached by this Act to a previous conviction.

#### **Manner of Exemption**

### **Section 101**

The convict may be granted exemption

- a)* by the force of the law,
- b)* on the basis of a court decision,
- c)* through remission.

## **Legal Exemption**

### **Section 102**

- (1) Exemption shall supervene by the force of the law
- a)* on the day of the becoming non-appealable of the sentence in case of labour in the public interest, fine and supplementary punishment applied in lieu of a principal punishment;
  - b)* on the day of the elapse of the period of probation in case of a suspended imprisonment;
  - c)* on the day of serving the punishment or the termination of its executability in case of an imprisonment inflicted due to a negligent misdemeanour;
  - d)* by the elapse of three years following the serving of the punishment or the termination of its executability in case of imprisonment not exceeding one year inflicted for an intentional crime;
  - e)* by the elapse of five years following the serving of the punishment or the termination of its executability of an imprisonment exceeding one year but not longer than five years, inflicted for an intentional crime;
  - f)* by the elapse of ten years following the serving of the punishment or the termination of its executability, in case of an imprisonment of definite duration exceeding five years, inflicted for an intentional crime.
- (2) In case of subsection (1), paragraph *b)* the exemption shall not supervene or it shall lose its effect, if the execution of the punishment is ordered. In such a case, the rules of non-suspended punishment shall govern the exemption.
- (3)

## **Exemption by Court**

### **Section 103**

- (1) The court may grant exemption to the convict sentenced to executable imprisonment for an intentional crime, if he is worthy of it, and half of the period defined in Section 102, subsection (1), paragraphs *d)*, *e)* or *f)* has already elapsed from having served the imprisonment or the termination of its executability.
- (2) When considering worthiness, the way of life of the convict since having served the principal punishment shall be taken into account, furthermore whether he has remedied the injury caused by his act, if the latter was possible for him.

### **Section 104**

- (1) The court may grant the convict preliminary exemption, if it suspends the execution of imprisonment, and the convict is worthy of exemption.
- (2) The preliminary exemption ceases to be in force, if the execution of the suspended punishment is ordered.

## **Unity of Exemption**

### **Section 105**

In case of the application of a supplementary punishment, a convict shall not be exempted from the disadvantageous consequences attached to previous convictions, and he may not be exempted, until the execution of the supplementary punishment has finished or its executability has terminated. This provision does not cover fine as supplementary punishment, if preliminary exemption by court is granted, or to prohibition from profession or driving vehicles.

## **Exemption by Remission**

## **Section 106**

The President of the Republic may grant exemption to a convict by remission even if this otherwise may not take place in accordance with this Act.

## ***Chapter VII***

### **Provisions Relating to Juveniles**

#### **The Juvenile**

#### **Section 107**

(1) Juvenile is the person who has completed his fourteenth year when committing the crime, but has not yet completed his eighteenth year.

(2) The provisions of this Act shall apply to juveniles with the differences contained in this Chapter.

#### **Application of Punishments and Measures**

#### **Section 108**

(1) The aim of a punishment or measure applied against a juvenile is primarily that the juvenile develop in the right direction and become a useful member of society.

(2) A punishment shall be inflicted when the application of a measure is not expedient.

(3) A measure or punishment involving the withdrawal of freedom may only be applied, if the aim of the measure or punishment may not otherwise be achieved.

#### **Punishments and Measures**

#### **Section 109**

(1) No confiscation of property may be applied against a juvenile.

(2) Education in a reformatory institution as measure may also be applied against a juvenile.

#### **Imprisonment**

#### **Section 110**

(1) The shortest term of imprisonment to be imposed against juvenile offenders shall be one month for all types of criminal acts.

(2) The longest duration of the imprisonment that may be inflicted against a juvenile, who has completed his sixteenth year when committing the crime shall be

*a)* fifteen years, in case of a crime also punishable with life imprisonment;

*b)* ten years, in case of a crime punishable with imprisonment exceeding ten years.

(3) The longest duration of imprisonment that may be inflicted against a juvenile who has not yet completed his sixteenth year when committing a crime punishable with life imprisonment shall be ten years.

(4) Apart from the cases of subsections (2) and (3), the longest duration of imprisonment, that may be inflicted against a juvenile, shall be five years if the crime is punishable with imprisonment exceeding five years.

(5) When calculating the deadline of the prescription of punishability, and from the aspect of the provisions relating to recidivists, the duration defined in subsections (2) to (4) shall govern.

## **Section 111**

(1) The imprisonment of a juvenile shall be executed in a penal institution for juveniles.

(2) The imprisonment shall be executed in a prison for juveniles, if

*a)* the juvenile is sentenced to imprisonment of two years or of a longer duration, for a felony,

*b)* the juvenile sentenced to imprisonment of one year or of a longer duration is a recidivist, or prior to the perpetration of an intentional crime he was sentenced to education in a reformatory institution for an intentional crime.

(3) Apart from the case of subsection (2), the imprisonment shall be executed in a detention centre for juveniles.

(4) If the convict has completed his twenty-first year when commencing the imprisonment, or completes it during execution, the court shall define the degree of the execution of imprisonment on the basis of Sections 42 to 44.

## **Parole**

## **Section 112**

(1) The juvenile may be released on parole from imprisonment, if

*a)* he has served at least three-fourth part of his sentence to be executed in a prison for juveniles,

*b)* he has served at least two-third part of his sentence to be executed in a detention centre for juveniles.

(2) In respect of juvenile offenders, release on parole shall not be subject to the provisions set forth in Paragraphs b)-e) of Subsection (4) of Section 47.

## **Labor in the Public Interest**

## **Section 113**

Labor in the public interest may only be imposed against juveniles over the age of eighteen at the time of sentencing.

## **The fine**

## **Section 114**

(1) A fine may be inflicted on a juvenile, if he has independent earnings (income) or appropriate property.

(2) The fine and the fine as supplementary punishment shall be changed into imprisonment in case of irrecoverability.

## **Prohibition from Public Affairs**

## **Section 115**

A juvenile may only be prohibited from public affairs in case of the infliction of imprisonment over one year.

## **Banishment**

### **Section 116**

The juvenile living in an appropriate family milieu may not be banished from the locality in which his family is living.

## **Probation**

### **Section 117**

(1) Against a juvenile probation may take place in case of any crime.

(2) The duration of probation may last from one year to two years; the duration shall be defined in years and months.

(3) The court shall order education in a reformatory institution or inflict punishment in case of Section 73, subsection (2).

## **Education in a Reformatory Institution**

### **Section 118**

(1) Education in a reformatory institution shall be ordered by the court, if the successful education of a juvenile requires his placement in an institution.

(2) The duration of education in a reformatory institution may last from one year to three years.

(3) The court may temporarily release the juvenile, who has served already at least one year in the reformatory institution, if he has served already half of the inflicted education in a reformatory institution, and it may be supposed on well-founded grounds that the aim of the measure may also be achieved without further education in a reformatory institution. The duration of temporary release shall be equal to the remaining part of education in a reformatory institution, but at least one year.

(4) The court terminates the temporary release if the juvenile is sentenced to imprisonment for a crime committed during the temporary release, or his education in a reformatory institution is ordered. The court may terminate the temporary release, if the court inflicts another punishment or applies another measure against the juvenile, or if the juvenile violates the rules of supervision by a probation officer.

(5) In case of the termination of temporary release, the period spent in temporary release may not be included in the education in reformatory institution.

(6) The person who has completed his nineteenth year, shall be released from the reformatory institution.

## **Supervision by a Probation Officer**

### **Section 119**

A juvenile sentenced to suspended imprisonment, put on probation, released on parole, temporarily released from a reformatory institution, and a juvenile against whom indictment has been postponed, shall be under supervision by a probation officer.

## **Cumulative Punishment and Sum Total of Punishments**

## **Section 120**

(1) The cumulative punishment and the sum total of punishments may not exceed twenty years imprisonment in case of Section 110, subsection (2), paragraph *a*), fifteen years in case of paragraph *b*), subsection (3) and seven years and six months imprisonment in case of subsection (4).

(2) In case of the coalescence of education in a reformatory institution and imprisonment, the imprisonment shall be executed as sum total of punishments. The duration thereof may be extended by not more than one year, if this is required for achieving the aim defined in Section 108. However, the duration of the extension may not reach the remaining part of the education in reformatory institution.

(3)

## **Unified Measures**

### **Section 120/A**

(1) If the court has ordered several instances of education in reformatory institution against a juvenile, which have not yet been executed when ordering a unified measure, or which are being continuously executed, the court shall order education in reformatory institution against the juvenile, as a unified measure.

(2) The term of reformatory detention ordered as a collective measure shall be imposed at least for the term of the longest reformatory detention, but not to exceed the combined terms of reformatory detention ordered. The term of reformatory detention may not exceed three years even in such cases.

## **Inclusion of Previous Detention**

### **Section 120/B**

(1) The whole period of previous detention shall be included in the ordered education in reformatory institution.

(2) At the inclusion, one day of preliminary detention shall correspond to one day's education in reformatory institution.

## **Exemption from the Disadvantages Attached to Previous Convictions**

### **Section 121**

(1) A juvenile convict shall be exempted by the force of law

*a*) on the day of the becoming non-appealable of the sentence, if the execution of the inflicted imprisonment is suspended,

*b*) on the day of having served the punishment or the termination of its executability, if he was sentenced to imprisonment not exceeding one year for an intentional crime;

*c*) by the elapse of three years reckoned from having served the punishment or the termination of its executability, if he was sentenced to an executable imprisonment exceeding one year, but not longer than five years, for an intentional crime.

(2) The court may grant exemption for a juvenile upon a petition, after having served an imprisonment exceeding one year and inflicted for an intentional crime, if he is worthy of it.

(3) The exemption of a juvenile is not impeded by the fact that the execution of the fine as supplementary punishment has not yet finished, or its executability has not terminated.

## ***Chapter VIII***

## **Provisions Relating to Soldiers**

### **The Perpetrators**

#### **Section 122**

- (1) For the purposes of this Act a soldier is any active, professional member of the armed forces, the police, the penal enforcement organization and civilian national security services.
- (2) The provisions of this Act shall apply to soldiers with the differences contained in this Chapter.
- (3) The provisions relating to juveniles (Chapter VII) may not be applied to a soldier.
- (4) A military act of crime may only be committed by a soldier as perpetrator.

### **Criminal Acts Committed Against a Soldier of Another State**

#### **Section 122/A**

- (1) The provisions of Chapter XX shall be applied to punish a soldier who has committed the criminal act defined therein
  - a)* against a soldier of an allied army (Section 368), or
  - b)* against a soldier of another state when stationed abroad as part of a peace-keeping, peace enforcement or observer force acting upon the request of the UN or another international organization while engaged in joint maneuvers with such.
- (2) For the purposes of Paragraph a) of Subsection (1) a soldier of an allied armed force shall mean a member of the police or civil defense service of the state of such allied armed force; and a soldier of another state and a member of the police or civil defense service of another state as well for the purposes of Paragraph b).

#### **Section 122/B**

The provisions of Chapter XX shall also be applied to punish a soldier who has committed the criminal act defined therein while serving in a peace-keeping, peace enforcement or observer force acting upon the request of the UN or another international organization.

### **Reasons Excluding Punishability**

#### **Section 123**

- (1) A soldier may not be punishable for his act executed upon order, except for the case, if he knew that he commits a crime by the execution of that order.
- (2) The person giving the order shall be liable for the crime committed upon order as perpetrator.
- (3)

### **Reason Terminating Punishability**

#### **Section 124**

With the exception of the case set forth in Subsection (2) of Section 73, a perpetrator may not be punished for a military offense if one year has passed since being discharged from service.

## **Adjudgment of a Crime within Disciplinary Authority**

### **Section 125**

## **Application of Capital Punishment**

### **Section 126**

## **The Execution of Imprisonment in a Military Guardhouse**

### **Section 127**

(1) If the convicted person may be retained in service, professional, contracted or enlisted soldiers shall serve the imprisonment imposed for a term of one year or less in a military prison in the case set forth in Section 44.

(2) If the service relationship of the convict has terminated, the punishment or its remaining part shall be executed in a detention centre.

## **Sum Total of Punishments**

### **Section 128**

The execution of an imprisonment inflicted as sum total of punishments shall be governed by Section 127.

## **Exclusion of the Application of Labour in the Public Interest**

### **Section 129**

Labour in public the interest may not be applied against a soldier during the existence of his service relationship.

## **Military Supplementary Punishments**

### **Section 130**

(1) Against a soldier, if he is not prohibited from public affairs, the following supplementary punishments may also be applied:

- a)* reduction to ranks,
- b)* termination of service relationship,
- c)* set-back in ranks
- d)* extension of waiting time.



(2) The supplementary punishments listed in subsection (1), paragraphs *a*) and *b*) may also be applied independently, in lieu of a principal punishment.

## **Reduction to the Ranks**

### **Section 131**

- (1) By reduction to the ranks, a soldier loses his rank.
- (2) Reduction to the ranks shall be applied, if the perpetrator became unworthy of a rank.

## **Termination of Service Relationship**

### **Section 132**

The termination of service relationship may be applied against professional and contracted soldiers, if they are deemed unworthy of service.

## **Set-back in Rank**

### **Section 133**

- (1) In case of set-back in rank, the soldier shall get into a rank one step lower than the one in which he was on the adjudgment of the crime.
- (2) Set-back in rank shall be applied, if the crime involves injury to the reputation of the rank, but no reduction to the ranks is necessary.
- (3) Simultaneously with the set-back in rank, the time to be passed in the lower rank shall be defined in a duration from one year to two years.

## **Extension of the Waiting Time**

### **Section 134**

- (1) In case of the extension of waiting time, the waiting time prescribed for a soldier for promotion to the following rank shall be extended. The extension shall be defined in years; its duration may not exceed half of the waiting time prescribed for the rank.
- (2) The waiting time shall be extended, if the soldier has to merit the promotion by spending a longer waiting time.

## **Probation**

### **Section 135**

## **Exemption from the Disadvantages Attached to Previous Convictions**

## Section 136

(1) The court may grant a convict preliminary exemption from the disadvantages attached to previous convictions, if it orders that the

imprisonment be executed in a military guardhouse. This exemption shall come about on the day of having served the punishment or of the termination of its executability.

(2) The application of a military supplementary punishment does not impede the exemption of the convict.

## Chapter IX

### Interpretative Provisions

## Section 137

For the purposes of this Act

1. official persons are:

*a)* Members of Parliament;

*b)* the President of the Republic;

*c)* the Prime Minister;

*d)* members of the Government, political state secretaries;

*e)* constitutional judges, judges, prosecutors;

*f)* ombudsmen of citizens' rights and national and ethnic minority rights;

*g)* members of local government bodies;

*h)* notaries public;

*i)* independent court bailiffs;

*j)* persons serving at the constitutional court, the courts, prosecutors offices, state administration organs, local government organs, the State Audit Office, the Office of the President of the Republic, the Office of Parliament, whose activity forms part of the proper functioning of the organ;

*k)* persons at organs or bodies entrusted with public power, public administration duties on the basis of a legal rule, who fulfil tasks of public power, or state administration,

2. person performing public duties shall mean

*a)* employees of a postal service provider performing executor's or security services, persons performing executor's or security services for an economic organization operating public mass transportation vehicles, and other persons performing passenger carriage services on public roads,

*b)* soldiers performing security services,

*c)* persons enlisted in a civil defense organization and performing civil defense services,

*d)* members of the ambulance service,

*e)* defense attorneys or legal counsels acting in a court or other official proceeding,

*f)* health-care employees in the case set forth in the Act on Health Care, and other persons in work-related relationship with a health-care service provider,

*g)* teachers in the case set forth in the Act on Public Education,

*h)* fire fighters as a member of a state, municipal, voluntary or private fire brigade,

*i)* members of the civil self-defense organization created to protect life and property of the public within the sphere described in the Act on the Police, for the activities performed to improve public safety,

3. State organ: an organ of popular representation, state administration, judicial and prosecutor organs, as well as the economic organs and institutions of the state,

4. a crime is committed by force of arms by a person who keeps fire-arm or explosive with himself, and the crime is committed in an armed manner by a person who keeps an instrument suitable for the extinction of life in the interest of fighting or warding off resistance,

5. "damage" means the loss of value of one's property; "pecuniary injury" means damage to one's property and the loss of financial gain,

6. relative: relative in the direct line and his spouse, adoptive and foster-parents, adopted and foster-children, siblings, spouses, common-law spouses, and fiancés, relatives in direct line and siblings of the spouses, as well as the spouses of the siblings,

7. criminal conspiracy comes into being, if two or more persons commit crimes in an organized manner or agree thereon,

8. a criminal organization is a criminal conspiracy established to commit criminal acts on a regular basis for the purpose of enrichment, that is based on the distribution of labor, a hierarchy of subordinates and superiors and on active participation based on personal relationships,

9. a crime is deemed to be committed in a business-like manner if the perpetrator is engaged in criminal activities of the same or similar character to generate profits on a regular basis,

10. war shall also mean a danger gravely jeopardizing the security of the state,

11. product is an industrial and agricultural product (produce), be it raw material, semi-finished product or ready goods; live-stock and means of production come under the same consideration as product, even if the latter is a real property,

12. broad publicity shall mean, among others, when a crime is committed through publication in the press, another mass media or by reproduction, or by the publication of electronic information in a telecommunications network,

13. a crime is perpetrated in group if at least three persons participate in the perpetration,

14. recidivist shall mean the perpetrator of a premeditated criminal act, if such person was previously sentenced to imprisonment without probation for a premeditated criminal act, and three years have not yet passed since having served such term of imprisonment or the termination of its executability until the perpetration of another criminal act,

15. special recidivist is the recidivist, who commits on both occasions the same crime or a crime of similar character,

16. habitual recidivist shall mean a person, who has been sentenced to imprisonment without probation as a recidivist prior to the perpetration of a premeditated criminal act, and three years have not yet passed from having served the last term of imprisonment or the termination of its executability until the perpetration of another criminal act punishable by imprisonment,

17. "economic organization" means the economic organizations listed under Paragraph c) of Section 685 of Act IV of 1959 on the Civil Code, as well as organizations which, according to the Civil Code, are subject to the provisions on economic organizations concerning the civil law relations of such organizations in connection with their economic activities.

## **Section 138**

Unless the law otherwise provides, for the purposes of this Act a menace is: holding out of the prospect of a grave disadvantage, which is suitable to induce serious fear in the menaced person.

## **Section 138/A**

For the purposes of this Act the amount of value, damage, pecuniary injury, or the amount of reduction in tax, contribution or private insurance fund membership revenues shall be construed

- a) minor, if more than ten thousand but less than two hundred thousand HUF,
- b) considerable, if more than two hundred thousand but less than two million HUF,
- c) substantial, if more than two million but less than fifty million HUF,
- d) particularly considerable, if more than fifty million but less than five hundred million HUF,
- e) particularly substantial, if more than five hundred million HUF.

## **Section 138/B**

For the purposes of this Act a case deserving special consideration shall mean a case when, in view of the nature of the criminal act, its consequences and all circumstances of commission, such as

a) the intended objective of the criminal act, the manner in which it was committed, the period of attempt, the means employed or contemplated, the culpable interaction of the injured party, the compensation of damages caused by the act,

b) the perpetrator's personality, gravity of guilt, lack of a previous criminal record, conditions rendering punishment difficult to endure, reasonable motive, lapse of time not attributable to the perpetrator, activities or

services performed for the public good by the perpetrator without consideration it can be presumed without reasonable doubt that the objective of punishment may be achieved

1. without further incarceration in respect of Subsection (3) of Section 47,
2. by suspension of the imposition of the sentence in respect of Subsection (2) of Section 72,
3. by the imposition of a main sentence less severe than otherwise applicable in respect of Subsection (5) of Section 87, Section 87/A and Subsection (2) of Section 97,
4. by granting probation from incarceration in respect of Subsection (2) of Section 89,
5. by omission of a sentence in respect of the cases set forth in the Special Division of this Act.

## **SPECIAL PART**

### ***Chapter X***

## **Crimes Against the State**

### **Violent Changing of the Constitutional Order**

#### **Section 139**

(1) The person who commits an act which is immediately directed at changing the constitutional order of the Republic of Hungary with violence or menacing with violence - especially using armed force -, perpetrates a felony and is punishable with imprisonment from five to fifteen years, or with life imprisonment.

(2) The person who commits preparation directed at the violent change of the constitutional order, shall be punishable with imprisonment up to five years for a felony.

(3) That person shall not be punishable for violently changing the constitutional order, in consequence of whose voluntary desistance from the act the continuance of the crime fails, or who voluntarily prevents the continuance thereof.

### **Conspiracy Against the Constitutional Order**

#### **Section 139/A**

(1) The person, who establishes or leads an organization, the aim of which is to bring about the change of the constitutional order of the Republic of Hungary with violence or by menacing with violence, commits a felony, and is punishable with imprisonment from two years to eight years; the person who participates in such an organization, shall be punishable with imprisonment from one year to five years.

(2) That person may not be punished for conspiracy against the constitutional order, due to whose voluntary desistance the conspiracy fails to continue, or who voluntarily prevents the continuance thereof.

### **Riot**

#### **Section 140**

(1) The person who participates in a mass disturbance, the immediate aim of which is to impede in the exercise of its constitutional authority with violence or menacing with violence, or to constrain to a measure

- a) Parliament,

- b) the President of the Republic,*
- c) the Supreme Court*
- d) the Government,*

perpetrates a felony and is punishable with imprisonment from two years to eight years; the organiser or leader of the mass disturbance shall be punishable with imprisonment from five years to fifteen years.

(2) The person who perpetrates preparation to a riot, shall be punishable for a felony with imprisonment from one year to five years.

(3) That participant shall not be punishable for riot, who leaves the mass disturbance voluntarily or upon the request of the authority before the commencement of violent acts.

## **Causing Damage**

### **Section 141**

## **Sabotage**

### **Section 142**

(1) The person who destroys, renders unusable or damages public utilities, production, public traffic or telecommunication plants or their equipment, public buildings or structures, stocks of products, or supplies or other items of property of similar importance due to their designated purpose, with the aim of the disturbance of the constitutional order of the Republic of Hungary, commits a felony and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to fifteen years or life imprisonment, if the sabotage entails an especially grave disadvantage.

(3) The person who commits preparation for sabotage, shall be punishable for a felony with imprisonment of up to three years.

## **Assault**

### **Section 143**

## **High Treason**

### **Section 144**

(1) A Hungarian citizen who establishes or maintains contact with a foreign government or foreign organization in order to injure the independence, territorial integrity or constitutional order of the Republic of Hungary, perpetrates a felony, and shall be punishable with imprisonment from five years to fifteen years.

(2) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if the high treason is committed

- a) causing a grave disadvantage,*
- b) using state service or official mandate,*
- c) in war-time*
- d) by inviting or using foreign armed forces.*

(3) The person who commits preparation directed at high treason, shall be punishable for a felony with imprisonment from one to five years, in war-time with imprisonment from two years to eight years.

## **Treachery**

### **Section 145**

A Hungarian citizen, who establishes or maintains contact with a foreign government or foreign organization abusing his state service or official mandate, and endangers thereby the independence, territorial integrity or constitutional order of the Republic of Hungary, commits a felony, and is punishable with imprisonment from two years to eight years, in war-time from five years to fifteen years.

## **Assisting the Enemy**

### **Section 146**

(1) The person who engages into contact with the enemy, offers assistance to it or causes disadvantage to the own or allied armed force in war-time, with the purpose of weakening the military force of the Republic of Hungary, commits a felony, and shall be punishable with imprisonment from ten years to fifteen years or with life imprisonment.

(2) The person who commits preparation for assisting the enemy, shall be punishable for a felony with imprisonment from two years to eight years.

## **Espionage**

### **Section 147**

(1) The person who performs intelligence activity for a foreign power or foreign organization against the Republic of Hungary, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The person who commits the espionage defined in subsection (1) by disclosing state secret shall be punishable with imprisonment from five years to fifteen years.

(3) The person, who commits preparation directed at espionage, shall be punishable for a felony with imprisonment of up to five years.

(4) That person may not be punished for offering himself or undertaking intelligence activity, who - before having displayed any other intelligence activity - reports his offer or undertaking to the authorities, and fully discloses his foreign contact.

## **Espionage Against Allied Armed Forces**

### **Section 148**

A person engaged in espionage against allied armed forces (Section 368) in the territory of the Republic of Hungary or in the territory of another nation which is in alliance with the Republic of Hungary by virtue of the international treaty for the obligation of mutual military assistance shall be punishable as described in Section 147.

### **Section 149**

## **Omission of Reporting**

### **Section 150**

(1) The person who learns credibly that preparations are being made for the violent changing of the constitutional order, conspiracy against the constitutional order, riot, sabotage, high treason, treachery, assistance to the enemy, espionage, or such a crime has been committed undetected, and fails to report that to the authorities as soon as he can, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

(2) Relatives of the perpetrator shall not be punishable for the omission of reporting of the crimes listed in subsection (1).

## **Crimes Against other Socialist States**

### **Section 151**

## **Supplementary Punishments**

### **Section 152**

In case of the crimes defined in this Chapter banishment may also take place as supplementary punishment.

## ***Chapter XI***

## **Crimes Against Humanity**

### **Title I**

## **Crimes Against Peace**

### **Incitement for War**

### **Section 153**

(1) The person who incites for war or otherwise displays war propaganda, commits a felony and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to fifteen years, if the crime is committed before a great publicity.

(3) The person who commits preparation for incitement for war, shall be punishable for a felony with imprisonment of up to three years.

## **Prohibition of Recruiting**

## **Section 154**

Any attempt to recruit personnel in the territory of the Republic of Hungary for military service, paramilitary service or for military training in a foreign armed organization shall be construed a felony and punishable by imprisonment between one to five years.

## **Genocide**

### **Section 155**

(1) The person who - with the aim of the total or partial extermination of a national, ethnic, racial or religious group -

*a)* kills the members of the group,

*b)* causes serious bodily or mental injury to the members of the group because they belong to the group,

*c)* constrains the group into such conditions of life which menace the group or certain members thereof with death,

*d)* takes such a measure which is aimed at the impediment of births within the group,

*e)* displaces the children belonging to the group into another group

commits a felony and shall be punishable with imprisonment from ten to fifteen years or life imprisonment.

(2) The person who commits preparation for genocide, shall be punishable for a felony with imprisonment from two years to eight years.

## **Crime Against a National, Ethnic, Racial or Religious Group**

### **Section 156**

## **Apartheid**

### **Section 157**

(1) The person who - with the aim of the obtention and maintenance of domination by one racial group of people over another racial group of people and/or with the aim of the regular oppression of the other racial group-

*a)* kills the members of a racial group or groups,

*b)* constrains a racial group or groups to such conditions of life by which it strives for the total or partial physical annihilation of the groups

commits a felony and shall be punishable with imprisonment from ten to fifteen years or life imprisonment.

(2) The person who commits another crime of apartheid, shall be punishable for a felony from five to ten years.

(3) The punishment shall be imprisonment from ten to fifteen years or life imprisonment, if the criminal act of apartheid described in subsection (2) has given rise to serious consequences.

(4) For the purposes of subsections (2) and (3), the crime of apartheid shall mean the crime of apartheid defined in paragraphs a)/(ii), a)/(iii), c), d), e), and f) of Article II of the International Treaty on the Combat and Punishment of Crimes of Apartheid, adopted on 30 November 1973 by the General Assembly of the the United Nations Organisation in New York promulgated by Law-Decree No. 27 of 1976.

## **Title II**

## **War Crimes**



## **Violence Against the Civilian Population**

### **Section 158**

(1) The person who applies violence in an operational or occupied area against a civilian person or prisoner of war, displays inhuman treatment or otherwise gravely abuses his power, - unless a graver crime is realized - commits a felony and shall be punishable with imprisonment from five years to ten years.

(2) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if the crime defined in subsection (1) causes death.

(3) For the purposes of this Section, inhuman treatment is in particular

*a)* settlement of the civilian population of the occupying power in the occupied territory, or resettlement of the population of the occupied territory,

*b)* deprivation of the civilian population and prisoners of war from their right to being tried in a regular and impartial procedure,

*c)* unjustified delay in the repatriation of prisoners of war or civilian persons.

## **War-time Looting**

### **Section 159**

(1) The person who loots civilian goods in an operational or occupied territory, or causes grave detriment to the population by the enforcement of services or in another manner, - unless a graver crime is realized -, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if the crime is committed in an armed manner or in a group.

## **Sinful Warfare**

### **Section 160**

A military commander who, violating the rules of the international law of warfare

*a)* pursues war operation which causes serious damage in the life, health or goods of the civilian population, in internationally protected cultural goods, in facilities containing dangerous forces,

*b)* takes offensive against a locality without defence or a weapon-free zone,

commits a felony and shall be punishable with imprisonment from ten years to fifteen years, or life imprisonment.

## **Use of Weapons Prohibited by International Treaty**

### **Section 160/A**

(1) Any person who uses or orders the use of a weapon or instrument of war prohibited by international treaty in a theater of military operation or in an occupied territory against the enemy, civilians or prisoners of war commits a felony offense and shall be punishable with imprisonment between ten to fifteen years or life imprisonment.

(2) Any person who makes preparations for the use of a weapon prohibited by international treaty commits a felony offense and shall be punishable with imprisonment of up to five years.

(3) For the purposes of Subsections (1)-(2) the following shall be construed as weapons prohibited by international treaty:

*a)* asphyxiating, poisonous and other gases and bacteriological methods of warfare as set forth in the protocol signed at Geneva on 17 June 1925 on the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, as promulgated by Law-Decree 20 of 1955,

*b)* the following weapons listed in the protocols to the convention signed at Geneva on 15 October 1985 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, as promulgated by Law-Decree 2 of 1984:

1. weapons causing injury by fragments which cannot be detected by X-ray, as specified in Protocol I,
2. mines, remotely-delivered mines, anti-personnel mines, booby-traps and other devices specified in Points 1-5 of Article 2 of the Amended Protocol II, as promulgated by Act CXXXIII of 1997,
3. incendiary weapons specified in Point 1 of Article 1 of Protocol III,
4. blinding laser weapons specified in Article 1 of the Supplementary Protocol IV,

*c)* chemical weapons and chemical instruments of war specified in Points 1 and 7 of Article 2 of the convention signed at Paris on 13 January 1993 on Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, as promulgated by Act CIV of 1997,

*d)* anti-personnel mines specified in Point 1 of Article 2 of the convention signed at Oslo on 18 September 1997 on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, as promulgated by Act X of 1998.

## **Battlefield Looting**

### **Section 161**

The person who loots the fallen, injured or sick people on the battlefield, commits a felony and shall be punishable with imprisonment from two years to eight years.

## **Infringement of Armistice**

### **Section 162**

(1) The person who infringes the conditions of armistice, commits a felony, and shall be punishable with imprisonment from one year to five years.

(2) The punishment shall be imprisonment from five years to ten years, if the infringement of the armistice leads to especially grave consequences.

## **Violence Against a War Emissary**

### **Section 163**

(1) The person who insults, illegally restrains the war emissary of the enemy or his companion, or otherwise applies violence against him, - unless a graver crime is realized -, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The person who kills a war emissary or his companion, shall be punishable with imprisonment from ten to fifteen years, or life imprisonment.

## **Misuse of the Red Cross**

### **Section 164**

That who in war-time misuses the sign of the red cross (red crescent, red lion and sun) or other signs serving a similar purpose and recognized internationally, or commits a violent act against a person or thing under the protection thereof, shall be punishable for a felony with imprisonment from one year to five years.

## **Other War Crimes**

### **Section 165**

A special legal rule (Decree No. 81/1945 (II.5.) ME, enacted by Act VII of 1945, amended and complemented by Decree No. 1440/1945 (V.1.) ME) shall provide for other war crimes.

## ***Chapter XII***

### **Crimes Against the Person**

#### **Title I**

### **Crimes Against Life, Limb and Health**

#### **Homicide**

### **Section 166**

(1) The person who kills another person, commits a felony, and shall be punishable with imprisonment from five years to fifteen years.

(2) The punishment shall be imprisonment from ten years to fifteen years, or life imprisonment, if the homicide is committed

*a)* planned in advance,

*b)* for profit-making

*c)* for another base reason or purpose,

*d)* with special cruelty,

*e)* against an official person during or because of his official proceedings, against a person performing public duties during the performance of such duties, or against a person providing assistance to or acting in defense of such persons performing official or public duties,

*f)* on more than one person,

*g)* endangering the life of many people,

*h)* as special recidivist.

*i)* against a person under the age of fourteen.

(3) Any preparation to commit homicide shall be construed a felony and punishable by imprisonment of up to five years.

(4) A person, who commits negligent homicide (manslaughter), shall be punishable with imprisonment between one to five years.

(5) From the aspect of special recidivism, crimes of similar character are

*a)* culpable murder of a newborn infant (Section 166/A), voluntary manslaughter (Section 167), genocide [Paragraph a) of Subsection (1) of Section 155];

*b)* cases of kidnapping and violence against a superior or a service official qualifying as graver cases [Section 175/A, subsection (4), Section 355, subsection (5), paragraph *a*);

*c)* cases of acts of terrorism, seizure of aircraft and riot, if committed while also causing death intentionally [Section 261, subsection (2), paragraph *a*), Section 262, subsection (2), Section 352, subsection (3), paragraph *b*)].

## **Culpable Murder of a Newborn Infant**

### **Section 166/A**

A woman who kills her newborn child during birth or directly after birth commits a felony offense and shall be punishable with imprisonment between two to eight years.

## **Homicide Committed with Diminished Responsibility**

### **Section 167**

The person who kills another person with diminished responsibility originating from an appreciable emotional reason, commits a felony and shall be punishable with imprisonment from two years to eight years.

## **Complicity in Suicide**

### **Section 168**

The person who persuades somebody else to commit suicide, or offers aid to the perpetration thereof, commits a felony and shall be punishable with imprisonment of up to five years, if the suicide is attempted or perpetrated.

## **Abortion**

### **Section 169**

(1) The person who effects an abortion on another person, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment between one to five years, if the abortion is committed

*a)* in a business-like manner,

*b)* without the consent of the woman,

*c)* causing grievous bodily harm or danger to life.

(3) The punishment shall be imprisonment from two years to eight years, if the abortion causes death.

(4) The woman who effects the abortion of her foetus or induces someone to abort it, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Battery**

### **Section 170**

(1) A person who injures the bodily integrity or health of another person, if the injury or illness heals within eight days, commits the misdemeanor of simple battery, and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) If the injury or illness caused by battery heals over eight days, the perpetrator commits the felony of aggravated battery, and shall be punishable with imprisonment of up to three years .

(3) If the battery is committed for a base reason or purpose, and if committed against a person defenseless or unable to express his will, the punishment shall be for a felony imprisonment of up to three years for simple battery, and imprisonment of one to five years in case of aggravated battery.

(4) A perpetrator commits a felony offense and shall be punishable with imprisonment between one to five years, if the battery causes permanent physical disability or a grave injury to health, or, if the aggravated battery is committed with express malice.

(5) The punishment shall be imprisonment from two years to eight years, if the battery causes danger to life or death.

(6) The person, who commits aggravated battery due to negligence, shall be punishable for misdemeanour with imprisonment of up to one year, labour in the public interest, or fine, in the case defined in subsection (4), with imprisonment of up to three years, in case of causing an injury posing danger to life, with imprisonment of up to five years.

(7) The perpetrator of the misdemeanour defined in subsection (1) shall only be punishable upon private motion.

## **Endangering within the Sphere of Occupation**

### **Section 171**

(1) The person who exposes by negligence the life, corporeal integrity or health of another person or persons by the violation of the rules of his occupation, or causes bodily harm, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be

*a)* imprisonment of up to three years, if the crime causes durable handicap, grave health injury or mass catastrophe,

*b)* imprisonment between one to five years, if the crime causes death,

*c)* imprisonment from two years to eight years, if the crime causes the death of more than one person, or fatal mass catastrophe.

(3) If the perpetrator brings about the immediate danger intentionally, he commits felony, and shall be punishable in case of subsection (1) with imprisonment of up to three years, in case of subsection (2) - taking into account the distinction made there - with imprisonment of up to five years, from two years to eight years, or from five years to ten years.

(4) For the purposes of this Section, rules relating to the use and handling of fire arms are also rules of occupation.

## **Failure to Provide Help**

### **Section 172**

(1) The person who fails to provide help that may be expected from him to an injured person, or to a person, whose life or bodily integrity is in imminent danger, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to three years for a felony, if the injured person dies, and his life could have been saved by the help.

(3) The punishment shall be imprisonment of up to three years, in case of subsection (2) imprisonment of up to five years, for felony, if the dangerous situation is brought about by the perpetrator, or if he is also otherwise obligated to help.

(4) The last concept of subsection (3) may not be applied against a person who is obligated to help on the basis of the highway code.

## **Failure to Provide Care**

### **Section 173**

The person who fails to perform his obligation of care vis -...-vis a person who cannot care for himself due to his condition or old age, and endangers thereby the life, corporeal integrity or health of the person reduced to care, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Title II**

### **MEDICAL PROCEDURES, THE ORDER OF MEDICAL RESEARCH AND CRIMINAL ACTS AGAINST THE RIGHT OF AUTONOMY CONCERNING MEDICAL PROCEDURES**

#### **Procedures on Human Genetic Structure**

##### **Section 173/A.**

(1) Any person who performs a procedure on a human genetic structure, fetal genetic structure or the genetic structure of a human embryo for the purpose of changing the genetic structure thereof commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment between two to eight years if the procedure described in Subsection (1) results in permanent changes in the human genetic structure, fetal genetic structure or in the genetic structure of the human embryo.

(3) A person performing a procedure for a purpose specified in the Act on Health Care shall not be punishable for the acts described in Subsections (1)-(2).

#### **Illegal Use of Human Gametes**

##### **Section 173/B.**

(1) Any person who uses gametes from a cadaver or from a deceased fetus as part of a special procedure for the purpose of human reproduction as described in the Act on Health Care commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who makes preparations for the illegal use of human gametes commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

#### **Altering the Gender of an Unborn Child**

##### **Section 173/C.**

(1) Any person who performs a procedure for the purpose of altering the gender of unborn child commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) A person performing a procedure for a purpose specified in the Act on Health Care shall not be punishable for the act described in Subsection (1).

## **Violation of the Rules of Experimental Research on Humans**

### **Section 173/D.**

Any person who performs a medical experiment on humans without, or in deviation of the license prescribed in the Act on Health Care commits a felony offense and shall be punishable with imprisonment of up to five years.

## **Violation of the Rules of Experimental Research with Embryos or Gametes**

### **Section 173/E.**

(1) Any person who performs a medical experiment on human embryo or gamete without, or in deviation of the license prescribed in the Act on Health Care, or creates a human embryo for scientific purposes, commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who

*a)* transplants a human embryo into an animal,

*b)* inseminates a human gamete with an animal gamete, or vice versa,

*c)* implants a human embryo which was previously experimented with into a human body,

*d)* uses a human gamete which was previously used for experiment for human reproduction,

*e)* uses a non-human gamete or embryo for human insemination or for embryo implantation,

*f)* uses a human embryo to create several human embryos or animal embryos,

commits a felony offense and shall be punishable with imprisonment between two to eight years.

(3) Any person who makes preparations for the criminal acts described in Subsection (2) commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

### **Section 173/F.**

(1) Any person who performs a scientific experiment on a human embryo for the purpose of manipulating the genetic structure of the embryo commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who

*a)* uses a human embryo to create a specimen with characteristics different from those developed by conception, or with additional characteristics,

*b)* separates the cells of a human embryo,

commits a felony offense and shall be punishable with imprisonment between two to eight years.

(3) Any person who makes preparations for the criminal acts described in Subsection (2) commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

(4) A person carrying out the acts described in Subsections (1)-(3) for a purpose specified in the Act on Health Care shall not be punishable for such acts.

### **Section 173/G.**

(1) Any person who creates genetically equivalent human species during experimental research or during a medical procedure commits a felony offense and shall be punishable with imprisonment between five to ten years.

(2) Any person who makes preparations for the criminal act described in Subsection (2) commits a felony offense and shall be punishable with imprisonment of up to three years.

## **Violation of Right of Autonomy Concerning Medical Procedures**

## **Section 173/H.**

- (1) Any person who, without the consent or permission of the entitled party, performs
- a)* a medical procedure in connection with the alteration of the human genetic structure or the genetic structure of an embryo, in connection with human reproduction or with altering the gender of an unborn child,
  - b)* experimental research on humans with embryos or gametes,
  - c)* a procedure to remove an organ or tissue for transplantation purposes, or organ or tissue transplant which is subject to prior consent, permission and information disclosure, or who fails to disclose the information required by law, commits a felony offense and shall be punishable with imprisonment of up to three years.
- (2) Any person who removes an organ or tissue from a cadaver in spite of a statement of prohibition shall be punishable as described in Subsection (1).
- (3) Any person who negligently performs a medical procedure, medical research, organ or tissue removal or organ or tissue transplant which is subject to prior consent or permission, as described in Subsection (1), without the consent or permission of the entitled party, commits a misdemeanor offense and shall be punishable with imprisonment of up to two years, community service work, or a fine.
- (4) The perpetrator of the criminal acts described in Subsections (1)-(3) shall be subject to punishment on the basis of a private motion, unless, in connection with such act, he also commits a crime which is not punishable on the basis of a private motion. In respect of Subsection (2), a private motion may be filed by the person eligible for issuing the statement, as described in the Act on Health Care.

## **Illegal Use of a Human Body**

### **Section 173/I.**

- (1) Any person who illegally acquires, sells or places on the market for pecuniary gain human genes, cells, gametes, embryos, organs, tissues, or a cadaver or part(s) of such, commits a felony offense and shall be punishable with imprisonment of up to three years.
- (2) The punishment shall be imprisonment of up to five years if the crime described in Subsection (1) is committed by an employee of a medical institution during employment.
- (3) In the case of Subsection (1) and Subsection (2) the punishment shall be imprisonment of up to five years or between two to eight years respectively, if the crime is committed
- a)* in a business-like manner, or
  - b)* as part of a criminal conspiracy.
- (4) Any person who makes preparations for the illegal use of a human body commits a misdemeanor offense and shall be punishable with imprisonment of up to one year, community service work, or a fine in the case of Subsection (1), or with imprisonment of up to two years, community service work, or a fine in the case of Subsection (2).

## **Title III**

### **Crimes Against Freedom and Human Dignity**

#### **Constraint**

#### **Section 174**

The person, who constrains another person with violence or menace to do, not to do, or to endure something, and thereby causes a considerable injury of interest, commits - unless another crime is realized - a felony, and shall be punishable with imprisonment of up to three years.



## **Violation of the Freedom of Conscience and Religion**

### **Section 174/A**

The person who

- a)* restricts another person in his freedom of conscience with violence or menace,
  - b)* who impedes him in the free exercise of his religion with violence or menace,
- commits a felony, and shall be punishable with imprisonment of up to three years.

## **Violence Against a Member of a National, Ethnic, Racial or Religious Group**

### **Section 174/B**

(1) The person who assaults somebody else because he belongs or is believed to belong to a national, ethnic, racial or religious group, or coerces him with violence or menace into doing or not doing or into enduring something, commits a felony and shall be punishable with imprisonment up to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the act of crime is committed

- a)* by force of arms,
- b)* in an armed manner,
- c)* causing a considerable injury of interest,
- d)* with the torment of the injured party,
- e)* in groups,
- f)* in criminal conspiracy.

## **Violation of Personal Freedom**

### **Section 175**

(1) Any person who deprives another person of his personal freedom, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) Any person who acquires another person through trafficking in human beings and maintains the status of deprivation of the victim's personal freedom, and forces such victim into forced labor, commits a felony offense and shall be punishable with imprisonment between two to eight years,

(3) The punishment shall be imprisonment of up to five years in respect of Subsection (1) and imprisonment between five to ten years, in respect of Subsection (2) if the criminal act is committed

- a)* for a malicious motive or purpose,
- b)* by feigning official action,
- c)* by tormenting the aggrieved party,
- d)* causing a significant injury of interests,
- e)* against a person under the age of eighteen.

## **Kidnapping**

### **Section 175/A**

(1) The person who deprives another person of his freedom with violence, or with imminent menace against life or corporeal integrity, or by taking advantage of his condition of being unable to defend himself or to declare his will,

and makes his release dependent on the performance of a demand, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to fifteen years, if the kidnapping is committed

*a)* as part of a criminal conspiracy;

*b)* in an armed manner.

(3) The punishment shall be imprisonment from five years to fifteen years, or life imprisonment, if the kidnapping is committed

*a)* causing an especially grave disadvantage;

*b)* causing death.

(4) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if the kidnapping also realizes intentional homicide.

(5) The person who commits preparations to kidnapping, shall be punishable for a felony with imprisonment of up to three years.

(6) The punishment of the person who voluntarily stops kidnapping, before grave consequences have originated therefrom, may be mitigated without limitation.

(7) The person who credibly learns, that the perpetration of kidnapping is prepared, and fails to inform the person concerned or the authorities about this as soon as he can do so, commits a felony, and shall be punishable with imprisonment of up to three years, if the kidnapping has at least been attempted.

## **Trafficking in Human Beings**

### **Section 175/B**

(1) Any person who sells, purchases, conveys or receives another person or exchanges a person for another person, or appropriates one for such purpose for another party, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment between one to five years if the criminal act is committed

*a)* against a person deprived of personal freedom,

*b)* against a person under the age of eighteen,

*c)* for the purpose of forced labor,

*d)* for the purpose of sodomy or sexual intercourse, or to involuntarily engage in such with another person.

(3) The punishment shall be imprisonment between two to eight years if the criminal act

*a)* involves two of the cases described in Subsection (2), or if the criminal act is committed

*b)* as part of a criminal organization,

*c)* against a person under the tutelage, guardianship, supervision or medical treatment of the perpetrator.

(4) The punishment shall be imprisonment between five to ten years if the criminal act

*a)* involves three of the cases described in Subsection (2), or if the criminal act is committed

*b)* against a person deprived of personal freedom, as part of a criminal organization,

*c)* against a person under the tutelage, guardianship, supervision or medical treatment of the perpetrator, and deprived of personal freedom.

(5) The punishment shall be imprisonment between ten to fifteen years or life imprisonment if the criminal act is committed for the purpose of forced labor and sodomy or sexual intercourse, or to involuntarily engage in such with another person

*a)* against a person deprived of personal freedom, as part of a criminal organization,

*b)* against a person under the tutelage, guardianship, supervision or medical treatment of the perpetrator, and deprived of personal freedom.

(6) Any person making preparations to engage in trafficking in human beings commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

## **Trespassing**

### **Section 176**

(1) A person who enters into or remains in, the home, other premises or fenced off place belonging to such places, of another person, by force, menace, or pretending official action, commits a misdemeanor, and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) The person, who enters into or remains in the flat, other premises or the fenced off place belonging to the above in spite of the will of the person dwelling there or disposing over that, or with deception

*a)* at night,

*b)* by force of arms,

*c)* in an armed manner,

*d)* in a group,

shall be punishable in accordance with subsection (1).

(3) The person who impedes another person in the way defined in subsections (1) and (2) to enter his flat, other premises or fenced off place belonging to the above, shall be punishable in accordance with subsection (1).

(4) The punishment shall be imprisonment of up to three years for a felony, if the act defined in subsection (1) is committed in the way described in subsection (2).

## **Violation of Privacy**

### **Section 177**

(1) The person who reveals a private secret learned by him as a result of his occupation or public mandate without good reason, commits a misdemeanour, and shall be punishable with fine.

(2) The punishment shall be imprisonment of up to one year, labour in the public interest, or fine, if the crime causes considerable injury of interest.

## **Illegitimate Data Handling**

### **Section 177/A**

A person keeping or processing data, who

*a)* handles personal data without proper authorization or improperly handles such;

*b)* surrenders or discloses personal data unlawfully;

*c)* fails to fulfill his reporting obligation relating to the handling of personal data;

*d)* conceals personal data from a party entitled thereunto;

*e)* falsifies personal data handled;

*f)* conceals or falsifies data of public interest,

commits a misdemeanor, and shall be punishable with imprisonment of up to one year, labor in the public interest, or a fine.

## **Misuse of Special Personal Data**

### **Section 177/B**

(1) The person who

*a)* illegitimately publishes;

*b)* uses illegitimately or makes available to an unauthorized person

the special data learned by him in the course of his data handling defined in the legal rule relating to the protection of personal data, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) A person who illegitimately obtains special data for himself or somebody else, commits a misdemeanor and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

## **Violation of the Secrecy of Correspondence**

### **Section 178**

(1) Any person who opens or obtains a sealed parcel containing a communication which belongs to another person, for the purpose gaining knowledge of the contents thereof, or surrenders such to an unauthorized person for this purpose, as well as any person who taps a correspondence forwarded through telecommunication equipment, commits a misdemeanor offense and shall be punishable with a fine, if such act does not result in a criminal act of greater gravity.

(2) The punishment shall be imprisonment of up to one year, labour in the public interest, or fine, if the crime defined in subsection (1) is committed by using an occupation or public mandate.

(3) The punishment shall be

- a)* imprisonment of up to two years, if the crime defined in subsection (1) causes considerable injury of interest;
- b)* imprisonment of up to three years for a felony, if the crime defined in subsection (2) causes considerable injury of interest.

## **Illicit Possession of Private Information**

### **Section 178/A**

(1) Any person who, for the illicit possession of private information,

- a)* clandestinely searches the home or other property, or the confines attached to such, of another person,
- b)* monitors or records the events taking place in the home or other property, or the confines attached to such, of another person, by technical means,
- c)* opens or obtains the sealed parcel of correspondence of another person and records such by technical means,
- d)* taps a correspondence forwarded through telecommunication equipment to another person and records the contents of such,

commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who conveys or uses any private information obtained as described in Subsection (1) shall be punishable as set forth in Subsection (1).

(3) The punishment shall be imprisonment between two to eight years if the criminal act is committed

- a)* by feigning official action,
- b)* in a business-like manner,
- c)* as part of criminal conspiracy,
- d)* causing significant injury of interests.

## **Defamation**

### **Section 179**

(1) The person who states or rumours a fact suitable for impairing honour, or uses an expression directly referring to such a fact, about somebody, before somebody else, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to two years, if the defamation is committed

- a)* for a base reason or purpose,
- b)* before big publicity,
- c)* causing considerable injury of interest.

## **Slander**

## **Section 180**

- (1) The person who, apart from the case of Section 179, uses an expression suitable for impairing honour or commits another act of such a type,
- a)* in connection with the job, performance of public mandate or in connection with the activity of public concern of the injured party,
  - b)* before a great publicity
- shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.
- (2) The person who commits slander with assault, shall be punishable in accordance with subsection (1).

## **Impiety**

## **Section 181**

The person, who outrages a dead person or his memory in the way defined in Section 179 or Section 180, shall commit a misdemeanour, and shall be punishable with the punishment defined there.

## **Evidencing of Reality**

## **Section 182**

- (1) The perpetrator may not be punished for the crimes defined in Sections 179 to 181, if the fact suitable for impairing the honour turns out to be true.
- (2) Evidencing of reality may take place, if the statement, rumouring of the fact or the use of an expression immediately referring thereto was justified by public interest or by the lawful interest of anybody.

## **Private Motion and Wish**

## **Section 183**

- (1) The perpetrators of the crimes defined in Sections 176 and 177, as well as Sections 178 to 181, are punishable upon private motion.
- (2) In case of Section 181, the private motion may be submitted by the relative and heir of the deceased.
- (3) The defamation or slander committed to the injury of a person enjoying diplomatic or other personal immunity based on international law, is punishable upon the wish of the injured party declared through diplomatic channels.

## **Interpretative Provision**

## **Section 183/A**

For the purposes of Section 170 and Section 175/A, persons under the age of twelve shall be deemed as incapable of defense.

## ***Chapter XIII***

## **Traffic Crimes**

## **Crime Against the Safety of Traffic**

### **Section 184**

(1) The person who endangers the safety of railway, water or public road traffic by damaging traffic route, vehicle, equipment or the appurtenances thereof, by establishing an obstacle, removing or changing a traffic sign, with deceiving sign, application of violence or menace against the driver of a vehicle partaking in traffic or in any other similar way, commits a felony and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be

*a)* imprisonment of up to five years, if the crime causes grievous bodily harm,

*b)* imprisonment from two years to eight years, if the crime causes durable handicap, serious injury to health or a mass catastrophe,

*c)* imprisonment from five years to ten years, if the crime causes death,

*d)* imprisonment from five years to fifteen years, if the crime causes a fatal mass catastrophe.

(3) The person who commits the crime defined in subsection (1) by negligence, shall be punishable for misdemeanour with imprisonment of up to one year, labour in the public interest, or fine, in the cases defined in subsection (2), with imprisonment of up to two years, three years, five years or from two years to eight years in accordance with the distinction made there.

(4) The punishment may be mitigated without limitation - in a case deserving special appreciation, even dispensed with - vis-...-vis the person who voluntarily terminates the danger before any damaging consequence has arisen therefrom.

## **Endangering of Railway, Air or Water Traffic**

### **Section 185**

(1) The person, who endangers life or limb of another person or persons by violating the rules of railway, air or water traffic, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be

*a)* imprisonment of up to five years, if the crime causes grievous bodily harm,

*b)* imprisonment from two years to eight years, if the crime causes durable handicap, a serious injury to health or a mass catastrophe,

*c)* imprisonment from five years to ten years, if the crime causes death,

*d)* imprisonment from five years to fifteen years, if the crime causes fatal mass catastrophe.

(3) The person who commits the crime defined in subsection (1) by negligence shall be punishable for misdemeanour with imprisonment of up to one year, labour in the public interest, or fine, in the cases defined in subsection (2), in accordance with the distinction made there, with imprisonment of up to two years, up to three years, up to five years, or from two years to eight years.

(4) The punishment may be mitigated without limitation - in a case deserving special appreciation, even dispensed with - vis-...-vis the person who voluntarily terminates the danger before any damaging consequence has arisen therefrom.

## **Causing Danger on the Highways**

### **Section 186**

(1) The person who exposes to direct danger the life or limb of another person or persons by the violation of the rules of public road traffic, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be

*a)* imprisonment of up to five years, if the crime causes grievous bodily harm,

- b)* imprisonment from two years to eight years, if the crime causes durable handicap, a serious health injury or mass catastrophe,
- c)* imprisonment from five years to ten years, if the crime causes death,
- d)* imprisonment from five years to fifteen years, if the crime causes the death of more than one person or a fatal mass catastrophe.

## **Causing a Public Road Accident**

### **Section 187**

(1) The person who causes grievous bodily harm to another person or persons by the violation of the rules of public road traffic, by negligence, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be

- a)* imprisonment of up to three years, if the crime causes durable handicap, serious health injury or mass catastrophe,
- b)* imprisonment between one to five years, if the crime causes death,
- c)* imprisonment from two years to eight years, if the crime causes the death of more than two person or a fatal mass catastrophe.

## **Driving Under the Influence of Alcohol or Other Psychoactive Substances**

### **Section 188**

(1) Any person who drives a railway vehicle or aircraft, or a motorized vessel or water machinery, or a motor vehicle under the influence of alcohol or a substance having a detrimental effect on such person's driving ability, commits a misdemeanor offense and shall be punishable with imprisonment of up to one year, labor in the public interest or a fine.

(2) The punishment shall be for a felony

- a)* imprisonment of up to three years, if the crime causes grievous bodily harm,
- b)* imprisonment of up to five years, if the crime causes durable handicap, serious health injury or mass catastrophe,
- c)* imprisonment from two years to eight years, if the crime causes death,
- d)* imprisonment from five years to ten years, if the crime causes the death of more than one person, or a fatal mass catastrophe.

(3) Any person who induces the consequence described in Subsection (2) by driving a non-motorized vessel or water machinery, or non-motorized vehicle under the influence of alcohol or a substance having a detrimental effect on such person's driving ability, shall be punishable in accordance with the distinction set forth therein.

## **Prohibited Cession of Driving a Vehicle**

### **Section 189**

(1) The person who cedes the driving of railway vehicle or aircraft or machine-driven watercraft or floating machine or - on the public road - the driving of a machine-driven vehicle to a person in a state under the influence of alcoholic drink or unsuitable for driving for any other reason, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be for a felony

- a)* imprisonment of up to three years, if the crime causes durable handicap, serious health injury or mass catastrophe,

- b) imprisonment of up to five years, if the crime causes death,
- c) imprisonment from two years to eight years, if the crime causes the death of more than one person, or fatal mass catastrophe.

## **Hit and Run**

### **Section 190**

If the driver of a vehicle affected by a traffic accident fails to stop on the spot, or leaves the scene before ascertaining whether anybody got injured or is in need of assistance due to a danger menacing directly his life or limbs, - unless a graver crime is realized - commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Interpretative Provisions**

### **Section 191**

(1) The provisions established for the crimes committed on public roads shall also be applied, if the violation of the rules relating to vehicle driving on a public road causes injury or death not on a public road.

(2) For the purposes of Sections 185 to 187, the provisions pertaining to pedestrians and passengers may not be deemed to be traffic rules.

## ***Chapter XIV***

## **Crimes Against Marriage, Family, Youth and Sexual Morals**

### **Title I**

### **Crimes Against Marriage, Family and Youth**

#### **Bigamy**

### **Section 192**

The person who contracts a new marriage during the subsistence of his marriage, or who contracts marriage with a person living in marriage, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Changing of Family Status**

### **Section 193**



(1) Any person who alters the family status of another person, thus in particular exchanges a child or smuggles one into another family, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment between one to five years, if the alteration of family status is perpetrated

*a)* by an employee of a medical or educational institution within the sphere of his occupation,

*b)* by a person responsible for the tutelage, guardianship or supervision of a person under the age of eighteen.

(3) If the criminal act is committed by an employee of a medical or educational institution due to negligence, such person shall be punishable for a misdemeanor offense with imprisonment of up to one year, labor in the public interest or a fine.

## **Changing of the Custody of a Minor**

### **Section 194**

The person who takes away a minor placed on the basis of an executable authority decision from the person with whom it has been placed by the authority, without the consent of the custodian, with the purpose of the durable changing of the custody, or keeps the minor concealed or in secret, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Endangering of a Minor**

### **Section 195**

(1) The person obliged to conduct the education, supervision of or care for a minor, who seriously violates his obligations arising from such duty, and thereby endangers the physical, intellectual or moral development of the minor, commits a felony and shall be punishable with imprisonment between one to five years.

(2) Unless a graver crime is realized, that major person shall be punishable in accordance with subsection (1), who induces or tries to induce a minor to the perpetration of a crime or to the pursuance of a dissolute way of life.

(3) Any person of legal age who has forced labor conducted by a minor commits a felony offense and shall be punishable with imprisonment between two to eight years.

## **Production of Prohibited Pornographic Pictures**

### **Section 195/A**

(1) The making of pornographic picture or pictures of a minor by video, film, photograph or by any other means, distribution or trading of such pictures, or rendering of such pictures available to others shall be construed a felony and punishable by imprisonment between two to eight years.

(2) A person having a minor participating in a pornographic show shall be punishable as set forth in Subsection (1).

(3) The person providing financial means and thus assisting in the commission of the crime defined in Subsections (1)-(2) shall be punishable with imprisonment between two to eight years.

(4) In the application of Subsections (1)-(2) pornographic picture or pornographic show is the act or display of sexuality in a gravely indecent manner of exposure specifically for arousing sexual demeanor.

## **Omission of Support**

### **Section 196**

(1) The person who fails to perform his obligation to support based on a legal rule and prescribed in an executable authority decision through his own fault, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(2)

(3) The punishment shall be imprisonment of up to three years for a felony, if the omission of the support exposes the entitled party to serious deprivation.

(4) The perpetrator shall not be punishable on the basis of subsections (1) and (2), and in case of subsection (3) his punishment may be mitigated without limitation, if he satisfies his obligation before the passing of the sentence of first instance.

## **Title II**

### **Crimes Against Sexual Morals**

#### **Rape**

##### **Section 197**

(1) A person who by violent action or direct menace against life or limb forces a woman to have sexual intercourse, or uses the incapacity of the woman for defense or for the manifestation of her will for sexual intercourse, commits a felony and shall be punishable with imprisonment between two to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if

*a)* the victim is under twelve years of age,

*b)* the victim is under the education, supervision, care or medical treatment of the perpetrator,

*c)* more than one person have sexual intercourse with the victim on the same occasion, knowing about each other's acts.

(3) The punishment shall be imprisonment between five to fifteen years if the provisions of Paragraph b) or c) of Subsection (2) also apply to rape committed against a victim under twelve years of age.

#### **Assault Against Decency**

##### **Section 198**

(1) A person who by violence or direct menace against life or limb forces another person to engage in sodomy or to the endurance thereof, or uses for sodomy the incapacity of another person for defense or for manifestation of will, commits a felony and shall be punishable with imprisonment between two to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if

*a)* the victim is under twelve years of age,

*b)* the victim is under the education, supervision, care or medical treatment of the perpetrator;

*c)* if several persons sodomize the victim on the same occasion, knowing about each other's act.

(3) The punishment shall be imprisonment between five to fifteen years if the provisions of Paragraph b) or c) of Subsection (2) also apply to the sexual assault committed against a victim under twelve years of age.

#### **Fornication Against Nature**

##### **Section 199**

The person who has completed his eighteenth year of age, who fornicates with a person of identical sex younger than that age, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Forceful Fornication Against Nature**

### **Section 200**

(1) A person who by violence or direct menace against life or limb forces a person of the same sex to engage in sodomy or to the endurance thereof, or uses his/her incapacity for defense or for the manifestation of will for sodomy, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if

*a)* the victim is under twelve years of age,

*b)* the victim is under the education, supervision, care or medical treatment of the perpetrator;

*c)* several persons sodomize the victim on the same occasion, knowing about each other's acts.

(3) The punishment shall be imprisonment between five to fifteen years if the provisions of Paragraph b) or c) of Subsection (2) also apply to sexual assault committed against a victim under twelve years of age.

## **Seduction**

### **Section 201**

(1) The person who has sexual intercourse with a person who has not yet completed his fourteenth year, as well as the person who has completed his eighteenth year and engages in fornication with a person who has not yet exceeded his fourteenth year of age, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) That person who has completed his eighteenth year and strives to persuade a person who has not completed his fourteenth year, to have sexual intercourse or to fornicate with him, commits a felony and shall be punishable with imprisonment of up to three years.

(3) The punishment shall be imprisonment from two years to eight years, or from one year to five years, respectively, if the injured party of the crime defined in subsections (1) or (2) is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator.

### **Section 202**

(1) The person who induces a person who has not yet completed his fourteenth year, to have sexual intercourse or to fornicate with another person, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) The person who has completed his eighteenth year and strives to persuade a person who has not yet completed his fourteenth year, to have sexual intercourse or to fornicate with another person, commits a felony, and shall be punishable with imprisonment of up to three years.

(3) The punishment shall be imprisonment from two years to eight years, or from one year to five years, respectively, if the injured party of the crime defined in subsections (1) or (2) is a relative of the perpetrator, or is under the education, supervision, care or medical treatment of the perpetrator.

## **Incest**

### **Section 203**

(1) The person who has sexual intercourse or fornicates with his relative in direct line, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) The descendant shall not be punishable, if he has not yet completed his eighteenth year of age on perpetration of the act.

(3) A person who has sexual intercourse with his or her sibling shall be punishable for a misdemeanor offense with imprisonment of up to two years.

## **Prostitution**

### **Section 204**

## **Promotion of Prostitution**

### **Section 205**

(1) The person who makes available a building or another place for prostitution to another person, commits a felony and shall be punishable with imprisonment of up to three years.

(2) The person who maintains, heads a brothel, or makes available financial means to the functioning thereof, commits a felony and shall be punishable with imprisonment of up to five years.

(3) The punishment shall be imprisonment from two years to eight years, if

*a)* any person who has not yet completed his eighteenth year engages in prostitution in the brothel,

*b)* prostitution is promoted as part of a criminal organization.

(4) The person who persuades another person to engage in prostitution, shall be punishable in accordance with subsection (1).

## **Living on Earnings of Prostitution**

### **Section 206**

The person who lives wholly or in part on the earnings of a person engaging in prostitution, commits a felony, and shall be punishable with imprisonment of up to three years. Banishment may also take place as a supplementary punishment.

## **Pandering**

### **Section 207**

(1) The person who solicits another person for sexual intercourse or fornication for somebody else in order to make profit, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment from one year to five years, if the pandering is business-like.

(3) The punishment shall be imprisonment from two years to eight years, if the pandering is committed

*a)* to the injury of a relative of the perpetrator or of a person under his education, supervision or care or who has not yet completed his eighteenth year of age,

*b)* with deceit, violence or direct menace against life or limbs.

*c)* as part of a criminal organization

(4) The person who agrees on the perpetration of pandering defined in subsection (2) commits a felony and shall be punishable with imprisonment of up to three years.

## **Obscenity**

## **Section 208**

A person who exposes himself before another person in an indecent way for the satisfaction of his or her sexual desire, commits a misdemeanor, and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

## **Private Motion**

## **Section 209**

The crimes defined in Section 197, subsection (1), as well as Section 201, subsections (1) and (2) may only be punished on private motion, except for the case if crimes punishable not on private motion are committed in connection therewith.

## **Interpretative Provision**

## **Section 210**

For the purposes of Sections 197, 198 and Section 200, the person who has not yet completed his twelfth year of age shall be deemed as incapable of defence.

## **Section 210/A**

- (1) Prostitution is pursued by the person who has sexual intercourse or fornicates striving to make regular profit.
- (2) For the purposes of this Title, fornication is: any gravely indecent act with the exception of sexual intercourse, which serves the stimulation or satisfaction of sexual desire.

## ***Chapter XV***

# **Crimes Against the Purity of State Administration, the Administration of Justice and Public Life**

## **Title I**

## **Crime Against the Order of the Elections, Plebiscite and Popular Initiative**

## **Section 211**

A person who, in the course of the election of Parliament representatives, or of representatives of local governments and mayors, national or ethnic minority self-government representatives, as well as of nationwide or local plebiscite and popular initiative

- a)* obtains recommendation by virtue of using force, threat, fraud or financial advances in violation of the provisions of nomination procedures,

- b)* obtains signatures by virtue of using force, threat, fraud or financial advances in the interest of initiating a national referendum or popular initiative,
  - c)* votes without entitlement,
  - d)* signs without entitlement, indicates false data,
  - e)* impedes a person entitled to vote in the elections or plebiscite in the exercise of his right thereto,
  - f)* violates the secrecy of elections or of plebiscite,
  - g)* falsifies the result of the elections, plebiscite or popular initiative,
- commits a felony and shall be punishable with imprisonment of up to three years.

## **Title II**

### **Policing Crimes**

#### **Abuse of the Right of Association**

##### **Section 212**

###### **212/A**

The person who participates in the management of a social organization dissolved by the court, commits - unless a more serious criminal act is realized - a misdemeanour, and shall be punishable with imprisonment up to one year, labour in the public interest or a fine.

#### **Misdemeanour Against Press Policing**

##### **Section 213**

The person who

- a)* manufactures or distributes an unlicensed or unregistered press product for the manufacturing or distribution of which a license or registration is required,
- b)* disseminates a press product whose sequestration or confiscation has been ordered, commits a misdemeanour and shall be punishable with fine.

#### **Unlawful Stay in Hungary**

##### **Section 214**

That expelled foreigner who stays without permission on the territory of the Republic of Hungary, commits a misdemeanour, and shall be punishable with imprisonment of up to one year.

#### **Damaging of Land Survey Signs**

##### **Section 215**

The person who destroys, damages or removes a land survey sign, commits a misdemeanour and shall be punishable with fine.

## **Vandalism of Historic Monuments**

### **Section 216**

(1) Any person who vandalizes a historic monument which is in his possession, commits a felony offense and shall be punishable by imprisonment of up to three years.

(2) Any person who destroys a historic monument pursuant to Subsection (1) or causes irreparable damage to such, as a result of which such monument loses its character as a historic monument, shall be punishable by imprisonment of up to five years.

## **Vandalism of Cultural Goods**

### **Section 216/A.**

(1) Any person who vandalizes an object classified as a protected cultural good commits a felony offense and shall be punishable by imprisonment of up to three years.

(2) Any person who destroys an object pursuant to Subsection (1) or causes irreparable damage to such shall be punishable by imprisonment of up to five years.

## **Illegal Use of Cultural Goods**

### **Section 216/B.**

(1) Any person who alienates objects which are considered cultural goods and belong to a protected collection or pieces belonging to protected groups of objects or who fails to report changes in the ownership of protected objects which are considered cultural goods in the manner specified by law, commits a felony offense and shall be punishable by imprisonment of up to three years.

(2) Any person who, without an export permit, exports objects which are considered cultural goods and for which an export permit is required, or who exceeds the limits of an export permit shall be punishable in accordance with the provisions of Subsection (1).

## **Unauthorized Crossing of the Frontier**

### **Section 217**

The person who crosses the frontier of the Republic of Hungary

*a)* without authorization,

*b)* in an unauthorized manner

by force of arms, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Man-smuggling**

### **Section 218**

(1) Any person, who acts as an accomplice in the illegal crossing of state borders (Section 217) for pecuniary gain, commits a felony offense and shall be punishable with imprisonment between two to eight years.

(2) Any person who acts as an accomplice in the crossing of the border of the Republic of Hungary without authorization or in an unauthorized manner, for pecuniary gain, commits a felony offense and shall be punishable with imprisonment of up to three years.

(3) Any person committing the act as a member of or on behalf of a criminal organization shall be punishable for a felony offense with imprisonment between five to ten years in the case of Subsection (1), or between two to eight years in the case of Subsection (2).

(4) Any person involved in preparations for smuggling illegal aliens, as set forth in Subsections (1)-(3), shall be punishable for a misdemeanor offense with imprisonment of up to two years.

(5) Expulsion may also be imposed as supplementary punishment against persons engaged in the smuggling of illegal aliens.

## **Failure to Report**

### **Section 219**

## **Damaging of Frontier Sign**

### **Section 220**

The person who destroys, damages or removes a sign serving for the demarcation of state frontier, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Title III**

## **Violation of State Secret and Service Secret**

### **Violation of State Secret**

#### **Section 221**

(1) The person

*a)* who obtains a state secret in an unauthorized manner,

*b)* uses without authorization, makes available for an incompetent person or makes unavailable for a competent person a state secret that came to his knowledge or into his possession, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) The punishment shall be

*a)* imprisonment from two years to eight years, if the violation of state secret is committed in respect of an especially important state secret or causing a great disadvantage

*b)* imprisonment from five years to fifteen years, if the state secret becomes available to an incompetent foreign person.

(3) The person who commits the violation of state secret by negligence shall be punishable for a misdemeanour with imprisonment of up to one year, in the cases of subsection (2) with imprisonment of up to two years or up to five years, in accordance with the distinction written there.



(4) The person, who perpetrates preparation for the violation of state secret defined in subsection (2), shall be punishable for a felony with imprisonment up to three years, or up to five years, in accordance with the distinction written there.

## **Violation of Service Secret**

### **Section 222**

- (1) The person who
- a)* obtains without authorization a service secret,
  - b)* uses without authorization or makes available for an incompetent person a service secret that came to his knowledge or into his possession
- commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.
- (2) The punishment shall be imprisonment of up to three years for a felony, if the crime causes a grave disadvantage.
- (3) The punishment shall be
- a)* imprisonment from one year to five years, if - as a consequence of the crime - a service secret,
  - b)* imprisonment from two years to eight years, if - in consequence of the crime - a military service secret becomes available to an incompetent foreign person.

## **Failure to Report the Violation of State Secret**

### **Section 223**

- (1) The person who credibly learns that
- a)* the perpetration of violation of a state secret is prepared,
  - b)* an intentional violation of state secret not yet detected has been committed,
- and fails to report it to the authorities as soon as he can, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, with labour in the public interest, or fine.
- (2) On the basis of subsection (1), relatives of the perpetrator shall not be punishable.

## **State Secret and Service Secret**

### **Section 224**

## **Title IV**

## **Crimes Related to Office**

### **Abuse of Authority**

## **Section 225**

The official person who, with the aim of causing unlawful disadvantage or obtaining unlawful advantage, breaches his official duty, transgresses his competence or otherwise misuses his official position, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Maltreatment in Official Proceedings**

### **Section 226**

The official person who commits assault upon another person during his proceedings, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

## **Forced Interrogation**

### **Section 227**

The official person who - with the aim of forcing a confession or declaration - applies violence, menace, or other similar methods, commits a felony, and shall be punishable with imprisonment of up to five years.

## **Unauthorized Clandestine Gathering of Information**

### **Section 227/A**

(1) Any official person who performs clandestine gathering of information which is subject to authorization by a judge or by the Minister of Justice, or clandestine gathering of data during a criminal proceeding which is subject to authorization by a judge, or exceeds the scope of such authorization commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who, without proper entitlement, orders or authorizes clandestine gathering of information that is subject to authorization by a judge or by the Minister of Justice, or clandestine gathering of data during a criminal proceeding which is subject to authorization by a judge shall be punishable as set forth in Subsection (1).

(3) The punishment shall be imprisonment between two to eight years if the criminal act causes significant injury of interests.

## **Unlawful Detention**

### **Section 228**

(1) The official person who unlawfully deprives another person of his personal freedom, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the unlawful detention is committed

*a)* for a base reason or purpose,

*b)* with the torment of the injured party,

*c)* causing a grave consequence.

(3)

## **Violence of the Freedom of Association and of Assembly**

## **Section 228/A**

(1) The person who unlawfully impedes another person in the exercise of his right to association or assembly with violence or menace, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The person who displays resistance with violence or menace against a measure taken by the organiser of a programme coming under the force of the Act on the right of assembly, in the interest of the maintenance of order, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Title V**

### **Crimes Against Official Persons**

#### **Violence Against an Official Person**

##### **Section 229**

(1) The person who impedes an official person in his lawful proceedings with violence or menace, forces him to take a measure, or assaults him during or because of his proceedings, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment of up to five years, if the violence against an official person is committed in a group or in an armed manner.

(3) The organizer or head of the group defined in subsection (2) shall be punishable with imprisonment from two years to eight years.

(4) The person who participates in a group directed at the perpetration of violence against an official person, commits a misdemeanour and shall be punishable with imprisonment of up to two years, while the organizer and the head of the group shall be punishable for a felony with imprisonment of up to three years.

(5) The person who assaults an official person because of his proceedings, shall be punishable on the basis of subsections (1) to (4), even if the assaulted person is no longer an official person at the time of the perpetration of the crime.

(6) A participant in the group shall not be punishable on the basis of subsection (4), if he leaves the group voluntarily or upon the invitation of an authority.

#### **Violence Against a Person Fulfilling a Public Duty**

##### **Section 230**

The provisions set forth in Section 229 shall be applied for punishment in respect of a person who commits the act defined therein against a person performing public duties.

#### **Violence Against a Person Supporting an Official Person**

##### **Section 231**

The person shall be punishable in accordance with the provisions of Section 229, who perpetrates the act defined there against a person supporting or defending a person fulfilling an official or public duty.

## **Insult of an Authority or of an Official Person**

### **Section 232**

#### **Title VI**

### **Crimes Against the Administration of Justice**

#### **Malicious Prosecution**

##### **Section 233**

(1) The person who

*a)* falsely accuses another person before an authority with the perpetration of a crime,

*b)* makes known a forged evidence relating to a crime to the authority

commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment of up to five years, if criminal proceedings are instituted on the basis of the malicious prosecution.

(3) If the accused is sentenced on the basis of the malicious prosecution, the punishment shall be imprisonment from two years to eight years.

##### **Section 234**

The person who falsely accuses another person before an authority with the perpetration of a crime, because he does not know by negligence, that his statement of fact is untrue, or the evidence is false, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

##### **Section 235**

The person who

*a)* falsely accuses another person with the perpetration of a minor offence before an investigating authority, the prosecutor, the court or an authority dealing with minor offences, or with the perpetration of a disciplinary misdemeanour before an investigating authority, prosecutor, court or the party exercising disciplinary authority,

*b)* makes known a forged evidence against another person to the authority designated in paragraph *a)*, relating to a minor offence or a disciplinary misdemeanour,

commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

##### **Section 236**

(1) If proceedings have been instituted on the basis of malicious prosecution (basic affair), criminal proceedings for malicious prosecution may be instituted until the termination thereof only on the basis of a motion by the authority acting in the basic affair. Except for the case of such motion, the prescription of the malicious prosecution begins on the day of the termination of the basic affair.

(2) The punishment of the perpetrator of malicious prosecution may be mitigated without limitation, in a case deserving special appreciation, it may even be dispensed with, if he reveals the falsity of the accusation before the termination of the basic affair to the acting authority.

## **Misleading of Authority**

### **Section 237**

The person who makes an announcement at an authority, serving as basis for criminal proceedings, about which he knows that it is untrue - unless it is the case of Section 233 -, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Giving False Evidence**

### **Section 238**

(1) The witness who gives untruthful evidence before the court or another authority concerning an essential circumstance of an affair, or he is silent about reality, commits giving false evidence.

(2) The provisions relating to giving false evidence shall be applied to the person who

*a)* gives false expert opinion as an expert, or false information as special adviser,

*b)* falsely translates as an interpreter or a translator,

*c)* makes available a false document or a false material evidence in criminal or civil proceedings, apart from the case of Section 233, subsection (1), paragraph *b*).

(3) The accused of the criminal proceedings shall not be punishable on the basis of subsection (2) paragraph *c*).

(4) The punishment of giving false evidence committed in a criminal case shall be - for a felony - imprisonment of up to five years. If giving false evidence concerns a crime for which life imprisonment may also be inflicted, the punishment shall be imprisonment from two years to eight years.

(5) The punishment for giving false evidence committed in a civil case shall be for a felony imprisonment of up to three years, and if the subject-matter of case is an especially great pecuniary value or another especially important interest, the punishment shall be imprisonment of up to five years.

(6) The person who commits giving false evidence by negligence shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

### **Section 239**

The person who commits giving false evidence in disciplinary, minor offence, arbitral tribunal proceedings, or the proceedings of other authorities, shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

### **Section 240**

Until the affair, in which the giving of false evidence was committed (basic affair) is not finished, criminal proceedings for giving false evidence may only be instituted on the basis of the motion of the authority acting in the basic affair. Save for the case of such motion, the prescription of giving false evidence commences on the day of the termination of the basic affair.

### **Section 241**

(1) That person shall not be punishable for giving false evidence

*a)* who would accuse himself or his relative with the perpetration of a crime in case of revealing reality,

*b)* who may deny giving evidence for any other reason, but was not admonished as regards this fact before being heard, or whose hearing is precluded by the law.

(2) The punishment may be mitigated without limitation, in a case deserving special appreciation even dispensed with, against a person who announces the falsity of the means of evidence provided by him to the acting authority before the non-appealable termination of the basic affair.

## **Subornation to Giving False Evidence**

### **Section 242**

The person who strives to persuade another person to give false evidence in criminal or civil proceedings, commits a misdemeanour, and shall be punishable with imprisonment of up to two years,  
and the person, who perpetrates this in an affair pending with a disciplinary, minor offence, arbitral tribunal or other authority, shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Non-disclosure of Exculpatory Circumstance**

### **Section 243**

(1) The person who fails to disclose a fact on which the acquittal of a person subject to criminal proceedings may depend, to the person, to his counsel or the authorities, commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person shall not be punishable on the basis of subsection (1)

*a)* who would accuse himself or his relative with the perpetration of a crime by disclosing the fact

*b)* whose hearing as a witness is precluded by the law.

## **Harbouring a Criminal**

### **Section 244**

(1) The person, who - without having agreed with the perpetrator of a crime before the perpetration -,

*a)* gives assistance to the perpetrator so that he escapes from the prosecution of the authority,

*b)* strives to frustrate the success of criminal proceedings,

*c)* co-operates in securing the advantage resulting from the crime,

commits a misdemeanour, and shall be punishable with imprisonment of up to one year.

(2) The person, who commits harbouring for profit-making, shall be punishable for a felony with imprisonment of up to three years.

(3) The punishment shall be for a felony imprisonment of up to five years, if the harbouring

*a)* is committed in connection with the violent changing of constitutional order, conspiracy against the constitutional order, riot, sabotage, high treason, treachery, assistance of the enemy, espionage, homicide [Section 166, subsections (1) and (2)], kidnapping, act of terrorism, seizure of aircraft or a military crime which is also punishable with life imprisonment,

*b)* is committed by an official person during his proceedings.

(4) Except for subsection (2) and subsection (3), paragraph *b)*, the person who commits the harbouring defined in subsection (1), paragraph *a)* in the interest of his relative, shall not be punishable.

## **Escape of Prisoner**

### **Section 245**

The person who escapes from the custody of the authority in the course of criminal proceedings, furthermore from the execution of imprisonment, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Riot of Prisoners**

### **Section 246**

(1) The prisoner who participates together with his fellow prisoners in an open disobedience gravely endangering the order of law enforcement, commits a felony, and shall be punishable with imprisonment from one year to five years.

(2)

*a)* The initiator, organiser or head of the riot of prisoners,

*b)* its participant, who applies violence against a person acting against the riot of prisoners

shall be punishable with imprisonment from two years to eight years.

(3) The riot of prisoners shall be punishable with imprisonment from five years to fifteen years, if the crime had particularly grave consequences.

(4) In case of subsection (1), the punishment of the person who stops opposition voluntarily or upon the appeal of the authority, may be mitigated without limitation.

(5) The person who perpetrates preparations for a riot of prisoners, shall be punishable for a felony with imprisonment of up to three years.

## **Abuse by Attorney-at-Law**

### **Section 247**

(1) The attorney -at-law who - with the aim of causing unlawful disadvantage to his client - violates his obligation arising from his profession, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment of up to five years, if the crime is committed for profit -making.

(3) For the purposes of this Section, attorneys -at-law are articulated clerks and also any other persons entitled to legal representation due to their occupation.

## **Pettifoggery**

### **Section 248**

The person who drafts petitions or documents for somebody else without authority and in a business-like manner, commits a misdemeanour, and shall be punishable with fine.

## **Breaking of Seals**

### **Section 249**

(1) The person who removes or damages the seal applied at sequestration, or opens the closed premises serving for the custody of a sequestered thing, commits a misdemeanour, and shall be punishable with fine.

(2) The person who withdraws the sequestered thing from execution, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

## **Title VII**

### **Crimes Against the Purity of Public Life**

#### **Bribery**

##### **Section 250**

(1) The official person who requests a favour in connection with his functioning, or accepts the favour or a promise thereof, or agrees with the party requesting or accepting the favour, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment from one year to five years, if the crime is committed

*a)* by an official person of senior position, or competent to take measures in important affairs,

*b)* by another official person in an important affair.

(3) The perpetrator shall be punishable with imprisonment from one year to five years, or from two years to eight years in accordance with the distinction contained in subsections (1) and (2), if he violates his official duty for the favour, exceeds his competence or otherwise abuses his official position, or if he commits the act as part of a criminal conspiracy or in a business-like manner.

##### **Section 251**

(1) An employee or member of a state organ, economic organization, social organization or society, who requests a favour in connection with his functioning, or accepts the favour or a promise thereof for violating his duty, or agrees with the party requesting or accepting the favour, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) If the perpetrator violates his duty for the favour, he commits a felony, and shall be punishable with imprisonment of up to three years, in case of violation of duty in an important matter, or if the act is committed as part of a criminal conspiracy or in a business-like manner, with imprisonment from one year to five years.

##### **Section 252**

(1) That employee or member of a state organ, economic organization, social organization or society, who is entitled to take measures independently, and requests a favour in connection with his functioning, or accepts the favour or the promise thereof, or agrees with the party requesting or accepting the favour, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) If the perpetrator violates his duty for the favour, he shall be punishable with imprisonment from one year to five years, in case of violation of duty in an important matter, or if the act is committed as part of a criminal conspiracy or in a business-like manner, he shall be punishable with imprisonment from two years to eight years.

##### **Section 253**

(1) The person who gives or promises a favour to an official person or with regard to him to another person, which may influence the functioning of the official person to the detriment of the public interest, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

(2) The briber shall be punishable for a felony with imprisonment of up to three years, if he gives or promises the favour so that the official person violate his official duty, exceed his competence or otherwise abuse his official position.



(3) The perpetrator of the crime defined in subsection (1) shall not be punishable, if he gave or promised the favour upon the initiative of the official person because he could fear unlawful disadvantage in case of his reluctance.

## **Section 254**

(1) The person who gives or promises a favour to an employee or member of a state organ, economic organization, social organization or society, or with regard to him to somebody else so that he violate his duty, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to two years, if the favour is given or promised to an employee or member of a state organ, economic organization, social organization or association, who is entitled to take measures independently.

## **Section 255**

The person who requests or accepts a favour so that he publish or conceal something in the press or other mass media, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Trafficking in Influence**

### **Section 256**

(1) The person who - purporting that he influences an official person - requests or accepts a favour for himself or for somebody else, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment from one year to five years, if the perpetrator

*a)* purports or pretends, that he is bribing an official person,

*b)* pretends to be an official person,

*c)* commits the crime in a business-like manner.

(3) The person who commits the crime defined in subsection (1) in connection with an employee or member of a state organ, economic organization, social organization or society, shall be punishable for a misdemeanour with imprisonment of up to one year, in case of business-like perpetration for a felony with imprisonment of up to three years.

## **Persecution of a Conveyor of an Announcement of Public Concern**

### **Section 257**

The person who takes a disadvantageous measure against the announcer because of an announcement of public concern, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Confiscation**

### **Section 258**

## **Interpretative Provision**

## **Section 258/A**

For the purposes of this Title

- 1.
2. violation of duty shall also be the fulfilment of a duty bound to the granting of a favour.

## **Title VIII**

### **CRIMES AGAINST THE PROPRIETY OF INTERNATIONAL AFFAIRS**

#### **Bribery in International Relations**

##### **Section 258/B**

(1) Any person who gives or promises to an official person of another country, or to someone else on account of such official person, a privilege that may influence the work of such official person to the detriment of public interests, commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

(2) Any person who commits bribery shall be punishable for a felony offense with imprisonment of up to three years if such person provides or promises the privilege to persuade an official person of another country to breach his official obligations, to supersede his jurisdiction or to otherwise take unauthorized advantage of his position.

(3) Any person who perpetrates the criminal act set forth in Subsection (1) shall not be punishable if providing or promising the privilege upon the initiative of the official person of another country for fear of being exposed to an unlawful detriment if acting otherwise.

##### **Section 258/C**

(1) A person who gives or promises to an employee or member of a foreign economic organization, or to someone else on account of such member, a privilege to persuade such member to breach his obligations, commits a misdemeanor offense and shall be punishable by imprisonment of up to one year, labor in the public interest or a fine.

(2) The punishment shall be imprisonment of up to two years if the privilege is given or promised to an employee or member of foreign economic organization authorized to act independently.

##### **Section 258/D**

(1) An official person of another country, as defined in Paragraphs c)-e) of Point 1 of Section 258/F, who demands a privilege in connection with his work, or accepts the privilege or a promise therefor, or agrees with the person who demanded or accepted the privilege, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) A perpetrator who breaches his official obligation, supersedes his jurisdiction or otherwise takes unauthorized advantage of his position for the privilege, or if committing such act as part of a criminal organization or in a business-like manner, shall be punishable with imprisonment between one to five years.

#### **Profiteering with Influence in International Relations**

##### **Section 258/E**

Any person who demands or accepts a privilege for himself or for someone else on the pretense of having influence over an official person of another country commits a felony offense and shall be punishable with imprisonment of up to three years.

## **Interpretative Provisions**

### **Section 258/F**

For the purposes of this Title

1. official person of another country shall mean
  - a) a person vested with legislative, law enforcement or public administration duties in a foreign country,
  - b) a person performing government and state administration duties in an organization of a foreign country vested with government and state administration duties,
  - c) a person serving in an international organization created by virtue of an international treaty, whose activity comprises an integral part of the regular operations of such organization,
  - d) a person elected to the general assembly or body of an international organization created by virtue of an international treaty,
  - e) a member of an international court having jurisdiction in the Republic of Hungary and/or over its citizens, a person serving in the international court, whose activity comprises an integral part of the regular operations of such court,
2. foreign economic organization shall mean organizations functioning as an artificial person according to its personal law, which is entitled to perform economic activities in its prevailing organizational form.

## ***Chapter XVI***

### **Crimes against Law and Order**

#### **Title I**

### **Crimes against Public Security**

#### **Causing Public Danger**

### **Section 259**

(1) The person who creates public danger by causing flood, by inducing the destructive effect of an explosive, radiating or other substance, energy or fire, or impedes the prevention of public danger or the mitigation of its consequences, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if the crime is committed

a) as part of a criminal conspiracy,

b) causes particularly considerable or greater pecuniary injury.

(3) The punishment shall be imprisonment between five to fifteen years, or life imprisonment if the causing of public danger results in the death of one or more persons.

(4) A person who causes public danger by negligence, shall be punishable for a misdemeanor offense by imprisonment of up to three years, or, if such offense causes particularly considerable or greater pecuniary injury, up to five years, or, if such offense results in the death of one or more persons, between two to eight years.

(5) The person who commits preparation for causing public danger, shall be punishable for a felony with imprisonment of up to three years.

(6) The punishment of the person who voluntarily terminates the public danger before any damaging consequence has arisen therefrom, may be mitigated without limitation.

## **Interference with the Functioning of Works of Public Concern**

### **Section 260**

(1) The person who considerably interferes with the functioning of works of public concern by damaging its equipment, cables or in any other way, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment between two to eight years, if the crime is committed as part of criminal conspiracy, or by imprisonment between five to fifteen years, if it causes particularly considerable or greater pecuniary injury.

(3) A person who commits the crime by negligence shall be punishable for a misdemeanor offense by imprisonment of up to three years, or, if it causes particularly considerable pecuniary injury or greater, by imprisonment of up to five years.

(4) For the purposes of this Section, public works are the public utilities, the public transportation works of public traffic, the telecommunication works, as well as plants producing war material, energy or basic material destined for utilization in production.

## **Acts of Terrorism**

### **Section 261**

(1) The person who deprives another person of his personal freedom, or seizes considerable material goods, and makes dependent the release of the person or the leaving in undamaged state, or returning, of the goods on fulfilment of a demand addressed to a state organ or social organization, commits a felony, and shall be punishable with imprisonment from five years to fifteen years.

(2) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if the act of terrorism is committed

- a)* causing death or an especially grave disadvantage,
- b)* in war-time.

(3) The person who perpetrates preparation for an act of terrorism, shall be punishable for a felony with imprisonment from one year to five years.

(4) The person who credibly obtains intelligence suggesting that the perpetration of an act of terrorism is being prepared, and fails to report that to the authorities as soon as he can, commits a felony, and shall be punishable with imprisonment of up to three years.

(5) The punishment of the person who abandons an act of terrorism before any grave consequence has arisen therefrom, may be mitigated without limitation.

## **Violation of a Duty Based on International Law**

### **Section 261/A**

(1) The person who violates an economic, commercial or financial prohibition pronounced on the basis of an international law obligation of the Republic of Hungary, if a separate Act orders the punishment of the violation of the prohibition, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the violation of an international law duty is committed

- a)* with violence;
- b)* in the quality of an official person.

(3) The punishment shall be imprisonment from five years to ten years, if the violation of an international law duty is committed

- a)* in connection with the trade of fire arms, ammunition, explosives, blasting-agent or an apparatus serving for the utilization thereof, or of any product designed for military utilization;
- b)* in an armed manner.

(4) The person who perpetrates the preparation of the violation of an international law duty, shall be punishable for a felony with imprisonment of up to three years.

(5) The person who credibly learns that the violation of an international law duty is prepared and fails to report that to the authorities as soon as he can, commits a misdemeanor, and shall be punishable with imprisonment of up to two years.

## **Seizure of Aircraft**

### **Section 262**

(1) The person who - on board of an aircraft - seizes the control of the vehicle with violence, menace or putting somebody else in unconscious state or a state rendering him incapable of defence, commits a felony, and shall be punishable with imprisonment from five years to ten years.

(2) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if the crime causes the death of one or more persons.

(3) The person who commits preparation directed at the seizure of an aircraft, shall be punishable for a felony with imprisonment from two years to eight years.

(4) The punishment of the person who abandons the crime before any grave consequence has arisen therefrom, may be mitigated without limitation.

## **Misuse of Explosive or Blasting-agent**

### **Section 263**

(1) Any person who prepares, obtains, possesses or transfers to a person not entitled to possess explosives or blasting-agents, or equipment for the use of such, without authorization, commits a felony offense and shall be punishable with imprisonment between two to eight years.

(2) Any person who commits the act described in Subsection (1)

*a)* in a business-like manner,

*b)* as part of a criminal conspiracy,

shall be punishable with imprisonment between five to ten years.

(3) Any person who commits the act described in Subsection (1)

*a)* as part of a criminal organization,

*b)* as a qualified recidivist,

shall be punishable with imprisonment between five to fifteen years.

(4) In respect of qualified recidivism, the following shall be construed as crimes of similar nature:

*a)* criminal misuse of firearms and ammunition (Section 263/A), arms smuggling (Section 263/B), criminal misuse of weapons prohibited by international treaty (Section 264/C),

*b)* violent acts against members of national, ethnic, racial or religious groups, armed kidnapping and breaking and entering [Paragraph a) of Subsection (2) of Section 174/B, Paragraph b) of Subsection (2) of Section 175/A, Paragraph b) of Subsection (2) and Subsections (3)-(4) of Section 176], illegal crossing of state borders (Section 217), causing public danger [Subsection (1)-(3) of Section 259], aggravated cases of breaching international legal obligation [Subsection (3) of Section 261/A], criminal misuse of radioactive materials (Section 264),

*c)* criminal misuse of narcotic drugs, robbery, use of a vehicle without authority, escape and armed acts of violence against a superior or a law enforcement officer [Paragraph b) of Subsection (3) of Section 282, Paragraph a) of Subsection (3) and Paragraphs b)-c) of Subsection (4) of Section 321, Subsection (3) of Section 327, Paragraph a) of Subsection (2) and Subsections (4)-(5) of Section 343, Paragraph a) of Subsection (2) of Section 355], and destruction of property by the use of explosives or blasting-agents [Paragraph c) of Subsection (4) of Section 324].

## **Misuse of Fire Arms or Ammunition**

### **Section 263/A**

- (1) Any person who
- a)* prepares, obtains, possesses or distributes firearms or ammunition without a license,
  - b)* exceeds the provisions of the license relating to the preparation, obtaining, possession of or trade in firearms or ammunition,
  - c)* transfers his firearm or ammunition kept under license to a person who has no license; commits a felony offense and shall be punishable with imprisonment between two to eight years.
- (2) Any person who commits the act described in Subsection (1)
- a)* in a business-like manner,
  - b)* as part of a criminal conspiracy,
- shall be punishable with imprisonment between five to ten years.
- (3) Any person who commits the act described in Subsection (1)
- a)* as part of a criminal organization,
  - b)* as a qualified recidivist,
- shall be punishable with imprisonment between five to ten years.
- (4) Any person who
- a)* transfers a small quantity of ammunition kept for his licensed sidearm, hunting gun or sporting gun to a person with no license for such,
  - b)* obtains or possesses a small quantity of ammunition for his hunting gun or sporting gun without proper authorization,
  - c)* obtains or possesses a small quantity of ammunition supplied for his service sidearm or for a sidearm issued for training purposes for enlisted personnel serving in the armed forces, or transfers such ammunition to a person with no license or proper authorization for such,
- commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.
- (5) In respect of qualified recidivism, the following shall be construed as crimes of similar nature:
- a)* criminal misuse of explosives and blasting-agents (Section 263), arms smuggling (Section 263/B), criminal misuse of weapons prohibited by international treaty (Section 264/C),
  - b)* violent acts against members of national, ethnic, racial or religious groups, armed kidnapping and breaking and entering [Paragraph a) of Subsection (2) of Section 174/B, Paragraph b) of Subsection (2) of Section 175/A, Paragraph b) of Subsection (2) and Subsections (3)-(4) of Section 176], illegal crossing of state borders (Section 217), causing public danger [Subsection (1)-(3) of Section 259], aggravated cases of breaching international legal obligation [Subsection (3) of Section 261/A], criminal misuse of radioactive materials (Section 264),
  - c)* criminal misuse of narcotic drugs, robbery, use of a vehicle without authority, escape and armed acts of violence against a superior or a law enforcement officer [Paragraph b) of Subsection (3) of Section 282, Paragraph a) of Subsection (3) and Paragraphs b)-c) of Subsection (4) of Section 321, Subsection (3) of Section 327, Paragraph a) of Subsection (2) and Subsections (4)-(5) of Section 343, Paragraph a) of Subsection (2) of Section 355], and destruction of property by the use of explosives or blasting-agents [Paragraph c) of Subsection (4) of Section 324].

## **Gun-running**

### **Section 263/B**

(1) Any person who imports to, exports from or transports through the territory of Hungary firearms, ammunition explosive, blasting-agent or equipment serving for the use of such, without license, or by superseding the scope of the license, commits a felony offense and shall be punishable with imprisonment between five to ten years.

(2) The punishment shall be imprisonment between five to fifteen years if the criminal act described in Subsection (1) is committed

*a)* in a business-like manner,

*b)* as part of a criminal conspiracy.

(3) Any person who commits the act described in Subsection (1)

*a)* as part of a criminal organization,

*b)* as a qualified recidivist,

shall be punishable with imprisonment between ten to fifteen years or with life imprisonment.

(4) In respect of qualified recidivism, the following shall be construed as crimes of similar nature:

*a)* criminal misuse of explosives and blasting-agents (Section 263), criminal misuse of firearms or ammunition (Section 263/A), criminal misuse of weapons prohibited by international treaty (Section 264/C),

*b)* violent acts against members of national, ethnic, racial or religious groups, armed kidnapping and breaking and entering [Paragraph a) of Subsection (2) of Section 174/B, Paragraph b) of Subsection (2) of Section 175/A, Paragraph b) of Subsection (2) and Subsections (3)-(4) of Section 176], illegal crossing of state borders (Section 217), causing public danger [Subsection (1)-(3) of Section 259], aggravated cases of breaching international legal obligation [Subsection (3) of Section 261/A], criminal misuse of radioactive materials (Section 264),

## **Establishment of a Criminal Organization**

### **Section 263/C**

(1) A person controlling a criminal organization whose members commit homicide (Subsections (1)-(2) of Section 166), battery (Subsections (1)-(5) of Section 170), violation of personal freedom (Section 175), kidnapping (Subsections (1)-(4) of Section 175/A), terrorist act (Subsections (1)-(2) of Section 261), seizure of aircraft (Subsection (1)-(2) of Section 262), taking the law into one's own hands (Subsection (1) of Section 273), illegal acts with narcotics (Section 282), money laundering (Subsections (1)-(3) of Section 303), robbery (Section 321), blackmail (Section 323) shall be punishable for felony with imprisonment between one to five years.

(2) A person controlling a criminal organization created for commission of the crime of making prohibited pornographic pictures (Section 195/A), promotion of prostitution (Section 205), pandering (Subsection (1)-(3) of Section 207), smuggling of illegal aliens (Section 218), arms smuggling (Section 263/B), counterfeiting (Subsection (1)-(2) of Section 304) or theft (Section 316) shall be punishable in accordance with Subsection (1), if members of the criminal organization have also committed violent crimes against persons.

(3) A person establishing a criminal organization defined in Subsections (1)-(2) shall be punishable for felony with imprisonment between one to five years.

(4) A person who is a member of or provides financial means to a criminal organization defined in Subsection (1) shall be punishable for felony with imprisonment up to three years.

(5) No punishment may be imposed on a member of a criminal organization who leaves the criminal organization before its existence becomes known to the authorities, or reports it to the authorities and assists in establishing the identity of other members of the criminal organization.

## **Misuse of radioactive substance**

### **Section 264**

(1) The person who - without a licence - produces, obtains, keeps, distributes, processes or otherwise uses a radioactive substance or product dangerous to health or the environment, transfers it to a person not entitled to keep it, commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person who produces, stores, transports or places a radioactive substance by infringing an obligation prescribed in a legal rule, shall be punishable according to subsection (1).

(3) The person who commits the crime defined in subsections (1) and (2) as a part of criminal conspiracy shall be punishable with imprisonment from two years to eight years.

(4) The person who commits the acts described in subsection (2) through negligence shall be punishable for misdemeanour with imprisonment of up to two years.

## **Misuse of the Operation of Nuclear Facilities**

### **Section 264/A**

(1) The person who - without the licence defined in a legal rule or differently from the licence - operates a nuclear facility, commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person who commits the crime defined in subsection (1) as a part of criminal conspiracy shall be punishable with imprisonment from two years to eight years.

## **Misuse of the Application of Nuclear Energy**

### **Section 264/B**

(1) The person who - in order to obtain a licence defined in a legal rule for the utilization of nuclear energy - misleads the organ or person entitled to decision-making commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person who fails to perform his obligation of reporting in connection with the application of nuclear energy as prescribed in a legal rule, shall be punishable with imprisonment of up to three years.

## **Criminal Misuse of Weapons Prohibited by International Treaty**

### **Section 264/C.**

(1) Any person who develops, manufactures, obtains, uses or possesses weapons prohibited by international treaty, or transfers such to a person without the appropriate license, imports, exports or transports such through the territory of Hungary, or is engaged in the illicit trafficking of such, commits a felony offense and shall be punishable with imprisonment between five to fifteen years.

(2) Any person who constructs or operates a facility for the production of weapons prohibited by international treaty without being licensed as prescribed by law, or in derogation from the scope of such license, or converts an existing facility for the production of such weapons, or misleads the organization or person vested with authority in respect of the licensing of the operation of such facility as prescribed by law, shall be punishable as set forth in Subsection (1).

(3) Any person who commits the act described in Subsections (1)-(2)

*a)* as part of a criminal organization,

*b)* as a qualified recidivist,

shall be punishable with imprisonment between ten to fifteen years or with life imprisonment.

(4) Any person who commits the act described in Subsection (2) by negligence shall be punishable for a misdemeanor offense with imprisonment of up to two years

(5) For the purposes of Subsections (1)-(2) the weapons specified by the legal regulations listed under Subsection (3) of Section 160/A shall be construed as weapons prohibited by international treaty.

(6) In respect of qualified recidivism, the following shall be construed as crimes of similar nature:

*a)* criminal misuse of explosives and blasting-agents (Section 263), criminal misuse of firearms and ammunition (Section 263/A), arms smuggling (Section 263/B),

*b)* violent acts against members of national, ethnic, racial or religious groups, armed kidnapping and breaking and entering [Paragraph a) of Subsection (2) of Section 174/B, Paragraph b) of Subsection (2) of Section 175/A,



Paragraph b) of Subsection (2) and Subsections (3)-(4) of Section 176], illegal crossing of state borders (Section 217), causing public danger [Subsection (1)-(3) of Section 259], aggravated cases of breaching international legal obligation [Subsection (3) of Section 261/A], criminal misuse of radioactive materials (Section 264),

*c)* criminal misuse of narcotic drugs, robbery, use of a vehicle without authority, escape and armed acts of violence against a superior or a law enforcement officer committed [Paragraph b) of Subsection (3) of Section 282, Paragraph a) of Subsection (3) and Paragraphs b)-c) of Subsection (4) of Section 321, Subsection (3) of Section 327, Paragraph a) of Subsection (2) and Subsections (4)-(5) of Section 343, Paragraph a) of Subsection (2) of Section 355], and destruction of property by the use of explosives or blasting-agents [Paragraph c) of Subsection (4) of Section 324].

(7) Any person involved in the preparation for the criminal misuse of weapons prohibited by international treaty shall be punishable for a felony offense with imprisonment of up to five years.

## **Misuse of Poison**

### **Section 265**

The person who - without a licence - prepares, keeps, or distributes poison, or who omits to take the measures prescribed for impeding the misuse-like utilization of poisons or for excluding the jeopardizing of other persons, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Violation of liabilities relating to the keeping of dangerous dogs**

### **Section 266**

(1) Those

*a)* breeding, importing or exporting dangerous dogs to or from the territory of Hungary,

*b)* alienating or acquiring dangerous dogs by violating a rule of law,

*c)* violating liabilities contained in rules of law, relating to the castration of dangerous dogs,

*d)* violating security specifications contained in rules of law relating to the keeping of dangerous dogs, commit an offence and shall be punishable with a term of imprisonment of up to two years.

(2) Those keeping or training dangerous dogs to perform guarding and offensive tasks, and/or allowing dangerous dogs to perform such tasks, commit a crime and shall be punishable with a term of imprisonment of up to three years.

(3) For the purposes of subsections (1) and (2) dangerous dogs are dogs declared dangerous by law, by government-decree on the basis of a mandate received from law as well as by authority decree".

## **Organisation of prohibited animal fights**

### **Section 266/A**

(1) Those organising an animal fight using participation of dogs as well as those betting on or putting money on such animal fight, commit a crime and shall be punishable with a term of imprisonment of up to three years.

(2) Those breeding, training or keeping dogs for the purpose of an animal fight, commit an offence and shall be punishable with a term of imprisonment of up to two years.

## **Organizing Prohibited Gambling**

### **Section 267**

The person who organizes prohibited gambling on a regular basis, or makes available premises for this purpose, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine. Banishment may also take place as supplementary punishment.

## **Title II**

### **Crimes Against Public Peace**

#### **Incitement Against a Law or a Measure of Authority**

##### **Section 268**

The person who - before great publicity - incites to general disobedience against an Act or another legal rule or the measure of an authority in a way suitable for disturbing public peace, commits a felony, and shall be punishable with imprisonment of up to three years.

#### **Incitement Against a Community**

##### **Section 269**

A person who incites to hatred before the general public against

- a) the Hungarian nation,
- b) any national, ethnic, racial group or certain groups of the population, shall be punishable for a felony offense with imprisonment up to three years.

#### **Violation of National Symbol**

##### **Section 269/A**

The person who - before great publicity - uses an expression outraging or humiliating the national anthem, the flag or the coat of arms of the Republic of Hungary, or commits any other similar act, unless a graver crime is realized, shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

#### **Use of Symbols of Despotism**

##### **Section 269/B**

(1) The person who

- a) distributes;
- b) uses before great publicity;
- c) exhibits in public;

a swastika, the SS sign, an arrow-cross, sickle and hammer, a five-pointed red star or a symbol depicting the above, - unless a graver crime is realized - commits a misdemeanour, and shall be punishable with fine.

(2) The person, who commits the act defined in subsection (1) for the purposes of the dissemination of knowledge, education, science, or art, or with the purpose of information about the events of history or the present time, shall not be punishable.

(3) The provisions of subsections (1) and (2) do not extend to the official symbols of states in force.

(4)

## **Scare-mongering**

### **Section 270**

## **Menacing with Public Danger**

### **Section 270/A**

(1) A person who, in the presence of others, states such an untrue fact suitable for disturbing public peace, that there is a menace of the occurrence of an event involving public danger, commits a misdemeanor and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) The punishment for felony shall be imprisonment of up to three years, if the crime described in subsection (1) is committed by threatening with a radioactive substance.

(3) In the case of subsection (1), the punishment shall be imprisonment of up to three years, in case of subsection (2) imprisonment up to five years, if threatening with public danger has gravely disturbed the public peace.

## **Rowdyism**

### **Section 271**

(1) The person who displays such a ostensibly anti-communal, violent conduct, which is suitable for inducing indignation or alarm in other people, - unless a graver crime is realized - commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(2) The punishment shall be for felony imprisonment of up to three years, if the rowdyism is committed

*a)* in group,

*b)* gravely disturbing public peace.

(3) Banishment may also take place as supplementary punishment.

## **Violation of Public Decency**

### **Section 272**

A person who gravely violates the regulations governing the distribution of sexual goods, commits a misdemeanor and shall be punishable with imprisonment of up to one year, labor in the public interest, or a fine.

## **Taking the Law into One's Own Hands**

### **Section 273**

(1) A person who with violence or threat, with the purpose of enforcing his lawful or allegedly lawful pecuniary demand, forces another person to do, not to do, or to endure something, commits a felony, and shall be punishable with imprisonment between one to five years.

(2) Taking the law into one's own hands shall not be realized, if the application of violence or menace is the authorized means of the enforcement of the demand.

## **Confiscation**

### **Section 273/A**

## **Title III**

### **Crime Against Public Confidence**

#### **Forgery of Official Documents**

### **Section 274**

(1) The person who

*a)* prepares a forged official document or falsifies the contents of an official document,

*b)* uses a fake or forged official document or an official document issued under the name of somebody else,

*c)* co-operates in the inclusion of untrue data, facts or declarations in an official document regarding the existence, changing or termination of a right or obligation, commits a felony and shall be punishable with imprisonment of up to three years.

(2) The person who commits preparation for the forging of official documents defined in subsection (1), paragraph *a)* shall be punishable for misdemeanour with imprisonment of up to one year, labour in the public interest, or a fine.

(3) The person who performs the forging of official documents defined in subsection (1), paragraph *c)* by negligence, shall be punishable for a misdemeanour with fine.

### **Section 275**

The official person who - abusing his official competence -

*a)* prepares a forged official document or falsifies the contents of an official document,

*b)* includes falsely an essential fact in an official document,

commits a felony, and shall be punishable with imprisonment of up to five years.

#### **Forgery of a Private Document**

### **Section 276**

The person who uses a fake, forged private document or a private document with untrue contents for providing evidence for the existence, changing or termination of a right or obligation, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

#### **Abuse of Document**

## **Section 277**

(1) The person who unlawfully acquires an official document or a document which is not or not exclusively his own, from another person without the latter's consent, or destroys, damages or conceals the same, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(2) A person who perpetrates the act defined in Subsection (1) in respect of a private document in order to gain unlawful advantage or to cause unlawful disadvantage shall be punishable for misdemeanor offense by imprisonment of up to one year, labor in the public interest, or fine.

## **Counterfeiting of Individual Identification Marks**

### **Section 277/A.**

(1) Any person who

*a)* removes, or counterfeits in some other way, an individual identification mark,

*b)* acquires or uses an article whose individual identification mark is counterfeit or forged, or whose individual identification mark has been removed,

commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment of up to five years if the crime described in Subsection (1) is committed

*a)* in a business-like manner, or

*b)* as part of a criminal conspiracy.

(3) The punishment shall be imprisonment between two to eight years if the crime described in Subsection (1) is committed as part of a criminal conspiracy.

## **Supply of False Statistical Data**

### **Section 278**

The person who supplies untrue statistical data or gives untrue information in connection with data supply, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Title IV**

## **Crimes Against Public Health**

### **Misuse of Noxious Articles of Public Consumption**

#### **Section 279**

(1) The person who prepares or keeps such article for public consumption with the purpose of distribution, which is noxious for health, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The person who distributes noxious articles for public consumption, commits a felony, and shall be punishable for imprisonment of up to three years.

(3) The person, who commits the crime defined in subsection (2) by negligence, shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

## **Damaging of the Environment**

### **Section 280**

(1) The person who damages the environment or any component thereof or displays - infringing his obligation stipulated in a legal rule or official decision - a conduct which is capable of damaging the environment or any element thereof commits a felony and shall be punishable with imprisonment of up to three years.

(2) The person who considerably pollutes the environment or any component of the environment or displays - infringing his obligation stipulated in a legal rule or official decision - a conduct capable of polluting the environment or any component thereof shall be punishable in accordance with subsection (1).

(3) The punishment shall be imprisonment of up to five years, if the crime described in subsection (1) causes considerable damage, or is capable of considerably damaging the environment or any component thereof.

(4) The punishment shall be imprisonment from two years to eight years, if the crime damages the environment or any component thereof to such an extent that the natural or earlier state of the environment or environmental component cannot be restored.

(5) The person who commits the damaging of the environment through negligence shall be punishable for misdemeanour in case of subsections (1) to (3) with imprisonment of up to two years, in case of subsection (4) with imprisonment of up to three years.

## **Damaging of Nature**

### **Section 281**

(1) Any person

*a)* who unlawfully obtains, possesses, distributes, imports, exports, is engaged in the trafficking of or destroys

1. a living organism,
2. a specie of a living organism in any form or stage of development,
3. a living organism created by the hybridizing of different species,
4. a progeny of a living organism,

falling under the scope of international treaty or placed under special protection,

*b)* or unlawfully and significantly alters

1. a nature preservation area,
2. the protected habitat of living organisms,
3. a protected cave,

commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment of up to five years, if

*a)* the damage inflicted to nature as set forth in Paragraph a) of Subsection (1) results in the mass destruction of living organisms,

*b)* the damage inflicted to the natural areas as set forth in Paragraph b) of Subsection (1) results in the irreversible damaging or destruction of the nature preservation area, the habitat of living organisms or the cave.

## **Unlawful Deposition of Waste Hazardous to the Environment**

### **Section 281/A**

The person who - without a licence defined in a legal rule or infringing the obligation stipulated in a legal rule or executable official decision - collects, stores, handles, deposits or transports any waste containing a substance capable of

- a)* endangering human life, physical safety, health,
- b)* polluting water, air, soil or causing permanent changes therein,
- c)* endangering animals or plants,

commits a felony and shall be punishable with imprisonment of up to five years.

(2) The person who deposits - without a licence defined in the legal rule - any waste containing materials that are explosive, inflammable or radioactive, or dangerous for health and the environment, shall be punishable in accordance with subsection (1).

(3) The person who commits the crime defined in subsections (1) and (2) through negligence, shall be punishable for misdemeanour with imprisonment of up to two years.

## **Misuse of Narcotic Drugs**

### **Section 282**

(1) Any person who, in violation of official regulations, produces, manufactures, acquires, possesses, imports into or exports narcotic drugs from Hungary, or transports such through the territory of Hungary, commits a felony offense and shall be punishable with imprisonment of up to five years.

(2) Any person who, in violation of official regulations, offers or supplies narcotic drugs, or is engaged in the distribution, trafficking or dealing of such, commits a felony offense and shall be punishable with imprisonment between two to eight years.

(3) The punishment shall be imprisonment between two to eight years in respect of Subsection (1) or between five to ten years in respect of Subsection (2), if the criminal act is committed

- a)* in a business-like manner,
- b)* while armed,
- c)* by an official person or a person performing public duties,

*d)* by a person over the age of eighteen using a person under the age of eighteen, or if narcotic drugs are transferred into the possession of such person in consequence of the act,

- e)* by a person who is not addicted to drugs using a drug-addicted person.

(4) In respect of Subsection (2), the punishment shall be imprisonment between five to ten years if the criminal act is committed inside or in the proximity of a building serving the purpose of education, public learning, child welfare, child protection or cultural and educational activities, in facilities of the armed forces or in penal or detention facilities.

(5) The punishment shall be imprisonment between five to fifteen years in respect of Subsection (1) or between ten to fifteen years in respect of Subsection (2), if the criminal act is committed

- a)* in respect of a substantial quantity of narcotic drugs;
- b)* as a member of or on behalf of a criminal organization.

(6) Any person providing the financial means for the perpetration of the criminal act of criminal misuse of narcotic drugs shall be punishable as set forth in Subsections (1)-(5).

(7) Any person who instigates, suggests or offers the commission of criminal misuse of narcotic drugs, or agrees in the joint execution of such, commits a felony offense and shall be punishable with imprisonment of up to three years.

(8) If the criminal misuse of narcotic drugs is committed in respect of a small quantity, the punishment shall be imprisonment of up to two years, labor in the public interest or a fine in respect of Subsection (1), or imprisonment of up to two years in respect of the offering and supplying described in Subsection (2).

(9) Any person who

- a)* consumes narcotic drugs in violation of official regulations,
- b)* publicly instigates the use of narcotic drugs,

commits a misdemeanor offense and shall be punishable with imprisonment of up to two years, if such act does not result in a criminal act of greater gravity.

### **Section 282/A**

(1) A drug-addicted person who, in violation of official regulations, produces, manufactures, acquires, possesses, imports into or exports narcotic drugs from Hungary, or transports such through the territory of Hungary, commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

(2) A drug-addicted person who, in violation of official regulations, offers or supplies narcotic drugs, or is engaged in the distribution, trafficking or dealing of such, commits a felony offense and shall be punishable with imprisonment of up to three years.

(3) The punishment shall be imprisonment of up to three years in respect of Subsection (1) or up to five years in respect of Subsection (2), if the criminal act is committed in a business-like manner.

(4) The punishment shall be imprisonment between two to eight years in respect of Subsection (1) or between five to ten years in respect of Subsection (2), if the criminal act is committed in respect of a substantial quantity of narcotic drugs.

(5) A drug-addicted person who, in violation of official regulations

*a)* consumes narcotic drugs or possesses such for his own use,

*b)* produces, manufactures or acquires a small quantity narcotic drugs for his own use,

*c)* offers or supplies narcotic drugs for consumption to a person under the age of eighteen,

commits a misdemeanor offense and shall be punishable with imprisonment of up to one year, labor in the public interest or a fine.

(6) A drug-addicted person shall not be punishable

*a)* in respect of Paragraph a)-b) of Subsection (5), or

*b)* if having committed another criminal act related to the use of narcotic drugs that is punishable with two years of imprisonment at most,

provided, that he proves with a document prior to the rendering of the sentence in the first instance, that he has received continuous treatment for drug-addiction for at least six months.

## **Arousing Pathological Addiction**

### **Section 283**

The person who has completed his eighteenth year of age, and offers assistance or strives to persuade, a person who has not yet completed his eighteenth year to engage in the pathological enjoyment of a substance or agent of narcotic effect, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Aiding in the Production of Narcotic Drugs**

### **Section 283/A**

(1) Any person who provides the conditions for or facilitating the illicit production or manufacture of narcotic drugs, and any person who

*a)* produces or has produced,

*b)* supplies, distributes or is engaged in the trafficking of

materials, products, equipment and/or accessories for the production or manufacture of narcotic drugs, commits a felony offense and shall be punishable with imprisonment of up to three years, if such act does not result in a criminal act of greater gravity.

(2) Any person who provides business, technical or organizational know-how of pecuniary value for or facilitating the illicit production or manufacture of narcotic drugs to the producer or manufacturer of such, shall be punishable as set forth in Subsection (1).

(3) In respect of Paragraph a) of Subsection (1), any person who confesses his conduct in providing assistance for the production of narcotic drugs before the authorities gains knowledge of the materials, products, equipment and/or accessories having been produced or ordered to be produced for the production or manufacture of narcotic drugs, and if such person surrenders such produced things to the authorities and assists in the efforts to identify the other persons engaged in such production, shall not be punishable.



## **Criminal misuse of Performance-Improving Substances or Techniques**

### **Section 283/B**

(1) Any person who, in violation of the provisions set forth in international treaties, by international organizations, or in legal regulations and in ordinances, produces, manufactures, acquires, possesses, imports into or exports performance-improving substances from Hungary, or transports such through the territory of Hungary for the purpose of increasing the performance of athletes commits a misdemeanor offense and shall be punishable with imprisonment of up to one year, labor in the public interest or a fine.

(2) Any person who subjects himself to a procedure intended to stimulate performance for the purpose of sporting activities in violation of the provisions set forth in international treaties, by international organizations, or in legal regulations and in ordinances shall be punishable as set forth in Subsection (1).

(3) Any person who, in violation of the provisions set forth in international treaties, by international organizations, or in legal regulations and in ordinances, supplies, distributes or is engaged in the trafficking of performance-improving substances for the purpose of increasing the performance of athletes commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

(4) Any person who performs a procedure intended to stimulate the performance of an athlete in violation of the provisions set forth in international treaties, by international organizations, or in legal regulations and in ordinances shall be punishable as set forth in Subsection (3).

(5) In respect of Subsections (3)-(4), any person who commits the criminal act

*a*) in a business-like manner,

*b*) as part of a criminal conspiracy,

shall be punishable for a felony offense with imprisonment of up to five years, if such act does not result in a criminal act of greater gravity.

(6) Any person who commits the criminal act set forth in Subsections (3)-(4) and thereby provides performance-improving substances to or performs a procedure for the purpose of increasing performance on a person under the age of eighteen shall be punishable, if such act does not result in a criminal act of greater gravity, as set forth in Subsection (5), as well as any person who commits the criminal act described in Subsection (3) by using a person under the age of eighteen as an accomplice.

(7) In respect of Subsection (1), any person who confesses his conduct in providing assistance for the production of performance-improving substances before the authorities gains knowledge of materials, products, equipment and/or accessories having been produced or ordered to be produced for the production or manufacture of performance-improving substances, and if such person surrenders such performance-improving substances produced, obtained, possessed or imported into the country to the authorities and assists in the efforts to identify the other persons participating in the production, acquisition and/or transportation of such performance-improving substances, shall not be punishable.

(8) Any person who reveals his use of performance-improving substances or having been subjected to a procedure to increase performance while engaged in sporting activities before the medical examination conducted by the authorities shall not be subject to punishment.

## **Infringement of the Rules of Controlling Epidemics**

### **Section 284**

(1) The person who infringes the rules of quarantine, epidemiological supervision or control ordered for preventing the importation or dissemination of an infectious disease subject to quarantine obligation, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The person who infringes at the time of an epidemic the rules ordered for segregation, epidemiological supervision or control, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(3) The person who infringes the rules of quarantine, other restriction or supervision ordered for preventing the exportation and importation or dissemination of infectious animal diseases or dangerous pests destroying plants,

commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Charlatantry**

### **Section 285**

(1) The person who without a legal title engages in activities belonging to the sphere of medical practice for compensation or on a regular basis, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be for a felony imprisonment of up to three years, if the charlatantry is committed by feigning the entitlement to medical practice.

(3) For the purposes of this Section, entitled to medical practice is the person who has a medical degree acquired at a domestic university or acquired at a foreign university and registered (provided with a Clause of equivalence), or the foreign citizen, who may engage in medical activities without the registration of his degree on the basis of a permission of the Minister of Public Welfare, provided in all cases that he is not under the effect of prohibition from medical activities.

## **Confiscation**

### **Section 286**

In the case of criminal misuse of explosives or blasting-agents (Section 263), criminal misuse of firearms or ammunition (Section 263/A), arms smuggling (Section 263/B), criminal misuse of radioactive substances (Section 264), criminal operation of a nuclear facility (Section 264/A), criminal misuse of weapons prohibited by international treaty (Section 264/C) criminal misuse of poison (Section 265), violation of obligations relating to the keeping of dangerous dogs (Section 266), organization of illicit animal fights (Section 266/A), criminal misuse of harmful items for public consumption (Section 279), or criminal misuse of narcotic drugs (Sections 282-282/A), aiding in the production of narcotic drugs (Section 283/A) and criminal misuse of performance-improving substances or techniques (Section 283/B) the provisions set forth in Subsection (1) of Section 77/A shall not be applied.

## **Interpretative Provision**

### **Section 286/A**

(1) For the purposes of Section 280

*a)* natural element: the earth, the air, the water, the biota (flora and fauna) and the man-made (artificial) environment, as well as the constituents of the aforementioned,

*b)* *pollution*: loading of the environment or any component thereof to an extent exceeding an emission standard established in a legal rule or official decision.

*c)* *damaging*: an activity under whose effect a change, pollution or utilization of the environment or any component thereof occurs to such an extent, that as a result the natural or previous state of the environment or environmental component can only be restored with intervention or cannot be restored at all, or any activity affecting the biota unfavourably.

(2) For the purposes of Sections 282, 282/A and 283/A, dangerous psychotropic substances shall also be construed as narcotic drugs for the aspects of criminal misuse.

## **Chapter XVII**

# **Economic Crimes**

## **Title I**

### **Crimes Violating Economic Obligations and the Order of Economy**

#### **Infringement of an Obligation Relating to the Traffic of Internationally Controlled Products and Technology**

##### **Section 287**

(1) The person who performs the traffic of internationally controlled products and technologies without an International Import Certificate, export licence or documents substituting the same, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The end-user shall also be punishable in accordance with subsection (1), who - infringing the Declaration of Final Addressee and Purchaser - uses the internationally controlled product or technology in difference from the International Import Certificate.

#### **Acquisition of Unlawful Economic Advantage**

##### **Section 288**

The person who - in the interest of the acquisition of an economic advantage - deceives the organ or person entitled to decision, and acquires thereby for himself or somebody else unlawfully the economic advantage provided by the state, commits a felony, and shall be punishable with imprisonment of up to five years.

#### **Infringement of Accounting Discipline**

##### **Section 289**

The person who infringes

*a)* his reporting, book-keeping or other obligation,

*b)* discipline in connection with certificates

prescribed in the Act on Accounting or in the legal rules based on its authorization, and thereby frustrates or makes more difficult the survey or inspection of his property situation, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.

#### **Crime of Bankruptcy**

##### **Section 290**

(1) The person, who - in case of insolvency which has occurred within the sphere of his economic activity -

*a)* conceals, keeps secret, damages, destroys, makes unusable any property serving as cover for his debt,

- b)* concludes a fictitious transaction, or recognizes a doubtful claim,
- c)* commences or continues a loss-generating business in a way contrary to the requirements of reasonable management,
- d)* diminishes actually or fictitiously his property in a way contrary to the requirements of reasonable economy, and thereby frustrates partially or wholly the satisfaction of his creditors, commits a felony, and shall be punishable with imprisonment of up to five years.
- (2) The punishment shall be imprisonment from two years to eight years, if the action defined in subsection (1) had grave consequences in economic life.
- (3) The person who frustrates partly or wholly the satisfaction of his creditors by bringing about his becoming insolvent or the fiction thereof with one of the conducts described in subsection (1), commits a felony, and shall be punishable with imprisonment of up to five years.
- (4) The punishment shall be imprisonment from two years to eight years, if the act defined in subsection (3) has grave consequences in economic life.
- (5) The person who - following the ordering of liquidation -, fails in his obligation of reporting, preparation of inventory or other obligation to provide information prescribed in a legal rule, and frustrates thereby partly or wholly the result of liquidation, commits a crime, and shall be punishable with imprisonment of up to three years.
- (6) The act defined in subsections (1) to (5) shall be punishable, if the bankruptcy proceedings or liquidation proceedings have been instituted, or if the bankruptcy proceedings could not be instituted the liquidation proceedings were omitted due to the failure of the obligatory request.

## **Unlawful Preference of a Creditor**

### **Section 291**

- (1) The person who - in the knowledge of his insolvency - gives unlawful preference to one of his creditors to the detriment of the other creditors, commits a misdemeanour, and shall be punishable with imprisonment of up to two years.
- (2) The act defined in subsection (1) shall be punishable, if the bankruptcy proceedings or liquidation proceedings have been instituted, or the bankruptcy proceedings could not be instituted the liquidation proceedings were omitted due to the failure of the obligatory request.

## **Interpretative Provision**

### **Section 291/A**

- (1) The crime defined in Sections 290 and 291 is committed by the person as a perpetrator, who is entitled to dispose over the assets or a part thereof of an economic organization (debtor), even in case if the insolvency, the diminution of property exists in respect of the economic organization (debtor), and the perpetrator frustrates the satisfaction of a creditor of the economic organization (debtor).
- (2) Subsection (1) shall also be applied, if the legal transaction serving as basis for the disposal of the property is invalid.

## **Marketing of Product of Bad Quality**

### **Section 292**

- (1) A person who sells, transfers for use or places on the market poor quality products as though they were good quality or takes measures for the performance of such actions, commits a felony and shall be punishable with imprisonment of up to three years.

(2) A person who commits the crime out of negligence, shall be punishable for a misdemeanor with imprisonment of up to one year, labor in the public interest, or a fine.

(3) A person making preparations for the sale, transfer for use or placement on the market of poor quality products defined in Subsection (1), commits a misdemeanor and shall be punishable with imprisonment of up to one year, labor in the public interest, or a fine.

## **Section 293**

A person, who violates the rules governing the establishment of the quality of a product, and thereby makes it possible for such product to be sold, transferred for use or placed on the market as being of a quality better than they actually are, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Section 294**

(1) The product subject to a national standard applicable compulsorily is of poor quality, if it fails to meet even the lowest quality requirements defined in the standard.

(2) Apart from the case defined in subsection (1), that product shall be of bad quality, which cannot be used for its designated purpose, or its usability has been considerably diminished.

## **False Attestation of Quality**

### **Section 295**

(1) The person who attests untrue data for the quality of goods of considerable quantity or value in a document attesting quality, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The person, who commits the act by negligence, shall be punishable for a misdemeanour with imprisonment of up to one year, labour in the public interest, or fine.

## **False Marking of Goods**

### **Section 296**

Any person who produces a product with distinctive appearance, packaging, labeling or name, from which a competitor or his product having distinctive features can be recognized, and who does so without the consent of such competitor, or who acquires such product for the purpose of placing it on the market, commits a felony offense and shall be punishable with imprisonment of up to three years.

## **Deception of Consumer**

### **Section 296/A**

(1) Any person who, in respect of any essential feature of a product, publicly states false facts, or true facts in a deceptive way, or provides deceptive information on any essential feature of the product for the purpose of rendering such more desirable, commits a misdemeanor offense and shall be punishable with imprisonment of up to two years, labor in the public interest or a fine.

(2) For the purposes of subsection (1), the following shall constitute the essential features of goods: their composition, usability, impact on health and the environment, as well as their treatment, origin, whether they meet legal prescriptions, the national standards or the customary requirements for the goods, as well as where the utilization of the goods requires the satisfaction of conditions essentially differing from the customary ones.

(3) For the purposes of subsection (1), the opportunity for winning, or any other advantageous outcome promised for the purchase of the goods, shall also constitute an essential feature of the goods.

## **Withdrawal of the Cover of Debt**

### **Section 297**

(1) The person who withdraws property serving as cover for a debt resulting from economic activities, and frustrates thereby partly or wholly the settlement of the debt, commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The perpetrator shall not be punishable, if the debt is settled until the submission of the indictment.

## **Credit Fraud**

### **Section 297/A**

The person who uses a document with untrue contents in the interest of the favourable adjudgment of the extension, termination, of credits to be extended for the exercise of his economic activities or of the changing of the conditions of credit, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Foreign Trade Activities without Licence**

### **Section 298**

The person, who engages in foreign trade activities subject to licence without licence, or exports or imports goods without licence for exportation or importation, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Abuse of Authority by the Senior Officer of an Economic Association**

### **Section 298/A**

A senior officer of a business association, or a member vested with management authority, who deceives any member of the company in respect of the pecuniary assets of the company, commits a misdemeanor offense and shall be punishable with imprisonment of up to two years, labor in the public interest or a fine, if such act does not result in a criminal act of greater gravity.

## **Curtailement of Registered Capital or Primary Capital**

### **Section 298/B**

The senior officer of a company limited by shares or of a limited liability company, who withdraws partly or wholly the registered capital or primary capital, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Indication of Untrue Value**

## **Section 298/C**

(1) Any person who partakes in the act of indicating the value of a non-cash contribution (non-cash deposit) provided to a business association at an amount higher than the value prevailing at the time when provided in the articles of association of such association, or, if the value of a non-cash contribution was established by an auditor, at an amount higher than established by the auditor, commits a felony offense and shall be punishable with imprisonment of up to three years.

(2) Any person who partakes in the act of indicating the value of a non-cash contribution (non-cash deposit) provided to a business association, or the value of assets belonging to the sub-systems of the state budget, or owned by the state or by a local government, in the articles of association at an amount lower than the value established by the auditor shall also be punishable as set forth in Subsection (1).

## **Unauthorized Financial Service Activities**

### **Section 298/D**

A person who performs financial services or complementary financial services without the license prescribed by law, commits a felony and shall be punishable with imprisonment between one to five years.

## **Unauthorized Investment Service Activities**

### **Section 298/E**

A person who performs investment services or complementary investment services without the license prescribed by law, commits a felony and shall be punishable with imprisonment between one to five years.

## **Unauthorized Insurance Activity**

### **Section 298/F**

The person who carries out insurance activities without the licence prescribed in a legal rule, commits a misdemeanour and shall be punishable with imprisonment of up to two years, labour in the public interest, or a fine.

## **Failure to Supply Economic Data**

### **Section 299**

The person who fails to report data, rights or facts to be registered in authentic records connected with economic activities, or fails to report the change in such data, rights or facts, - if the obligation of reporting is prescribed in a legal rule -, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

## **Insider Trading in Securities**

### **Section 299/A**

(1) The person who concludes a securities transaction for the acquisition of an advantage by utilizing insider's information, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The person who entrusts another person for the acquisition of advantage, in view of the insider's information possessed by him, to conclude a securities transaction for the securities affected by the insider's information, shall also be punishable in accordance with subsection (1).

(3) For the purposes of subsections (1) and (2), insider's information is: such - not yet published - information related to the financial, economic or legal situation of the issuer of the securities affected by public offering, as well as of the person who has undertaken suretyship or guarantee for the liability embodied in the security publicly distributed, furthermore of the distributor of securities, which is suitable for the essential influencing of the value, price of the securities, if becoming public.

## **Fraud Regarding Capital Investment**

### **Section 299/B**

The person who - by the communication or rumouring of untrue data or the concealing of data concerning the financial situation of an economic organization - induces other persons to make capital investment or the increase of the investment, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Organization of a Pyramid Game**

### **Section 299/C**

The person who organizes a game based on the collection and distribution of the money of others in a predetermined form and way, which also contains an element of risk, in which the participants joining in a chain-like manner pay cash to, or perform another service for the participants preceding them in the chain, directly or through the organizer, commits a felony and shall be punishable with imprisonment of up to three years.

## **Infringement of Business Secret**

### **Section 300**

(1) The person, who acquires, uses or publishes unlawfully a business secret for profit-making or causing disadvantage to another person, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) For the purposes of Subsection (1), any fact, information, solution or data, connected to economic activities, the secrecy of which falls in the reasonable interests of the entitled party, provided that such party has taken the measures necessary in the interest of maintaining the confidentiality of such, shall be deemed as a business secret.

## **Infringement of Bank Secret**

### **Section 300/A**

(1) The person obliged to keep bank secret, who makes available for an incompetent person data qualifying as bank secret, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest or fine.

(2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed

*a)* for acquiring unlawful advantage;

*b)* causing disadvantage to the financial institution or to another party.



## **Section 300/B**

The person shall not be punishable for the infringement of business secret and for the infringement of bank secret, who satisfies his obligation of reporting in the case of money laundering defined in Section 303, or initiates such report even if the report made by him in bona fide was unfounded.

## **Fraud Committed with Computer**

### **Section 300/C**

(1) The person who - for acquiring unlawful profit or causing damage - influences the result of computerized data processing by changing the program, deletion, input of erroneous or deficient data, or by carrying out other unauthorized operations, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be

- a)* imprisonment of up to five years, if the computer fraud causes considerable damage;
- b)* imprisonment from two years to eight years, if the computer fraud causes especially great damage;
- c)* imprisonment between five to ten years for computer fraud that causes particularly substantial damage.

(3) A computer fraud is also committed by the person who commits the act described in subsections (1) and (2) by the utilization of an electronic card used for public telephone service or for public cellular radio -telephone service, or by the alteration of the software of a microcomputer controlling a public cellular telephone.

## **Violation of Securities Secrecy**

### **Section 300/D**

(1) A person required to keep securities secrets who provides access to data declared securities secrets for third persons, commits a misdemeanor and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) The punishment for felony shall be three years imprisonment, if the crime was committed

- a)* for illegally gaining an advantage,
- b)* by causing disadvantage to an investment service provider, stock exchange or clearing house, or to another person.

(3) No punishment shall be applied against a person for violation of securities secrecy in consequence of such person filing, or initiating a report on a case of suspected money laundering as described in Section 303, pursuant to being obliged to do so, even if the report made in good faith, proved to be unsubstantiated.

## **Profiteering**

### **Section 301**

(1) A person who requests, stipulates or accepts a price higher than the official price or the price otherwise fixed obligatorily for him for goods, commits a misdemeanor, and shall be punishable with imprisonment of up to two years, labor in the public interest, or a fine.

(2) The punishment shall be for a felony imprisonment of up to five years, if the profiteering is committed

- a)* in a business-like manner,
- b)* as part of a criminal conspiracy,
- c)* for a considerable quantity of goods,
- d)* for achieving a considerable measure of profit.

(3)

(4) The person who commits the crime by negligence, shall be punishable for a misdemeanour with fine.

## **Section 302**

Profiteering in accordance with Subsection (1) of Section 301 shall also be committed, if a price corresponding to the official price of goods of better quality than the actual quality is requested, stipulated or accepted for the goods.

## **Money Laundering**

### **Section 303**

(1) A person who conceals pecuniary assets gained in connection with the perpetration of a criminal act that is punishable by imprisonment pursuant to this Act, by

- a)* concealing or dissimulating their origin or true nature,
  - b)* supplying false data concerning their origin or true nature to the authorities,
- commits a felony, and shall be punishable with imprisonment of up to five years.

(2) The person shall also be punishable in accordance with subsection (1), who

- a)* obtains, uses or utilizes the pecuniary assets mentioned there for himself or for a third party,
  - b)* hides, handles, sells them or performs any financial or banking operation with the pecuniary assets or with their countervalue, or acquires other pecuniary assets for the countervalue thereof,
- if he knew the origin of the pecuniary assets at the time of perpetration.

(3) The punishment shall be imprisonment from two years to eight years, if the money laundering is committed

- a)* in a business-like manner or as part of a criminal organization
- b)* as an officer or employee of a financial institution, securities distributing, investment fund handling, insurance institution or an institution dealing in the organization of gambling,
- c)* as an official person,
- d)* as an attorney-at-law.

(4) Any person who fails to meet his obligation of reporting, as prescribed in the Act on the Prevention and Obstruction of Money Laundering, commits a felony offense and shall be punishable with imprisonment of up to three years.

(5) The person who fails to meet his obligation of reporting mentioned in subsection (4) by negligence, commits a misdemeanour and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(6) The person who voluntarily reports to the authorities or initiates such a report shall not be punishable for money laundering, provided that the act has not yet been revealed, or it has been revealed only partially.

## **Title II**

## **Counterfeiting of Money and Stamp**

### **Counterfeiting of Money**

#### **Section 304**

(1) The person who

- a)* copies or forges money in circulation with the purpose of distribution,
- b)* obtains counterfeit or forged money with the purpose of distribution,
- c)* distributes counterfeit or forged money,

commits a felony and shall be punishable with imprisonment from two years to eight years.

(2) The punishment shall be imprisonment from five years to ten years, if the counterfeiting is committed

- a)* as part of a criminal conspiracy,
- b)* in respect of money of a large quantity or high value.

(3) The punishment shall be imprisonment of up to five years, if the object of counterfeiting is small change, or if the quantity or value of the counterfeit or forged money is not considerable.

(4) The person who commits preparation for counterfeiting, shall be punishable for misdemeanour with imprisonment of up to one year.

(5)

## **Section 305**

For the purposes of Section 304

*a)* any changing of money withdrawn from circulation, so that it makes the appearance of money in circulation shall be considered imitation of money in circulation,

*b)* the application or removal of a sign serving as indication that the money is valid only in a definite country, furthermore the diminution of the precious metal content of the money, shall also be considered as counterfeiting of money.

## **Disbursement of Counterfeit Money**

### **Section 306**

(1) The person who distributes counterfeit or forged money acquired lawfully as genuine or unforged, commits a misdemeanour and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed for money of a large quantity or high value.

## **Counterfeiting of Stamps**

### **Section 307**

(1) The person who - with the aim of distribution or utilization

*a)* imitates or forges a stamp,

*b)* obtains a counterfeit or forged stamp,

commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The person shall also be punishable in accordance with subsection (1), who distributes or utilizes counterfeit, forged or used stamps as genuine or unused.

(3) The punishment shall be imprisonment of up to five years, if the counterfeiting of stamp is committed

*a)* as part of a criminal conspiracy,

*b)* in respect of stamps of a large quantity or high value.

(4) The punishment shall be for a misdemeanour imprisonment of up to one year, labour in the public interest, or fine, if the quantity or value of the counterfeit, forged or reutilized stamp is not considerable.

Section 308

(1) For the purposes of Section 307, distribution shall also mean distribution for the collection of stamps, and counterfeiting shall also mean the unlawful changing of a stamp serving the purposes of collection.

(2) Foreign stamps are granted protection identical with that of domestic ones.

## **Title III**

### **Financial Crimes**

## **Crime in Respect of Foreign Exchange**

### **Section 309**

- (1) The person who - infringing the provisions of the Act on Foreign Exchange -
- a*) fails to meet his obligation as to transferring home, bringing home or exchanging into forint any convertible foreign exchange, foreign currency,
  - b*) uses the foreign exchange, foreign currency purchased without the licence of the foreign exchange authorities or without prior reporting to the foreign exchange authority, for a purpose which requires such licence or reporting,
  - c*) fails to report his claim in foreign exchange against a person qualifying as foreign for the purposes of the foreign exchange regulations,
  - d*) takes abroad or sends abroad any foreign or domestic means of payment, pecuniary value,
  - e*) fails to meet his obligation of obtaining licence, reporting or alienating related to a foreign direct enterprise, foreign real estate, security or loan transactions as well as transactions performed with money market and transferable instruments,
- if he commits the crime for a lesser value, shall be punishable for misdemeanour with imprisonment of up to one year, labour in the public interest or a fine.
- (2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed
- a*) in a business-like manner,
  - b*) as part of a criminal conspiracy,
  - c*) in respect of a higher value,
  - d*) in respect of an object considered a cultural good.
- (3) The punishment shall be imprisonment from one year to five years, if the crime is committed
- a*) in respect of a considerable value,
  - b*) in a business-like manner or as part of a criminal conspiracy for a higher value.
- (4) The punishment shall be imprisonment from two years to eight years, if the crime is committed
- a*) in respect of an especially high value,
  - b*) in a business-like manner or as part of a criminal conspiracy for a considerable value,
  - c*)
- (5) The punishment shall be imprisonment between five years to ten years, if the crime
- a*) involves particularly substantial value,
  - b*) is committed in a business-like manner or in criminal conspiracy and involves particularly considerable value,
  - c*) is committed as part of a criminal organization.
- (6) A person who commits a crime by negligence in relation to substantial value or greater shall be punishable for misdemeanor offense by imprisonment of up to one year, labor in the public interest, or a fine.

## **Tax and Social Security Fraud**

### **Section 310**

- (1) A person, who untruthfully states or conceals any fact (data) relevant for the establishment of tax obligation, social security contribution, accident insurance contribution, health insurance contribution, pension contribution or private pension fund membership fees before the authorities, or the private pension fund in respect of such fees, and thereby or by other fraudulent conduct diminishes tax revenues, the amount of revenues from social security contributions, accident insurance contributions, from health insurance contributions, pension contributions or of private pension funds from membership fees, commits a misdemeanor and shall be punishable by imprisonment of up to two years, labor in the public interest, or a fine.
- (2) The punishment shall be imprisonment of up to three years for a felony, if the amount of tax revenue, revenue from social security contribution, accident insurance contribution, health insurance contribution, pension contribution or the revenues of private pension funds from membership fees is reduced by a considerable degree as a consequence of the crime.

(3) The punishment shall be imprisonment between one to five years, if the amount of tax revenues, revenues from social security contribution, accident insurance contribution, from health insurance contribution, from pension contribution or the revenues of private pension funds from membership fees is reduced by a substantial degree as a consequence of the crime.

(4) The punishment shall be imprisonment between two to eight years, if

*a)* the amount of tax revenues, revenues from social security contribution, accident insurance contribution, from health insurance contribution, from pension contribution or the revenues of private pension funds from membership fees is reduced by a particularly considerable or higher degree as a consequence of the crime,

*b)* the tax or social security fraud was committed as part of a criminal organization.

(5) A person shall be punishable in accordance with Subsections (1)-(4), who defrauds the authority with the purpose of the non-payment of an established tax, social security contribution, accident insurance contribution, health insurance contribution, pension contribution or membership fees to a private pension fund, if he thereby considerably delays or impedes the collection of the tax, social security contribution, accident insurance contribution, health insurance contribution, pension contribution or private pension fund membership fees.

(6) The perpetrator of the crime described in Subsection (1) above shall not be punishable if settling his tax debt, social security contribution, accident insurance contribution, health insurance contribution, pension contribution debts or membership fees owed to a private pension fund prior to indictment.

## **Violation of Payment Obligation to the Labor Market Fund**

### **Section 310/A**

(1) A person who untruthfully states or conceals any fact (data) relevant from the aspect of the establishment of employer's or employee's contribution payable into the Labor Market Fund, or of the rehabilitation or vocational training contribution, before the authorities, and thereby or by any other fraudulent conduct diminishes the revenues from the employer's or employee's contribution or the rehabilitation or vocational training contribution, commits a misdemeanor offense, and shall be punishable by imprisonment of up to one year, labor in the public interest, or fine.

(2) The punishment shall be imprisonment of up to three years for a felony, if the amount of revenues from employer's or employee's contribution, or from rehabilitation or vocational training contribution is reduced by a considerable degree as a consequence of the crime.

(3) The punishment shall be imprisonment of up to five years, if the amount of revenues from employer's or employee's contribution, or of the rehabilitation or vocational training contribution is reduced by a particularly considerable or higher degree as a consequence of the crime.

(4) A person shall be punishable in accordance with Subsections (1)-(3), who defrauds the authority with the purpose of the non-payment of an established employer's or employee's contribution, or of the rehabilitation or vocational training contribution, if he thereby considerably delays or impedes the collection of the employer's or employee's contribution.

(5) The perpetrator of the crime described in Subsection (1) above shall not be punishable if settling his employer's or employee's contribution debt, or of the rehabilitation or vocational training contribution debt prior to indictment.

## **Infringement of the Obligation of Payment of Social Security, Health Insurance, or Pension Contribution**

### **Section 310/B**

(1) An employer who fails to pay the health insurance or pension contribution or the private pension fund membership fee deducted from the payroll of the insured for reasons within his control, commits a misdemeanor offense and shall be punishable by imprisonment of up to one year, labor in the public interest, or a fine.

(2) An employer or other organ, private entrepreneur, business association or partnership, who (which) fails to pay the social security contribution, accident insurance contribution, health insurance or pension contribution for reasons within his (its) control shall be punishable in accordance with Subsection (1).

(3) The punishment shall be imprisonment of up to three years for a felony, if the unpaid social security contribution, accident insurance contribution, health insurance or pension contribution, or private pension fund membership fee is of considerable amount, or imprisonment of up to five years, if the unpaid social security contribution, accident insurance contribution, health insurance or pension contribution, or private pension fund membership fee constitutes a particularly considerable or higher amount.

(4) The perpetrator shall not be punishable if settling his debt of employer's or employee's contribution debt, social security contribution, accident insurance contribution, health insurance or pension contribution, or private pension fund membership fee prior to indictment.

(5) If the party subject to payment obligation is not a natural person, the crime defined in Subsections (1)-(3) may be committed as perpetrator by the person responsible by authorization to perform the payment of such contributions.

## **Misuse of Excise**

### **Section 311**

#### **Smuggling and Receiving of Smuggled Goods**

### **Section 312**

(1) The person who

*a)* withholds dutiable goods from customs inspection, or makes an untrue declaration before the authorities in respect of the circumstances relevant from the aspect of setting customs duty or customs bond (smuggling),

*b)* acquires, conceals, or co-operates in the alienation of, smuggled dutiable goods for pecuniary profit (receiving smuggled goods),

commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or a fine.

(2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed

*a)* in a business-like manner,

*b)* as part of a criminal conspiracy,

*c)* in respect of dutiable goods of considerable value,

*d)* in respect of an object considered a cultural good.

(3) The punishment shall be imprisonment of up to five years, if the crime is committed

*a)* for dutiable goods of especially high value,

*b)* in a business-like manner or as part of a criminal conspiracy for dutiable goods of considerable value.

(4) The punishment shall be imprisonment between two to eight years, if the crime is committed

*a)* in respect of dutiable goods of particularly substantial value,

*b)* in a business-like manner or as part of a criminal conspiracy in respect of dutiable goods of particularly considerable value,

*c)* as part of a criminal organization.

## **Use of Bank Card Without Sufficient Funds to Cover**

### **Section 312/A**

The person who uses an uncovered bank card - unless a graver crime is involved - commits a misdemeanour and shall be punishable with imprisonment of up to two years, labour in the public interest or a fine.

## **Misuse of Cheque**

## **Section 313**

The person who issues or circulates uncovered cheque - unless a graver crime is realized -, commits a misdemeanour and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

### **Forgery of Bills of Exchange**

#### **Section 313/A**

The person who circulates forged or falsified bills of exchange, unless a graver crime is realized, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

### **Forgery of Bank Card**

#### **Section 313/B**

- (1) The person who - with the purpose of utilization
  - a)* forges a bank card or prepares a fake bank card,
  - b)* obtains a fake or forged bank card, unless a graver crime is realized, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.
- (2) The person who commits the forgery of bank card in respect of the cheque belonging to the cheque guarantee card, shall also be punishable in accordance with subsection (1).
- (3) Any person involved in the preparation for the forgery of bank cards commits a misdemeanor offense and shall be punishable with a fine.

### **Misuse of Bank Card**

#### **Section 313/C**

- (1) Any person who
  - a)* uses a counterfeit or forged bank card for unauthorized gain,
  - b)* uses a bank card without proper authorization,
  - c)* accepts payment by a counterfeit or forged bank card or by one that is used without proper authorization, and thereby causes damage, commits a criminal misuse of bank card.
- (2) The punishment shall be for a misdemeanour imprisonment of up to two years, labour in the public interest, or fine, if the misuse of bank card causes a smaller damage, or a misuse of bank card not exceeding the value limit of a crime is committed
  - a)* as part of a criminal conspiracy,
  - b)* in a business-like manner.
- (3) The punishment shall be for a felony imprisonment of up to three years, if
  - a)* the misuse of bank card causes a greater damage,
  - b)* the misuse of bank card causing a smaller damage is committed in the manner defined in subsection (2), paragraphs *a)* and *b)*.
- (4) The punishment shall be imprisonment from one year to five years, if
  - a)* the misuse of bank card causes a considerable damage,
  - b)* the misuse of bank card causing a greater damage is committed in the manner defined in subsection (2), paragraphs *a)* and *b)*.
- (5) The punishment shall be imprisonment from two years to eight years, if
  - a)* the misuse of bank card causes especially great damage,

*b)* the misuse of bank card causing a considerable damage is committed in the manner defined in subsection (2), paragraphs *a)* and *b)*.

(6) The punishment shall be imprisonment between five to ten years for bank card fraud, if committed *a)* for a particularly substantial amount,

*b)* for a particularly considerable amount in the manner described in Paragraph a)-b) of Subsection (2) above.

(6) A person, who commits the crime of bank card fraud in respect of a check secured by a check guarantee card, shall also be punishable in accordance with Subsections (2)-(6).

## **Interpretative Provision**

### **Section 313/D**

For the purposes of Section 312/A as well as Sections 313/B and 313/C, a bank card is any card issued by any legal entity performing financial institution's activities, which serves for the withdrawal of money or the settlement of the consideration for goods or services.

## **Title IV**

### **Miscellaneous Provisions**

#### **Confiscation**

#### **Section 314**

### **Interpretative Provision**

#### **Section 315**

(1) For the purposes of this Chapter, goods shall also mean industrial services or other services of economic nature, and price shall also mean any compensation of pecuniary value due for the goods (services).

(2)

## ***Chapter XVIII***

### **Crimes Against Property**

#### **Theft**

#### **Section 316**



(1) The person who takes away an alien thing from somebody else in order to unlawfully appropriate it, commits theft.

(2) The punishment shall be for a misdemeanour imprisonment of up to two years, labour in the public interest, or fine, if the theft is committed in respect of a smaller value or the theft committed in respect of the value of a minor offence is committed

*a)* as part of a criminal conspiracy,

*b)* at the scene of a public danger,

*c)* in a business-like manner,

*d)* with violence against a thing,

*e)*

*f)* entering premises or a fenced place belonging thereto with deception or without the knowledge and consent of the entitled party (user),

*g)* with the use of a false or stolen key,

*h)* to the detriment of a party who is sharing the use of a flat or similar premises with the perpetrator,

*i)* through pickpocketing,

*j)* exploiting the state of being incapable of preventing the crime of another person.

(3)

(4) The punishment shall be for a felony imprisonment of up to three years, if

*a)* the theft is committed in respect of a greater value,

*b)* the theft committed in respect of a smaller value is committed

1. in the manner defined in subsection (2), paragraphs *a)* to *d)*,

2. in respect of an object considered a cultural good.

(5) The punishment shall be imprisonment from one year to five years, if

*a)* the theft if committed in respect of a considerable value,

*b)* the theft committed in respect of a greater value is committed in the manner defined in subsection (2), paragraph *a)* to *d)*.

*6)* The punishment shall be imprisonment from two years to eight years, if

*a)* the theft is committed in respect of an especially high value,

*b)* the theft committed in respect of a considerable value is committed in the manner defined in subsection (2), paragraphs *a)* to *d)*,

*c)*

(7) The punishment shall be imprisonment between two to eight years for the crime of theft if committed

*a)* in respect of particularly substantial value,

*b)* in respect of a particularly considerable amount in the manner described in Paragraphs *a)*-*d)* of Subsection (2) above,

*c)* as part of a criminal organization.

## **Embezzlement**

### **Section 317**

(1) The person who unlawfully appropriates or disposes of as its own over an alien thing entrusted to him, commits embezzlement.

(2) The punishment shall be for a misdemeanour imprisonment of up to two years, labour in the public interest, or fine, if the embezzlement is committed in respect of a smaller value, or the embezzlement committed in respect of the value of minor offence is committed

*a)* as part of a criminal conspiracy,

*b)* at the scene of public danger,

*c)* in a business-like manner.

*d)*

(3)

(4) The punishment shall be for a felony imprisonment of up to three years, if

*a)* the embezzlement is committed for a greater value,

*b*) the embezzlement committed in respect of a smaller value is committed in the manner defined in subsection (2), paragraphs *a*) to *c*),

*c*) the embezzlement is committed in respect of an object qualified as part of cultural heritage.

(5) The punishment shall be imprisonment from one year to five years, if

*a*) the embezzlement is committed for a considerable value,

*b*) the embezzlement committed for a larger value is committed in the manner defined in subsection (2), paragraphs *a*) to *c*).

(6) The punishment shall be imprisonment from two years to eight years, if

*a*) the embezzlement is committed for an especially high value,

*b*) the embezzlement committed for a considerable value is committed in the manner defined in subsection (2), paragraphs *a*) to *c*).

(7) The punishment shall be imprisonment between five to ten years for the crime of embezzlement if committed

*a*) in respect of particularly substantial value,

*b*) in respect of particularly considerable amount in the manner described in Paragraphs *a*)-*c*) of Subsection (2) above.

## **Fraud**

### **Section 318**

(1) The person who - for unlawful profit-making - leads somebody into error or keeps in error and causes damage thereby, commits fraud.

(2) The punishment shall be for a misdemeanour imprisonment of up to two years, labour in the public interest, or fine, if the fraud causes a smaller damage, or the fraud not exceeding the value limit for minor offence is committed

*a*) as part of a criminal conspiracy,

*b*) on the scene of public danger,

*c*) in a business-like manner.

*d*)

(3)

(4) The punishment shall be for a felony imprisonment of up to three years, if

*a*) the fraud causes a greater damage,

*b*) the fraud causing a smaller damage is committed in the manner defined in subsection (2), paragraphs *a*) to *c*).

(5) The punishment shall be imprisonment from one year to five years, if

*a*) the fraud causes considerable damage,

*b*) the fraud causing greater damage is committed in the manner defined in subsection (2), paragraphs *a*) to *c*).

(6) The punishment shall be imprisonment from two years to eight years, if

*a*) the fraud causes an especially great damage,

*b*) the fraud causing a considerable damage is committed in the manner defined in subsection (2), paragraphs *a*) to *c*),

*c*)

(7) The punishment shall be imprisonment between five to ten years for the crime of fraud if committed

*a*) causing particularly substantial damage,

*b*) causing particularly considerable damage in the manner described in Paragraphs *a*)-*c*) of Subsection (2) above,

*c*) as part of a criminal organization.

## **Fraudulent Breach of Trust**

### **Section 319**

(1) The person who has been entrusted with the administration of alien property, and causes pecuniary disadvantage by breaching his obligation resulting therefrom, commits fraudulent breach of trust.

(2) The punishment shall be for misdemeanour imprisonment of up to one year, labour in the public interest or fine, if the fraudulent breach of trust causes a smaller pecuniary disadvantage.

(3) The punishment shall be for a felony

*a)* imprisonment of up to three years, if the fraudulent breach of trust causes a greater pecuniary disadvantage,

*b)* imprisonment from one year to five years, if the fraudulent breach of trust causes a considerable pecuniary disadvantage,

*c)* imprisonment from two years to eight years, if the fraudulent breach of trust causes an especially great pecuniary disadvantage.

*d)* imprisonment between five to ten years for a felony, if the crime of fraudulent breach of trust results in particularly substantial damage.

## **Negligent Administration**

### **Section 320**

(1) The person who has been entrusted with the administration or supervision of an alien property, the administration or supervision of which is based on law, and causes pecuniary disadvantage by negligence by infringing or neglecting his obligation resulting therefrom, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to three years, if the act of negligent administration causes particularly considerable or greater pecuniary injury.

## **Robbery**

### **Section 321**

(1) The person, who takes away an alien thing for unlawful appropriation from another person in such a way that he applies for this purpose violence or direct menace against life or limbs against somebody or puts somebody into an unconscious state or state of incapability for defence, commits a felony, and shall be punishable with imprisonment from two years to eight years.

(2) It is also a robbery, if a thief caught in the act applies violence or direct menace against life or limbs for keeping the thing.

(3) The punishment shall be imprisonment from five years to ten years, if the robbery is committed

*a)* in an armed manner,

*b)* in respect of a considerable value,

*c)* as part of a criminal conspiracy, or in group.

*d)* against an official person in the course of his official proceedings, or against a person performing public duties in the course of such proceedings.

(4) The punishment shall be imprisonment from five years to fifteen years, if the robbery is committed

*a)* for a particularly considerable or greater value,

*b)* for a significant value against an official person in the course of his official proceedings, or against a person performing public duties in the course of such proceedings, and/or for a significant value in an armed manner, as part of a criminal conspiracy or in a group,

*c)* in an armed manner, as part of a criminal conspiracy or in a group against an official person in the course of his official proceedings, or against a person performing public duties in the course of such proceedings,

*d)* as part of a criminal organization

## **Robbery through Inebriation or Intimidation**

### **Section 322**

- (1) The person, who takes away an alien thing for unlawful appropriation
  - a)* from another person in such a manner, that he inebriates him for this purpose,
  - b)* takes away from a person under the influence of violence or of direct menace against life or limbs applied by him in the course of the perpetration of another crime,commits a felony, and shall be punishable with imprisonment of up to five years.
- (2) The punishment shall be imprisonment from two years to eight years, if the plundering is committed
  - a)* in respect of a considerable value,
  - b)* as part of a criminal conspiracy, or in group
- (3) The punishment shall be imprisonment between five to ten years for the crime of plundering if committed
  - a)* in respect of particularly considerable or greater value,
  - b)* in respect of substantial value, as part of a criminal organization or in groups.

## **Blackmailing**

### **Section 323**

- (1) The person who with violence or threat, for unlawful gain, forces another person to do, not to do or to endure something, and thereby causes damage, commits a felony, and shall be punishable with imprisonment between one to five years.
- (2) The punishment shall be imprisonment from two years to eight years, if the blackmailing is committed
  - a)* as part of a criminal conspiracy,
  - b)* with menace against life or limbs or another similarly grave menace,
  - c)* as an official person by using this character, or by feigning official commitment or quality.
- (3) The punishment shall be imprisonment between five to ten years if the blackmail is committed as part of a criminal organization.

## **Deterioration**

### **Section 324**

- (1) The person who causes damage by the destruction or deterioration of an alien property item, commits deterioration.
- (2) The punishment shall be for a misdemeanour imprisonment of up to one year, labour in the public interest, or fine, if
  - a)* the deterioration causes a smaller damage,
  - b)* the deterioration not exceeding the value limit of a minor offence is committed as part of a criminal conspiracy.
- (3) The person shall be punishable for a felony with imprisonment of up to three years, who
  - a)* causes a greater damage,
  - b)* vandalizes an object considered a cultural good, an archeological site or a historic monument,
- (4) The punishment shall be imprisonment between one to five years, if the deterioration or vandalism
  - a)* causes considerable damage,
  - b)* causes the destruction of the object considered a cultural good, the archeological site or historic monument.
  - c)* is committed using explosives or blasting agents.
- (5) The punishment shall be imprisonment from two years to eight years, if the deterioration causes especially great damage.
- (6) The punishment shall be imprisonment between five to ten years if the crime of vandalism results in particularly substantial damage.

## **Unlawful Appropriation**

## **Section 325**

(1) The person who appropriates an alien thing found by him, or fails to deliver it to the authorities or to the person who lost it, furthermore, who appropriates an alien thing, which got to him by chance or by error, or does not return it within eight days, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The punishment shall be imprisonment of up to two years if such conversion is committed in respect of objects considered cultural goods.

## **Receiving of Stolen Goods**

### **Section 326**

(1) The person who - for pecuniary profit-making - obtains, conceals or co-operates in the alienation of, a thing originating from theft, embezzlement, fraud, fraudulent breach of trust, robbery, robbery through inebriation or intimidation, blackmailing, unlawful appropriation or receiving of stolen goods, commits receiving of stolen goods.

(2) The punishment shall be for a misdemeanour imprisonment of up to two years, labour in the public interest or fine, if receiving of stolen goods is committed

*a)* in respect of a smaller value,

*b)* in respect of a value established for minor offence, in a business-like manner.

(3) The punishment shall be for a felony imprisonment of up to three years, if receiving of stolen goods is committed in respect of a greater value or for an object considered a cultural good.

(4) The punishment shall be imprisonment from one year to five years, if receiving of stolen goods is committed

*a)* in respect of a considerable value,

*b)* in respect of a greater value in a business-like manner.

(5) The punishment shall be imprisonment between two to eight years for the crime of receiving stolen goods is committed

*a)* in respect of particularly considerable value,

*b)* in respect of substantial value in a business-like manner.

(6) The punishment shall be imprisonment between five to ten years, if receiving of stolen goods is committed

*a)* for a particularly substantial value,

*b)* for a particularly considerable value in a business-like manner,

*c)* as part of a criminal organization.

## **Use of a Vehicle Without Authority**

### **Section 327**

(1) A person who takes away from another person a motor vehicle not belonging to him in order to use such without authorization, or uses a vehicle thus taken away or entrusted to him without authorization, commits a felony and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be for a felony imprisonment of up to five years, if the crime is committed

*a)* with violence or direct threat against life or limb,

*b)* as part of a criminal conspiracy.

(3) The punishment shall be for a felony imprisonment between two to eight years if the crime defined in Paragraph a) of Subsection (2) was committed with a weapon or as part of criminal conspiracy.

## **Defrauding of Buyers**

### **Section 328**

(1) The person who - in the course of direct distribution of goods for consumers - pursues an activity defrauding the buyers

*a)* with false measuring or calculation;

*b)*

*c)* with the deterioration of the quality of goods,

unless a graver crime is realized, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

(2) The person shall also be punishable in accordance with subsection (1), who commits the acts listed there in the course of a service of economic nature to the detriment of the customers.

(3) The person who commits the defrauding of buyers in a business-like manner, commits a felony, and shall be punishable with imprisonment of up to three years.

## **Usurpation**

### **Section 329**

(1) A person who

*a)* connotes as his own the intellectual product of another person and thereby causes financial injury to the right-holder of record,

*b)* misusing his position, office or membership at an economic organization makes the utilization of an intellectual product of another person, or the enforcement of rights associated therewith, conditional upon being given a share from the fee received for, or from the profits or proceeds generated by such product,

commits a felony and shall be punishable by imprisonment of up to three years.

(2) For the purposes of this Section "intellectual product" means literary, scientific and artistic works, inventions, industrial design, know-how, topography of microelectronic semiconductors, and other innovations.

## **Infringement of Copyright and Neighboring Rights**

### **Section 329/A**

(1) A person who infringes a right of the author of a literary, scientific or artistic creation attached to such work, a right of a performing artist attached to his performance, a right of a producer of a sound recording attached to his sound recording, a right of a radio or television organization attached to its program, or a right of the producer of motion picture attached to such work, for the purpose of gaining profits and/or thereby causing financial injury, commits a misdemeanor offense and shall be punishable by imprisonment of up to two years, labor in the public interest, or a fine.

(2) The punishment shall be imprisonment of up to three years for a felony, if the infringement of copyright or neighboring rights

*a)* causes substantial financial injury,

*c)* is committed in a business-like manner.

(3) The punishment shall be

*a)* imprisonment of up to five years, if the infringement of copyright or neighboring rights results in particularly considerable financial injury,

*b)* imprisonment between two to eight years, if the infringement of copyright or neighboring rights results in particularly substantial financial injury.

(4) A person who commits an infringement of copyright or neighboring rights by negligence shall be punishable for misdemeanor offense by imprisonment of up to one year, labor in the public interest, or a fine.

## **Circumvention of Technological Measures for the Protection of Copyright and Neighboring Rights**

*Section 329/B.*

- (1) A person who  
a) manufactures or fabricates,  
b) furnishes, distributes or markets

any instrument, product, equipment and/or accessory for the circumvention of the technological measures defined in the Act on Copyright instituted for the protection of copyright and neighboring rights commits a misdemeanor offense and shall be punishable by imprisonment of up to two years, labor in the public interest, or a fine.

(2) A person who conveys economic, technical and/or organizational information to another person for the purpose of and as necessary for the circumvention of technological measures instituted for the protection of copyright and neighboring rights shall be punishable as set forth in Subsection (1) above.

(3) The punishment shall be imprisonment of up to three years for a felony, if the circumvention of technological measures instituted for the protection of copyright and neighboring rights is committed in a business-like manner.

(4) A person implicated in the offense described in Paragraph a) of Subsection (1) above shall not be punishable if voluntarily confessing to the authorities his involvement in the manufacture or production of any instrument, product, equipment and/or accessory intended for the circumvention of the technological measures instituted for the protection of copyright and neighboring rights prior to the authorities gaining knowledge of such, and if surrenders such manufactured and fabricated objects to the authorities, and if provides information concerning any other individuals participating in manufacture or production.

## **Falsifying Data Related to Copyright Management**

*Section 329/C.*

A person who, for pecuniary gain, unlawfully removes or falsifies any data or information - defined as such in the Act on Copyright - and published in connection with the use of a work or performance of another person that is protected by copyright or neighboring rights, commits a misdemeanor offense and shall be punishable by imprisonment of up to two years, labor in the public interest, or a fine.

## **Violation of Industrial Design Rights**

*Section 329/D.*

(1) A person who violates the right of the holder of a patent, know-how, industrial design, patented topography, trade mark or geographical indication by imitating or copying the patented article, and thereby causes financial injury, commits a misdemeanor offense and shall be punishable by imprisonment of up to two years, labor in the public interest, or a fine.

(2) The punishment offense shall be imprisonment of up to three years for a felony, if the violation of industrial design rights

- a) causes substantial financial injury,  
b) is committed in a business-like manner.

(3) The punishment shall be

a) imprisonment of up to five years, if the violation of industrial design rights results in particularly considerable financial injury,

b) imprisonment between two to eight years, if the violation of industrial design rights results in particularly substantial financial injury.

## **Infringement of Credit**

### **Section 330**

The person who withdraws wholly or partially the cover of a credit, or frustrates in any other manner the satisfaction of a creditor from the cover, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, labour in the public interest, or fine.

## **Withdrawal of the Cover of Debt**

### **Section 330/A**

### **Private Motion**

### **Section 331**

For the following acts of crime causing damage in personal property: theft, embezzlement, fraud, fraudulent breach of trust, deterioration, unlawful appropriation, receiving of stolen goods, and arbitrary taking away of vehicle, the perpetrator shall only be punishable upon private motion, if the injured party is his relative.

### **Active Repentance**

### **Section 332**

The punishment may be mitigated without limitation - in a case deserving special appreciation even dispensed with - if the perpetrator of theft, embezzlement, fraud, fraudulent breach of trust, deterioration, receiving of stolen goods, unlawful appropriation or arbitrary taking away of vehicle reports the act - before its being detected - to the authorities or to the injured party, and refunds the damage or does everything that may be expected of him in order to refund the damage.

## **Interpretative Provisions**

### **Section 333**

For the purposes of this Chapter

1. the term "object" shall also refer to electricity and other forms of energy to be used in the economy, as well as to documents embodying pecuniary right and uncertificated securities which in themselves ensure disposal over the pecuniary value or right attested therein, or, in respect of uncertificated securities, to the beneficiary of the securities account,

2.

3.

4. crimes of similar character from the aspect of special recidivism are crimes against property.

## ***Chapter XIX***

## **Crimes Against Military Defence Obligation**

### **Infringement of Obligation of Joining up**



## **Section 334**

(1) The person liable to do military service, who does not meet his obligation of joining the army, commits a misdemeanour, and shall be punishable with imprisonment of up to two years, in war-time for felony with imprisonment from one year to five years.

(2) The person who commits the crime by negligence, shall be punishable for a misdemeanour with imprisonment of up to one year or up to three years in accordance with the distinction laid down in subsection (1).

## **Evasion of Military Service**

### **Section 335**

(1) The person liable to military service who - with the aim of withdrawing himself from military service - does not meet his obligation of reporting or joining up, commits a felony, and shall be punishable with imprisonment of up to three years.

(2) The person liable to military service, who - with the aim defined in subsection (1) -

*a)* mutilates his body, injures his health or displays a misleading conduct,

*b)* leaves without permission for abroad or remains durably abroad, is punishable with imprisonment of up to five years.

(3) In war-time, the perpetrator of the crime defined in subsections (1) and (2) shall be punishable with imprisonment from five years to fifteen years.

## **Refusal of Military Service**

### **Section 336**

The person liable to military service who refuses performance of military service, commits a felony and shall be punishable with imprisonment of up to five years, in war-time with imprisonment from five years to fifteen years.

## **Evasion of Civil Service**

### **Section 336/A**

(1) Any person eligible for civil service who fails to respond to the request for the commencement or continuation of civil service commits a misdemeanor offense and shall be punishable with imprisonment of up to two years.

(2) Any person eligible for or performing civil service, who fails to comply with his obligation of appearance with the intention of evading civil service, commits a felony offense and shall be punishable with imprisonment of up to three years.

(3) Any person eligible for or performing civil service, who, with the intention described in Subsection (2),

*a)* mutilates his body, inflicts damage to his health or exhibits misleading demeanor,

*b)* fails to comply with his obligation to perform civil service,

shall be punishable with imprisonment of up to five years.

(4) Any person performing civil service, who commits the criminal act set forth in Paragraph a) of Subsection (3) with the intention of temporarily evading civil service, shall be punishable for a misdemeanor offense with imprisonment of up to one year.

(5) Any person performing civil service, who is unlawfully absent from the assigned place of service, and such absence exceeds ten workdays, commits a misdemeanor offense and shall be punishable with imprisonment of up to one year.

## **Refusal of Civil Service**

### **Section 336/B**

Any person eligible for or performing civil service, who refuses to perform civil service commits a felony offense and shall be punishable with imprisonment of up to five years.

## **Impeding of Performance of Civilian Service**

### **Section 336/C**

The person who commits an act with the aim of withdrawing definitively a person liable to military service from civilian service, shall be punishable for a felony with imprisonment of up to three years.

## **Omission of Obligation of Reporting**

### **Section 337**

The person liable to military service who - in war-time -  
a) omits his obligation of reporting, commits a misdemeanour and shall be punishable with imprisonment of up to one year,  
b) does not meet his obligation of appearance, commits a felony and shall be punishable with imprisonment of up to three years.

## **Impeding the Performance of Military Service Obligation**

### **Section 338**

(1) The person who commits an act with the aim of frustrating that the person liable to military service perform his obligation described in Section 334 or Section 337, commits a misdemeanour or felony in accordance with the distinctions contained in these Sections, and shall be punishable with the punishments defined there.

(2) The person who commits an act with the aim of withdrawing a person liable to military service from military service in the manner defined in Section 335, shall be punishable in accordance with the distinction laid down there.

## **Infringement of Obligation of Civil Defence**

### **Section 339**

(1) The person who does not perform his civil defence service in war-time, commits a felony and shall be punishable with imprisonment of up to three years.

(2) The punishment shall be imprisonment from two years to eight years, if the crime causes a serious danger.

(3) The person who perpetrates the crime defined in subsection (2) by negligence, shall be punishable for misdemeanour with imprisonment of up to three years.

## **Infringement of Military Defence Obligation to Work**

## **Section 340**

The person obliged to military defence work, who gravely infringes this obligation by non-attendance or in any other manner, commits a felony and shall be punishable with imprisonment of up to three years.

## **Infringement of Obligation to Provide Service**

## **Section 341**

The person who - in war-time - seriously infringes or evades his military defence obligation consisting in providing economic or material service, commits a felony and shall be punishable with imprisonment of up to five years.

## **Active Repentance**

## **Section 342**

The punishment may be mitigated without limitation, if the perpetrator of the crime defined in this Chapter voluntarily meets his omitted obligation.

## ***Chapter XX***

## **Military Crimes**

### **Title I**

## **Service Crimes**

### **Desertion**

## **Section 343**

(1) The person who - with the aim of withdrawing himself from the performance of his military service -, arbitrarily leaves his place of service or remains absent therefrom, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) The punishment shall be imprisonment from two years to eight years, if the desertion is committed

*a)* in an armed manner,

*b)* in group,

*c)* in the course of the performance of an important service or by using the service,

*d)* with the application of violence against a person.

(3) The person who deserts abroad, shall be punishable with imprisonment from five years to fifteen years.

(4) The person who deserts abroad in the manner defined in subsection (2), paragraphs *a)* to *c)*, or commits desertion in war-time, shall be punishable with imprisonment from ten years to fifteen years or with life imprisonment.

(5) The person who commits preparation for desertion as defined in subsection (2) or subsection (3), shall be punishable for a felony with imprisonment from one year to five years, in war-time from five years to ten years.

(6)

(7) The punishment of the perpetrator of desertion may be mitigated without limitation, if he voluntarily presents himself to the authorities.

## **Omission of Reporting**

### **Section 344**

The person who credibly learns that perpetration of desertion abroad is prepared or such a crime not yet detected has been committed, and fails to report that as soon as he can, commits a felony and shall be punishable with imprisonment of up to three years. The relative of the perpetrator shall not be punishable for omitting the reporting.

## **Arbitrary Leave**

### **Section 345**

(1) The person who arbitrarily leaves his service post or remains absent therefrom, and his absence exceeds forty-eight hours, commits a misdemeanour, and shall be punishable with imprisonment of up to one year, in war-time for a felony with imprisonment from one year to five years.

(2) If the duration of arbitrary absence exceeds nine days, the punishment shall be for a felony imprisonment of up to three years, in war-time imprisonment from two years to eight years.

## **Evasion from Service**

### **Section 346**

(1) The person who - with the aim of withdrawing himself from the performance of his military service - mutilates his body, injures his health or displays a misleading conduct, shall be punishable with imprisonment from one year to five years, in war-time with imprisonment from ten years to fifteen years or with life imprisonment.

(2) The person who commits the crime defined in subsection (1) for temporarily withdrawing himself from the performance of his military service, shall be punishable for misdemeanour with imprisonment of up to one year, in war-time for a felony with imprisonment from one year to five years.

(3) If the duration of temporary withdrawal exceeds six days, the punishment shall be for a felony imprisonment of up to three years, in war-time imprisonment from two years to eight years.

## **Refusal of Service**

### **Section 347**

The person who refuses to perform his military service, commits a felony and shall be punishable with imprisonment from one year to five years, in war-time with imprisonment from ten years to fifteen years, or life imprisonment.

## **Breach of Duty in Service**

## **Section 348**

(1) The person who falls asleep, consumes alcoholic drink, leaves his post or otherwise gravely infringes an order concerning the performance of service in guard, duty post, or other preparedness duty, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to five years, in war-time imprisonment from two years to eight years, if the crime involves the danger of considerable disadvantage for the service.

(3) The punishment shall be for a felony imprisonment from ten years to fifteen years or life imprisonment, if the crime is committed in a combat situation and an especially great disadvantage results therefrom.

(4) The person who commits the crime by negligence, shall be punishable in case of subsection (2) for a misdemeanour in accordance with the distinction made there, with imprisonment of up to one year or up to three years, in case of subsection (3) with imprisonment of up to five years.

## **Evasion from Performing a Service Task**

## **Section 349**

(1) The person who withdraws himself from an important service duty with deception or absence, or makes himself incapable of the performance thereof, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to three years, in war-time from one year to five years, if the crime involves the danger of considerable disadvantage for the service.

## **Infringement of the Obligation of Reporting**

## **Section 350**

(1) The person who fails to make a report in an important service matter in due time, or makes an untrue report, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to three years, in war-time imprisonment from one year to five years, if a considerable disadvantage results from the crime for the service.

## **Abuse of Authority in Service**

## **Section 351**

(1) The person who - in order to cause unlawful disadvantage or to obtain unlawful advantage - abuses his authority or position in service, unless a graver crime is realized, commits a misdemeanour and shall be punishable with imprisonment of up to two years.

(2) The punishment shall be for a felony imprisonment of up to five years, if a considerable disadvantage results from the crime.

## **Title II**

## **Insubordination**

## **Mutiny**

### **Section 352**

(1) The person who participates in an open insubordination in group directed against the order of service and discipline, which considerably disturbs the performance of service duties, commits a felony and shall be punishable with imprisonment from two years to eight years.

(2) *a)* The initiator, organizer and head of the mutiny,

*b)* its participants, if they apply violence against a superior or a party acting against the mutiny

shall be punishable with imprisonment from five years to fifteen years.

(3) *a)* The initiator, organizer and head of the mutiny, if the mutiny involves especially grave consequences,

*b)* the participants, if their acts committed in the course of the mutiny cause death, or otherwise involve especially grave consequences, shall be punishable with imprisonment from ten years to fifteen years, or life imprisonment.

(4) In war-time the punishment shall be in case of subsection (1) imprisonment from five years to fifteen years, in case of subsection (2), and in combat situation also in case of subsection (1) imprisonment from ten years to fifteen years, or life imprisonment.

(5) In case of subsection (1), the punishment of the person, who terminates mutiny before it has graver consequences, or after having been ordered thereto, may be mitigated without limitation.

(6) The person who commits preparation to mutiny, shall be punishable for a felony with imprisonment from one year to five years, in war-time with imprisonment from two years to eight years.

## **Omission of Impeding Mutiny**

### **Section 353**

The person who fails to impede, as best he can, a mutiny or its preparation which has come to his knowledge or does not report it without delay, commits a felony and shall be punishable with imprisonment of up to three years.

## **Disobedience to Orders**

### **Section 354**

(1) The person who does not perform an order, commits a misdemeanour and shall be punishable with imprisonment of up to one year, in case of perpetration in group for a felony with imprisonment of up to three years.

(2) The punishment shall be for a felony imprisonment of up to five years, in war-time from two years to eight years, if the disobedience

*a)* is done in the presence of other subordinates either with the express refusal of the performance of the order or in any other insolent manner,

*b)* involves the danger of considerable disadvantage for service or discipline.

(3) The person who does not perform a combat order in war, shall be punishable with imprisonment from ten years to fifteen years, or with life imprisonment.

(4) The person, who commits the crime by negligence, shall be punishable for a misdemeanour in case of subsection (2), paragraph *b)* with imprisonment of up to one year, in war-time up to three years, in case of subsection (3) with imprisonment of up to five years.

## **Violence Against a Superior or Service Personnel in Authority**

### **Section 355**

- (1) The person who applies violence against
  - a) a superior,
  - b) a person in a position senior to his, a guard or other service personnel in authority during or because of the latter's performance of their service, menaces therewith or displays active resistance, commits a felony and shall be punishable with imprisonment of up to three years, in war-time from one year to five years.
- (2) The punishment shall be imprisonment of up to five years, in war-time from two years to eight years, if
  - a) the crime is committed in arms or in group,
  - b) the crime is a simultaneous disobedience to an order,
  - c) the crime involves grievous bodily harm or the danger of considerable disadvantage for the service or discipline.
- (3) The punishment shall be imprisonment from two years to eight years, in war-time from five years to ten years, if the crime causes durable handicap, a grievous deterioration of health or danger to life.
- (4) The punishment shall be imprisonment from five years to fifteen years, if the crime causes the death of the injured party.
- (5) The punishment shall be imprisonment from ten years to fifteen years or life imprisonment, if
  - a) the crime also realizes intentional homicide,
  - b) the crime is committed in a combat situation.
- (6) The provisions of this Section shall also apply, if the crime is committed against a person voluntarily defending a person defined in subsection (1) or against a person doing the above under command.

## **Infringement of Service Authority**

### **Section 356**

- (1) The person who infringes the authority
  - a) of a superior
  - b) of a person in a position senior to his, a guard or other service personnel in authority performing duty in front of somebody else or in a conspicuously gross manner, commits a misdemeanour, and shall be punishable with imprisonment of up to one year.
- (2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed in front of several soldiers or otherwise in public.

## **Incitement**

### **Section 357**

- (1) The person who incites discontent among soldiers with the superior, an order or in general the order of service or discipline, commits a misdemeanour and shall be punishable with imprisonment of up to one year.
- (2) The punishment shall be for a felony imprisonment of up to three years, if
  - a) the incitement is committed in the course of the performance of service,
  - b) the incitement entails considerable disadvantage for the service or discipline.

## **Title III**

### **Crimes of Superiors**

#### **Insult of Subordinate**

## **Section 358**

(1) The person who insults his subordinate in his human dignity in front of somebody else or in a conspicuously gross manner, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to three years, if the crime is committed

*a)* for a base reason,

*b)* causing grievous bodily or psychic torment,

*c)* to the injury of several subordinates.

(3) The punishment shall be imprisonment from one year to five years, if the crime causes grievous bodily harm or considerable disadvantage to the service.

## **Abuse of the Power of a Superior**

### **Section 359**

The person who abusing his power as a superior

*a)* inflicts a disciplinary punishment on his subaltern,

*b)* restricts him in the exercise of his right to complaint,

*c)* curtails his remuneration, or financially burdens him,

*d)* utilizes him for a private purpose,

*e)* accords to him a more favourable or disadvantageous treatment in comparison with the others,

commits a misdemeanour and shall be punishable with imprisonment of up to one year.

## **Omission of Superior's Care**

### **Section 360**

(1) The person who infringes his superior's obligation by omitting a measure required for the material provision of his subordinate or for protecting him from some menacing danger or for rescuing him, unless a graver crime is realized, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) The punishment shall be for a felony imprisonment of up to five years, in war-time from two years to eight years, if the crime involves considerable disadvantage for the service or discipline.

(3) The person who commits the crime defined in subsection (2) by negligence, shall be punishable for a misdemeanour - in accordance with the distinction made there - with imprisonment of up to one year, or up to three years.

## **Omission of Taking Measures by a Superior**

### **Section 361**

(1) The person who infringing his obligation as a superior, omits to take the necessary measures

*a)* for impeding the infringement of duty or crime of a subordinate, or for calling him to account,

*b)* for surmounting any disturbance menacing the order of service, the discipline or public security, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) If the crime involves considerable disadvantage for the service, the discipline or public security, the punishment shall be for a felony imprisonment of up to five years, in war-time from two years to eight years.

(3) The person who commits the crime defined in subsection (2) by negligence, shall be punishable for a misdemeanour - in accordance with the distinction made there - with imprisonment of up to one year or up to three years.



## **Omission of Control**

### **Section 362**

(1) The person who infringes his duty as a superior by failing to control the performance of the service of his subordinates, and this involves a considerable disadvantage for the service or discipline, commits a misdemeanour and shall be punishable with imprisonment of up to one year.

(2) If the crime involves especially great disadvantage for the service or discipline, the punishment shall be for a felony imprisonment of up to five years, in war-time from two years to eight years.

(3) The person who commits the crime defined in subsection (2) by negligence, shall be punishable for a misdemeanour - in accordance with the distinction made there - with imprisonment of up to one year or up to three years.

## **Title IV**

### **Crimes Endangering Ability for Combat**

#### **Endangering of Combat Readiness**

### **Section 363**

(1) The person who directly endangers the combat readiness of a military unit by infringing his service duty through

*a)* failing to provide for the required armaments, fighting outfit or other war material, or the protection of their stocks,

*b)* destroying, rendering unusable or otherwise withdrawing from its designated purpose important armaments, fighting outfit, or other important war material,

commits a felony and shall be punishable with imprisonment from one year to five years, in war-time from two years to eight years.

(2) If the crime involves especially great disadvantage for the service, the punishment shall be imprisonment from two years to eight years, in war-time imprisonment from ten years to fifteen years, or life imprisonment.

(3) The person who commits the crime by negligence, shall be punishable for misdemeanour in case of subsection (1) - in accordance with the distinction made there - with imprisonment of up to one year or up to three years, in the case of subsection (2) - in accordance with the distinction made there - with imprisonment of up to three years or up to five years.

### **Infringement of Commander's Obligations**

### **Section 364**

The person who in a combat situation, by the infringement of his commander's obligations

*a)* surrenders the subordinate soldiers to the enemy or allows them to be captured,

*b)* destroys without compelling necessity an important battle position, equipment, combat material or any other war material entrusted to him, or yields it to the enemy in a usable state,

*c)* does not display the resistance against the enemy of which he is capable

commits a felony and shall be punishable with imprisonment from ten to fifteen years, or life imprisonment.

## **Evasion from the Performance of Combat Obligation**

### **Section 365**

The person who in a war evades from the performance of his combat obligation

- a)* by arbitrarily leaving his service post, hiding or fleeing,
- b)* by intentionally causing inability to fight, or with deceptive conduct,
- c)* by discarding his fighting equipment, by its deterioration or the omission of its application,
- d)* by voluntarily surrendering himself to the enemy,
- e)* by another grave infringement of his service obligations,

commits a felony and shall be punishable with imprisonment from ten years to fifteen years or life imprisonment.

## **Undermining of Fighting Spirit**

### **Section 366**

(1) The person who in war-time incites discontent among the soldiers, prompts defeatism or disseminates scaring news, commits a felony and shall be punishable with imprisonment from one year to five years.

(2) The punishment shall be imprisonment from five years to fifteen years, if the crime

- a)* causes discontent or other infringement of duty on the part of the soldiers,
- b)* involves another important disadvantage for the service.

## **Interpretative Provision**

### **Section 367**

For the purposes of this Section, military service shall mean the service performed by the persons indicated in Section 122, subsection (1).

### **Section 368**

For the purposes of this Chapter, allied armed forces shall mean the armed forces in alliance with the Republic of Hungary according to international treaties stipulating the obligation to provide mutual military assistance, as well as the military organizations and command branches created on the basis of such treaties.