



**THE CRIMINAL CODE
OF THE REPUBLIC OF MOLDOVA**



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LAW
The Criminal Code of the Republic of Moldova

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Remark: In the text of this Code, the words “liquidation of the enterprise” shall be replaced by the words “liquidation of the legal entity” pursuant to Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008.

The Parliament adopts this Code.

GENERAL PART

Chapter I

THE CRIMINAL CODE AND THE PRINCIPLES OF ITS APPLICATION

Article 1. Criminal Law of the Republic of Moldova

- (1) This Code is the only criminal law of the Republic of Moldova.
- (2) The Criminal Code is the legislative act including the norms of law that set the general and special principles and provisions of criminal law, determine the acts that constitute crimes, and set the penalties applied to criminals.
- (3) The present Code shall be applied in compliance with the provisions of the Constitution of the Republic of Moldova and the international acts to which the Republic of Moldova is a party. Should there be discrepancies with international acts on fundamental human rights, the international regulations shall take precedence and be applied directly.

Article 2. Purpose of Criminal Law

- (1) Criminal law protects persons from crimes; a person’s rights and freedoms; property; the environment; constitutional order; the sovereignty, independence, and territorial integrity of the Republic of Moldova; the peace and security of humanity as well as the rule of law in its entirety.

Article 3. Principle of Legality

- (1) No person can be declared guilty of the commission of a crime nor be subject to criminal punishment other than on the basis of a decision of a court and in strict compliance with criminal law.
- (2) Unfavorable extensive interpretation and the application of criminal law by analogy are prohibited.

Article 4. Principle of Humanity

- (1) Legal regulations in their entirety are aimed primarily at the protection of the person as of supreme value to society and of his/her rights and freedoms.
- (2) Criminal law does not aim to cause physical suffering or to infringe on human dignity. No

person can be subjected to torture or to cruel, inhumane, or degrading punishment or treatment.

Article 5. Principle of Democracy

(1) Persons who commit crimes shall avail of equal protection of the law and shall be subject to criminal liability irrespective of their sex, race, color, language, religion, political or any other views, national or social origin, national minority status, wealth, birth or any other situation.

(2) A person's rights and interests cannot be defended by violating the rights and interests of another person or of a group of persons.

Article 6. Principle of Criminal Liability Personal Character

(1) A person shall be subject to criminal liability and criminal punishment only for acts committed with culpability.

(2) Only the person who commits by intention or imprudence an act set forth in criminal law shall be subject to criminal liability and criminal punishment.

Article 7. Principle of Individualization of Criminal Liability and Criminal Punishment

(1) Criminal law shall be applied with due consideration of the prejudicial nature and degree of the crime committed, the personality of the criminal, and the circumstances of the case that mitigate or aggravate criminal liability.

(2) No person can be twice subjected to criminal investigation and criminal punishment for one and the same act.

Article 8. Criminal Law Action in Time

The criminal nature of the act and the punishment for such an act shall be set by criminal law in force at the moment when the act was committed.

Article 9. Time of the Commission of the Act

The time of the commission of the act is considered the time when the prejudicial action (inaction) was committed, irrespective of the time when the consequences occurred.

Article 10. Retroactive Effect of Criminal Law

(1) Criminal law that eliminates the criminal nature of an act, that makes the punishment milder, or that in any other way improves the situation of the person who committed the crime shall have retroactive effect, meaning that it shall extend to persons who committed the respective acts prior to the date when this law took effect, including persons who are serving sentences or who served sentences but have criminal backgrounds.

(2) Criminal law that increases the punishment or worsens the situation of a person guilty

of the commission of a crime shall not have retroactive effect.

Article 10¹. Application of More Favorable Criminal Law in Cases of Final Punishments

- (1) Should a law be applied after conviction and sentencing become final and prior to the complete enforcement of the sentence by imprisonment, community service, or fine and should such a law provide for one of the aforementioned types of punishment with a lower maximum term, the sanction applied shall be reduced to such a maximum term provided that it exceeds the maximum term for the crime committed as set forth by the new law.
- (2) Should a law be applied after a life imprisonment sentence becomes final and prior to its enforcement and should such a law provide for the same act a sentence of imprisonment only, the punishment of life imprisonment shall be replaced by the maximum term of imprisonment for such a crime set forth in the new law.
- (3) Should a new law provide for the punishment of community service or a fine instead of imprisonment, the punishment applied shall be replaced by community service provided there are no prohibitions for its application; however, the maximum term of punishment set forth in the new law shall not be exceeded. Should the new law provide for a fine instead of imprisonment, the punishment applied shall be replaced by a fine and the maximum term of punishment set forth in the new law shall not be exceeded. Taking into consideration any part of the sentence of imprisonment already served, the enforcement of the punishment of community service or, as the case may be, of a fine may be integrally or partially cancelled.
- (4) Complementary punishments and security measures not set forth in a new law shall not be executed while those with a more favorable treatment in a new law shall be executed within the context and limits set forth in this law.
- (5) When a provision of a new law refers to final punishment and such punishment has been executed prior to the new law becoming effective, reduced punishment or alternative punishment according to the provisions in par. (1)-(4) shall be considered.
- (6) Should the act the person was punished for be not considered a crime anymore in line with the provisions of a new law and is construed as an administrative offence, administrative sanctions shall not be applied irrespective of the category and degree of the sanction.

[Art.10¹ introduced by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 11. Application of Criminal Law in Space

- (1) All persons who committed crimes in the territory of the Republic of Moldova shall be held criminally liable under this Code.
- (2) Citizens of the Republic of Moldova and stateless persons with permanent domiciles in the territory of the Republic of Moldova who commit crimes outside the territory of the country shall be liable for criminal responsibility hereunder.
- (3) If not convicted in a foreign state, foreign citizens and stateless persons without permanent

domiciles in the territory of the Republic of Moldova who commit crimes outside the territory of the Republic of Moldova shall be criminally liable under this Code and shall be subject to criminal liability in the territory of the Republic of Moldova provided that the crimes committed are adverse to the interests of the Republic of Moldova or to the peace and security of humanity, or constitute war crimes including crimes set forth in the international treaties to which the Republic of Moldova is a party.

(4) Criminal law shall not apply to crimes committed by the diplomatic representatives of foreign states or by other persons who under international treaties are not subject to the criminal jurisdiction of the Republic of Moldova.

(5) Crimes committed in the territorial waters or the air space of the Republic of Moldova are considered to be committed in the territory of the Republic of Moldova. The person who committed a crime on a sea craft or aircraft registered in a harbor or airport of the Republic of Moldova and located outside the water or air space of the Republic of Moldova, may be subject to criminal liability under this Code provided that the international treaties to which the Republic of Moldova is a party do not provide otherwise.

(6) Persons who commit crimes on board a military sea craft or aircraft belonging to the Republic of Moldova, irrespective of its location, shall be held criminally liable under this Code.

(7) Criminal punishments and criminal records for crimes committed outside the territory of the Republic of Moldova shall be taken into consideration hereunder in individualizing the punishment for a new crime committed by the same person on the territory of the Republic of Moldova as well as in settling issues related to amnesty in conditions of reciprocity based on a court decision.

[Art.11 completed by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 12. Place of Commission of the Act

(1) The place an act was committed shall be considered the place where the prejudicial action (inaction) was undertaken, irrespective of the time when the consequences occurred.

(2) The place of commission is considered a transnational crime if:

- (a) the crime was committed in the territory of the Republic of Moldova and in the territory of at least one more state;
- (b) the crime was committed in the territory of the Republic of Moldova but a substantial part of the organization and control thereof took place in another state and vice-versa;
- (c) the crime was committed in the territory of the Republic of Moldova, with the involvement of an organized criminal group or a criminal organization (association) that is involved in criminal activity in more than one state and vice-versa;
- (d) the crime was committed in the territory of the Republic of Moldova but had serious consequences in another state and vice-versa.

[Art.12 completed by Law No.336-XVI dated 16.12.05, in force as of 06.01.06]

[Art.12 in version of the Law No.211-XV dated 29.05.03, in force as of 12.06.03]

Article 13. Extradition

- (1) Citizens of the Republic of Moldova and persons who have been granted political asylum in the Republic of Moldova who commit a crime abroad may not be extradited and shall be subject to criminal liability hereunder.
- (2) Foreign citizens and stateless persons who commit crimes outside the territory of the Republic of Moldova but who are in the territory of the country may be extradited based only on an international treaty to which the Republic of Moldova is a party or in conditions of reciprocity based on a court decision.

Chapter II

CRIME

Article 14. Concept of the Crime

- (1) A crime is a prejudicial act (action or inaction) set forth in criminal law committed with culpability and subject to criminal punishment.
- (2) An action or inaction that although formally has signs of an act set forth herein but due to lack of importance does not meet the prejudicial degree of a crime shall not be considered a crime.

Article 15. Prejudicial Degree of a Crime

The prejudicial degree of a crime is determined in accordance with the evidence that characterizes the elements of a crime: the object, the objective side, the subject, and the subjective side.

Article 16. Classification of Crimes

- (1) Depending upon their prejudicial nature and degree, the crimes set forth herein are classified into the following categories: minor, less serious, serious, especially serious, and exceptionally serious.
- (2) Minor crimes are considered acts for which criminal law provides for a maximum punishment by imprisonment for a term of up to 2 years inclusively.
- (3) Less serious crimes are considered acts for which criminal law provides for a maximum punishment by imprisonment for a term of up to 5 years inclusively.
- (4) Serious crimes are considered acts for which criminal law provides for a maximum punishment by imprisonment for a term of up to 12 years inclusively.
- (5) Extremely serious crimes are considered crimes committed with intent for which criminal law provides for a maximum punishment by imprisonment for a term of more than 12 years.
- (6) Exceptionally serious crimes are considered crimes committed with intent for which criminal law provides for life imprisonment.

[Art.16 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.16 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 17. Crime Committed with Intent

A crime shall be considered as being committed with intent if the person who committed it realized the prejudicial nature of his/her action or inaction, foresaw its prejudicial consequences, and wanted or consciously admitted the occurrence of such consequences.

Article 18. Crime Committed by Imprudence

A crime is considered as being committed by imprudence if the person who committed it realized the prejudicial nature of his/her action or inaction, foresaw its prejudicial consequences, but thoughtlessly considered that such could be avoided, or did not realize the prejudicial nature of his/her action or inaction, or did not foresee the possibility of any prejudicial consequences although the person should have and could have foreseen such consequences.

Article 19. Crime Committed with Two Forms of Guilt

If a crime committed with intent leads to more severe consequences which according to the law imply a more severe criminal punishment and which were not part of the intent of the offender, the criminal liability for such consequences shall be applied only if the person foresaw the prejudicial consequences but thoughtlessly considered that such could be avoided, or if the person did not foresee the possibility of such consequences although he/she should have and could have foreseen such. Consequently, the crime is considered to have been committed with intent.

Article 20. Crime without Culpability (Fortuitous Case)

An act is considered as being committed without culpability if the person who committed it did not realize the prejudicial nature of his/her action or inaction, did not foresee the possibility of its prejudicial consequences, and, based on the circumstances of the case, he/she should not or could not have foreseen such.

Article 21. Subject of the Crime

(1) Subject to criminal liability shall be responsible individuals who, at the moment of the commission of the crime, have reached the age of 16.

(2) Individuals aged 14 to 16 shall be criminally liable only for the commission of crimes set forth in art. 145, 147, 151, 152 par.(2), art.164, 166 par.(2) și (3), art.171, 172, 175, 186-188, 189 par.(2), (3) și (4), art.190 par.(2) și (3), art.192 par.(2), art.195, 196 par.(4), art.197 par.(2), art.212 par.(3), art.217 par.(4) letter b), art.2171 alin.(3) și par.(4) letter b) and d), art.2173 par.(3) letter a) and b), art.2174, art.2176 par.(2), art.260, 268, 270, 271, 273 par.(2) and (3), art.275 280, 281, 283-286, 287 par.(2) and (3), art.288 par.(2), art.290 par.(2), art.292 par.(2), art.305, 317 par.(2), art.342, 350.

(3) A legal entity, except for public authorities, shall be subject to criminal liability for an act set forth in criminal law provided that one of the following conditions is applicable:

a) the legal entity is guilty of failure to comply or improper compliance with direct legal provisions defining obligations or prohibitions to perform a certain activity;

- b) the legal entity is guilty of carrying out an activity that does not comply with its founding documents or its declared goals;
- c) the act causes or threatens to cause considerable damage to a person to society, or to the state and was committed for the benefit of this legal entity or was allowed, sanctioned, approved, or used by the body or the person empowered with the legal entity's administrative functions.

(4) Legal entities, except for public authorities, shall be criminally liable for crimes punishable in line with the special part of this Code applicable to legal entities.

(5) The criminal liability of a legal entity does not exclude the liability of the individual for the crime committed.

[Art.21 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.21 completed by Law No.181-XVI dated 10.07.2008, in force as of 01.11.2008]

[Art.21 amended by Law No..136-XVI dated 19.06.2008, in force as of 08.08.2008]

[Art.21 completed by Law No.235-XVI dated 08.11.2007, in force as of 07.12.2007]

[Art.21 amended by Law No.110-XVI dated 27.04.2007, in force as of 08.06.2007]

[Art.21 completed by Law No.30-XVI dated 23.02.06, in force as of 17.03.06]

[Art.21 amended by Law No.376-XVI dated 29.12.05, in force as of 31.01.06]

[Art.21 amended by Law No.277-XVI dated 04.11.05, in force as of 02.12.05]

[Art.21 completed by Law No.446-XV dated 30.12.04, in force as of 28.01.05]

[Art.21 completed by Law No.158-XV dated 20.05.04, in force as of 18.06.04]

[Art.21 amended by Law No.305-XV dated 11.07.03, in force as of 22.07.03]

[Art.21 amended by Law No.211-XV dated 29.05.03, in force as of 12.06.03]

Article 22. Responsibility

Responsibility is the psychological state of a person who has the capacity to acknowledge the prejudicial nature of the act as well as the capacity to express his/her own will and to control his/her own actions.

Article 23. Irresponsibility

(1) A person who at the time of commission of a prejudicial act was in a state of irresponsibility, i.e. could not understand the nature of his/her actions or inactions or could not control his/her actions because of a chronic mental disease, a temporary mental disorder, or some other pathological condition, shall not be subject to criminal liability. Based on a court decision, medical constraint measures set forth herein may be applied to such a person.

(2) A person who commits a crime in a state of responsibility but who prior to the sentence being pronounced has become mentally ill and unable to understand his/her actions or inactions or to control his/her actions shall not be subject to criminal liability. Based on a court decision, medical constraint measures set forth herein may be applied to such a person, but upon recovery, the person may serve the punishment.

Article 23¹. Limited Responsibility

(1) A person who commits a crime in a condition of mental disorder, confirmed by medial expertise duly performed, due to which he/she could not fully realize the nature and legality of the his/her acts or could not fully control such acts shall be subject to limited criminal liability.

(2) For establishing the punishment or security measures, the court shall consider the existing mental disorder which, however, does not exclude criminal liability.

[Art.23¹ introduced by the Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 24. Responsibility for a Crime Committed in a State of Intoxication

A person who commits a crime in a state of intoxication with alcohol or other substances shall not be exempted from criminal liability. The causes of intoxication, its degree and influence on the commission of the crime shall be taken into consideration when determining the punishment.

Article 25. Stages of Criminal Activity

(1) A crime shall be considered consummated if the act committed contains all the constitutive elements of a crime.

(2) An inchoate crime shall be considered the preparation for a crime and the attempt to commit a crime.

(3) The liability for the preparation of a crime and the attempt to commit a crime shall be determined according to the respective article from the Special Part of this Code, with reference to art. 26 and 27, and in line with the provisions of art. 81.

Article 26. Preparation for a Crime

(1) The preparation for a crime shall be considered the preliminary agreement to commit the crime, the purchase, manufacture, or adjustment of devices or tools, or the intentional creation by other means of conditions for its commission, provided that due to reasons independent of the perpetrator's will, the crime failed to produce the expected effect.

(2) Only persons guilty of preparation for a less serious crime, serious crime, extremely serious crime, or exceptionally serious crime shall be subject to criminal liability.

Article 27. Attempt to Commit a Crime

The attempt to commit a crime shall be considered the intentional action or inaction directly oriented towards the commission of the crime, provided that due to reasons independent of the perpetrator's will, the crime failed to produce the expected effect.

Article 28. Unique Crime

A unique crime represents an action (inaction) or a system of actions (inactions) qualified according to the provision of a single norm of criminal law.

Article 29. Continuous Crime

(1) A continuous crime is an act characterized by uninterrupted commission of a criminal activity for an undetermined period of time. In cases of continuous crime, there is no plurality of crimes.

(2) A continuous crime shall be consummated at the moment when the criminal activity ceases or upon the occurrence of certain events that prevent this activity.

Article 30. Prolonged Crime

(1) A prolonged crime is an act committed with a sole intention characterized by two or more identical criminal actions, committed with a single purpose and representing one crime in their entirety.

(2) A prolonged crime shall be consummated at the moment when the last criminal action or inaction was committed.

[Art.31 excluded by Law No.277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 32. Plurality of Crimes

(1) A plurality of crimes constitutes, as the case may be, a cumulation of crimes or of recidivism.

[Art.32 amended by Law No.211-XV dated 29.05.03, in force as of 12.06.03]

Article 33. Cumulation of Crimes

(1) A cumulation of crimes shall be considered the commission by a person of two or more crimes provided that the person was not finally convicted of one of these crimes and that the period of limitation did not expire, except for cases when the commission of two or more crimes is set forth in the articles of the Special Part of this Code as a circumstance aggravating the punishment.

(2) The cumulation of crimes may be real and ideal.

(3) Cumulation shall be real when a person through two or more actions (inactions) commits two or more crimes.

(4) Cumulation shall be ideal when a person commits an action (inaction) that contains elements of several crimes.

[Art.33 in version of Law No.277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 34. Recidivism

(1) Recidivism shall be considered the deliberate commission of one or several crimes by a person with a criminal history of crimes committed with intent.

(2) Recidivism shall be considered dangerous if:

- a) a person previously sentenced twice to imprisonment for intentional crimes repeatedly committed a crime with intent;
- b) a person previously convicted of an intentional serious or extremely serious crime repeatedly committed with intent a serious or an extremely serious crime.

- (3) Recidivism shall be considered extremely dangerous if:
- a) a person previously sentenced to imprisonment three or more times for crimes committed with intent repeatedly committed a crime with intent;
 - b) a person previously convicted of an exceptionally serious crime repeatedly committed an extremely serious crime or an exceptionally serious crime.
- (4) Upon determination of recidivism as per paragraphs (1)-(3), the final conviction and sentences issued abroad and recognized by the court of the Republic of Moldova shall be considered.
- (5) A determination of recidivism shall be made without taking into account criminal history:
- a) for crimes committed during the juvenile period;
 - b) for crimes committed by imprudence;
 - c) for acts that are not crimes hereunder;
 - d) which expired, or in the case of rehabilitation, according to art. 111 and 112;
 - e) if the person was convicted with a conditional suspension of punishment.

[Art.34 completed by Law No.277-XVI dated 18.12.2008, in force as of 24.05.2009]

Chapter III

CIRCUMSTANCES THAT ELIMINATE THE CRIMINAL NATURE OF AN ACT

Article 35. Circumstances that Eliminate the Criminal Nature of an Act

The following shall be considered circumstances that eliminate the criminal nature of an act:

- a) legitimate defense;
- b) capturing a criminal;
- c) state of extreme necessity;
- d) physical or mental coercion;
- e) reasonable risk;
- f) execution of an order or command from a superior.

[Art.35 completed by Law No.277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 36. Legitimate Defense

- (1) An act provided by criminal law and committed in legitimate defense is not a crime.
- (2) A person who commits an act in order to repel a direct, immediate, material, and real attack against him/herself, against another person, or against a public interest and which seriously endangers the person or the rights of the attacked person or the public interest shall be in a state of legitimate defense.
- (3) A person who commits an act set forth in paragraph (2) in order to prevent someone violently entering into a house or other space thus endangering a person's life or health or by a threat of such violence shall be in a state of legitimate defense.

Article 37. Capturing a Criminal

An act set forth in criminal law and committed in order to seize a person who has committed a crime and surrender him/her to law enforcement bodies shall not be considered a crime.

Article 38. State of Extreme Necessity

(1) An act set forth in criminal law and committed in a state of extreme necessity, shall not be considered a crime.

(2) A person who commits an act in order to save his/her or someone else's life, bodily integrity, or health or to save a public interest from an imminent danger that cannot be eliminated otherwise shall be in a state of extreme necessity.

(3) A person who at the moment of the commission of the act realizes that he/she is causing obviously more serious damages than would have occurred had the danger not been eliminated shall not be in a state of extreme necessity.

Article 39. Physical and Mental Coercion

(1) An act set forth in criminal law which causes damage to legally protected interests as a result of physical or mental coercion if following such coercion the person was unable to control his/her actions shall not be considered a crime.

(2) The criminal liability for damages caused by mental or physical coercion to the interests protected by criminal law when a person preserved the capacity to control his/her actions shall be determined in line with art. 38.

Article 40. Reasonable Risk

(1) An act set forth in criminal law which causes damage to legally protected interests in the case of taking a reasonable risk for the achievement of a socially useful objective shall not be considered a crime.

(2) A risk shall be considered reasonable if the socially useful objective could not have been accomplished without a certain risk and if the person who undertook the risk took the necessary measures to prevent damage to legally protected interests.

(3) A risk may not be considered reasonable if it was willfully associated with a threat to a person's life or a threat to cause an environmental or social disaster.

Article 40¹. Execution of an Order or Command from a Superior

(1) An act set forth in criminal law and committed by a person to execute an order or a command from a superior which is mandatory for him/her and provided that the order or command is not clearly illegal and the executor was not aware of the illegal nature of such an order or command shall not be considered a crime. The person who issued the illegal order or command shall be subject to criminal liability.

(2) A person who intentionally committed a crime in order to execute a clearly illegal order or command from a superior shall be criminally liable based on general principles. Non-execution of the clearly illegal order or command shall exempt the person from criminal liability.

(3) For the purposes of this article, the order or command from a superior to commit genocide or a crime against humanity shall be clearly illegal.

[Art.40¹ introduced by Law No.277-XVI dated 18.12.2008, in force as of 24.05.2009]

Chapter IV PARTICIPATION

Article 41. Participation

Participation shall be considered the intentional cooperation of two or more persons in the commission of an intentional crime.

Article 42. Participants

(1) Participants shall be considered the persons who contribute to the commission of a crime either as the authors, organizers, instigators, or as accomplices.

(2) An author shall be considered the person who directly commits an act set forth in criminal law as well as the person who commits a crime through persons not subject to criminal liability due to their age, irresponsibility, or other reasons set forth herein.

(3) An organizer shall be considered the person who organizes the commission of a crime or manages its commission as well as the person who creates an organized criminal group or a criminal organization or manages the criminal activity thereof.

(4) An instigator shall be considered a person who by any means makes another person commit a crime.

(5) An accomplice shall be considered a person who contributes to the commission of a crime by giving advice, indications, or information and by offering means or tools or eliminating obstacles as well as the person who promises in advance that he/she will favor the criminal, hide the means or tools used to commit the crime or traces thereof or the goods obtained through criminal means, or the person who promises in advance to purchase or sell such goods.

(6) Participants must have evidence of the subject of a crime.

Article 43. Forms of Participation

Depending on the degree of coordination of the participants' actions, there are the following forms of participation:

- a) simple participation;
- b) complex participation;
- c) organized criminal group;

- d) criminal organization (association).

Article 44. Simple Participation

The crime shall be considered committed with simple participation if two or more persons jointly took part in it as co-authors, each of them achieving the objective side of the crime.

Article 45. Complex Participation

(1) The crime shall be considered committed with complex participation if the participants committed it as authors, organizers, instigators, or accomplices.

- (2) The objective side of the crime committed with complex participation can be achieved:
- a) by one author;
 - b) by two or more authors.

Article 46. Organized Criminal Group

An organized criminal group shall be a stable union of persons that organized themselves in advance in order to commit one or more crimes.

Article 47. Criminal Organization (Association)

(1) A criminal organization (association) shall be considered a union of criminal groups organized into a stable community whose activity is based on a division of the administration functions among the members of the organization and its structures for ensuring and executing the criminal intentions of the organization to exert influence over or otherwise control the economic or other activity of individuals and legal entities to derive benefits and economic, financial, or political gains.

(2) A crime shall be considered committed by a criminal organization if it was committed by one of its members for the benefit of the organization or by a person who is not a member of the respective organization and who committed the crime on the order of the organization.

(3) The organizer or leader of a criminal organization shall be considered the person who created the criminal organization or the person who manages it.

(4) The organizer or leader of a criminal organization shall be liable for all the crimes committed by such an organization.

(5) A member of a criminal organization shall be criminally liable for only the crimes in which he/she participated in the preparation or commission thereof .

(6) A member of a criminal organization may be exempted from criminal liability when he/she voluntarily exposes the existence of the criminal organization and assists in solving the crimes committed by it or contributes to identifying the organizers, leaders, or members of the respective organization.

Article 48. Excessive Act

An excessive act shall be considered the commission by the author of certain criminal actions that are not part of the intention of the other participants. The other participants shall not be criminally liable for the excessive act.

Article 49. Favoring

The favoring of a criminal as well as hiding the means or tools of the commission of a crime, its traces, or goods obtained through criminal means implies criminal liability under art. 323, provided that such acts were not promised in advance.

Chapter V CRIMINAL LIABILITY

Article 50. Criminal Liability

Criminal liability shall be considered public blame in the name of the law for criminal acts and of the persons who committed such acts. Blame may be preceded by constraint measures set forth in the law.

Article 51. Grounds for Criminal Liability

(1) The real grounds for criminal liability shall be the prejudicial act committed while the criminal component set forth in criminal law shall be the legal grounds for criminal liability.

(2) Only the person guilty of a crime set forth in criminal law shall be subject to criminal liability.

Article 52. Criminal Component

(1) The criminal component shall be considered the totality of objective and subjective evidence set forth in criminal law that qualifies a prejudicial act as a specific crime.

(2) The criminal component shall be the legal basis for the qualification of crime according to a specific article of this Code.

Chapter VI EXEMPTION FROM CRIMINAL LIABILITY

Article 53. Exemption from Criminal Liability

A person who committed an act characterized by evidence of a criminal component may be exempted from criminal liability by a prosecutor during a criminal investigation or by a court during a case hearing in the following cases:

- a) juveniles;
- b) administrative liability;
- c) voluntary abandonment of a crime;
- d) active repentance;
- e) situation change;

- f) probation;
- g) criminal liability limitation period.

[Art.53 completed by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

Article 54. Exemption from Criminal Liability of Juveniles

(1) A person under the age of 18 who commits for the first time a minor or a less serious crime may be exempted from criminal liability according to the provisions of criminal procedure law provided that it was stated that the juvenile's rehabilitation is possible without assigning criminal liability.

(2) According to par. (1), mandatory educational measures set forth in art. 104 may be required of persons exempted from criminal liability.

[Art.54 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 55. Exemption from Criminal Liability for Administrative Liability

(1) A person who commits for the first time a minor or a less serious crime may be exempted from criminal liability and subjected to administrative liability provided that he/she admits his/her guilt and repairs the damaged caused by the crime and if the rehabilitation of the person is possible without assigning criminal liability.

(2) The following administrative sanctions may be applied to persons exempted from criminal liability as per par. (1):

- a) a fine in amount of up to 150 conventional units;
- b) administrative arrest for up to 90 days.

[Art.55 amended by Law No.292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.55 amended by Law No.211-XV dated 29.05.03, in force as of 12.06.03]

Article 56. Exemption from Criminal Liability Due to Voluntary Abandonment of a Crime

(1) Voluntary abandonment of a crime shall be considered the cessation by the person of the preparation of a crime or the cessation of actions (inaction) directly aimed at committing a crime provided that the person was aware of the possibility of consummating the crime.

(2) A person may not be subject to criminal liability for a crime if he/she voluntarily and irreversibly abandons the completion of the crime.

(3) A person who voluntarily abandons the consummation of a crime shall be subject to criminal liability only if the act committed includes another consummated crime.

(4) The organizer and the instigator of a crime shall not be subject to criminal liability if they, through timely notification of law enforcement bodies or through other measures, prevent the completion of the crime by the author. An accomplice in a crime shall not be subject to criminal liability if he/she took all possible measures to prevent the crime.

Article 57. Exemption from Criminal Liability due to Active Repentance

(1) A person who commits for the first time a minor or a less serious crime may be exempted from criminal liability if following the crime he/she voluntarily denounces himself/herself, actively contributes to solving of the crime, compensates the value of material damage caused, or in any other way repairs the prejudice caused by the crime.

(2) A person who commits under the conditions in par. (1) a crime of a different category may be exempted from criminal liability only in cases provided by the corresponding articles of the Special Part of this Code.

Article 58. Exemption from Criminal Liability due to a Situation Change

A person who commits for the first time a minor or a less serious crime may be exempted from criminal liability provided that due to a change in situation it shall be established that either the person or the crime committed no longer represent a social danger.

[Art.58 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

Article 59. Exemption from Criminal Liability on Probation

A criminal investigation against a person charged with committing a minor or a less serious crime who admits his/her guilt and does not represent a social danger may be conditionally suspended with a subsequent exemption from criminal liability according to criminal law procedures provided that the rehabilitation of the person is possible without criminal punishment.

Article 60. Criminal Liability Limitation Period

(1) A person shall be exempted from criminal liability if the following terms have expired from the date of the commission of the crime:

- a) 2 years from the commission of a minor crime;
- b) 5 years from the commission of a less serious crime;
- c) 15 years from the commission of a serious crime;
- d) 20 years from the commission of an extremely serious crime;
- e) 25 years from the commission of an exceptionally serious crime.

(2) The limitation period shall cover the date of the commission of the crime and the date of the final court decision.

(3) If a person commits a new crime, the limitation period shall be calculated for each crime separately.

(4) The limitation period shall be interrupted if, prior to the expiry of the terms specified in par. (1), the person commits a crime for which a punishment of imprisonment for more than 2 years may be applied hereunder. In such a case, the calculation of the limitation period shall start the moment the new crime was committed.

(5) The limitation period shall be suspended if the person who committed the crime avoids a criminal investigation or trial. In these cases, the limitation period shall resume the moment of

the person's seizure or confession; however, a person may not be subject to criminal liability if more than 25 years have elapsed since the date of the commission of the crime and the limitation period has not been interrupted by the commission of a new crime.

(6) The application of the limitation period to a person who commits an exceptionally serious crime shall be decided by the court. If the court shall find it impossible to apply the limitation period and exempt the person from criminal liability, life imprisonment shall be replaced by imprisonment for 30 years.

(7) The terms of the criminal liability limitation period shall be reduced by half for persons who were juveniles at the date of the commission of the crime.

(8) The limitation period shall not apply to persons who commit crimes against the peace and security of humanity, war crimes, or other crimes set forth in international treaties to which the Republic of Moldova is a party.

[Art.60 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Chapter VII

CRIMINAL PUNISHMENT

Article 61. Definition and Purpose of Criminal Punishment

(1) Criminal punishment is a measure of state force and a means of correction and re-education of a convict which is applied by the courts in the name of the law to persons who commit crimes by which certain deprivations and restrictions of their rights are caused.

2) The purpose of criminal punishment is to restore social equity, to rehabilitate the convict, and to prevent the commission of new crimes both by convicts and other persons. The execution of the punishment must neither cause physical suffering nor humiliate the dignity of the convict.

Article 62. Categories of Punishments Applicable to Individuals

(1) The following punishments may be applied to individuals who commit crimes:

- a) fines;
- b) deprivation of the right to hold certain positions or to practice certain activities;
- c) annulment of military rank, special titles, qualification (classification) degrees, and state distinctions;
- d) community service;
- [Letter e) excluded by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]*
- f) imprisonment;
- g) life imprisonment.

(2) Imprisonment and life imprisonment shall be applied only as main punishments.

(3) Community service may be applied as a main punishment or, in the case of a conviction with conditional suspension of punishment, as an obligation for a probation period.

(4) Fines, deprivation of the right to hold certain positions or to practice certain activities may be applied both as main and complementary punishments.

(5) Annulment of military rank, special titles, qualification (classification) degrees and state distinctions may be applied only as complementary punishments.

[Art.62 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.62 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 63. Categories of Punishments Applicable to Legal Entities

(1) The following punishments may be applied to legal entities:

- a) fines;
- b) deprivation of the right to practice certain activities;
- c) liquidation.

(2) Fines shall be applied as a main punishment.

(3) The deprivation of the right to practice certain activities and the liquidation of the legal entity may be applied both as main and complementary punishments.

[Art.63 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 64. Fines

(1) A fine is a pecuniary sanction applied by the court in sentences and within the limits set by this Code.

(2) The fine shall be established in conventional units. One conventional unit shall be equal to 20 lei.

(3) The amount of a fine applicable to individuals shall be set within the limits of 150 and 1000 conventional units depending on the character and the seriousness of the crime committed and considering the financial condition of the guilty person while for crimes committed for material interest the limit shall be up to 5000 conventional units for which the amount of conventional units effective at the moment of the commission of the crime shall form the basis.

(4) In cases set forth in article 21 par. (3), the amount of the fine for legal entities shall be set within the limits of 500 and 10,000 conventional units depending on the nature and the seriousness of the crime committed, the extent of the damage caused, and considering the economic and financial condition of the legal entity. In the case of malicious circumvention by a legal entity from payment of the fine set, the court may substitute the unpaid amount of the fine with an execution upon the property of the entity.

(5) In the case of the malicious circumvention by the convict from payment of the fine set as a main or complementary punishment, the court may substitute the unpaid amount of the fine with imprisonment within the limits of the terms set forth in art. 70. The amount of the fine shall be substituted with imprisonment by which one month of imprisonment shall be equivalent to 50 conventional units.

(6) A fine as a complementary punishment may be applied only in those cases in which it is provided as such for the corresponding crime.

(7) In a case when a convict cannot pay the amount of the fine set as a main or complementary punishment, the court may, in line with the provisions of art. 67, substitute the unpaid amount of the fine with community service by which 60 hours of community service shall be equivalent to 50 conventional units.

[Art.64 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

[Art.64 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.64 amended by Law No. 305-XV dated 11.07.03, in force as of 22.07.03]

Article 65. Deprivation of the Right to Hold Certain Positions or to Practice Certain Activities

(1) The deprivation of the right to hold certain positions or to practice certain activities shall be the prohibition to hold a position or to practice an activity used by the convict to commit the crime.

(2) The deprivation of the right to hold certain positions or to practice certain activities may be set by the court for a term of from 1 to 5 years.

(3) The deprivation of the right to hold certain positions or to practice certain activities may be applied as a complementary punishment also in cases when it is not provided as a punishment for the crimes set forth in the Special Part of this Code if, considering the nature of the crime committed by the guilty person while exercising his/her official duties or practicing certain activities, the court shall find it impossible for the person to preserve his/her right to hold certain positions or to practice those activities.

(4) When applying the deprivation of the right to hold certain positions or to practice certain activities as a punishment complementary to a fine or to community service, its term shall be calculated from the date of final decision, and when it is applied as a punishment complimentary to imprisonment, its term shall be calculated from the moment the main punishment is executed.

[Art.65 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.65 amended by law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 66. Annulment of Military Rank, Special Titles, Qualification (Classification) Degrees and State Distinctions

For convictions for serious, extremely serious, or exceptionally serious crimes, considering the circumstances of the commission of the crime, the court may annul the convict's military rank, special title, qualification (classification) degree, and state distinctions.

Article 67. Community Service

(1) Community service shall involve the convict outside his basic work or studies in work determined by local public administration authorities.

(1¹) In cases of active duty and reduced-term servicepersons, community service shall involve

convicts outside their duty hours set in line with the requirements of military regulations in work determined by the commanding officer.

(2) Community service shall be set for a term of from 60 to 240 hours and shall be executed from 2 to 4 hours per day.

(3) In cases of malicious circumvention by convicts from community service, the punishment shall be substituted with imprisonment by which 1 day of imprisonment shall be equivalent to 2 hours of community service. In this instance, the term of imprisonment may be shorter than 6 months.

(4) Community service may not be applied to individuals acknowledged as I and II degree invalids, contract servicepersons, pregnant women, women with children aged less than 8, persons aged less than 16, and persons who have reached retirement age.

(5) Community service shall be carried out within a maximum period of 18 months for which the calculation shall start from the date of the final court decision.

(6) Active duty and reduced-term servicepersons sentenced to community service shall execute their punishment at their military unit.

[Art.67 amended by Law No.53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.67 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.67 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

[Art.68 excluded by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.68 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

[Art.69 excluded by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 70. Imprisonment

(1) Imprisonment is the deprivation of the liberty of a person guilty of the commission of a crime by the forced isolation of the person from his/her normal living environment and confinement in a penitentiary for a certain term based on a court decision.

(2) Imprisonment shall be set for a term of from 3 months to 20 years.

(3) When setting the punishment for a person who at the date of the commission of the crime was aged under 18, the term of imprisonment shall be determined from the maximum punishment established by criminal law for the crime committed reduced by half.

(4) When setting the final punishment in a case of a cumulation of crimes, imprisonment may not exceed 25 years for adults and 12 years and 6 months for juveniles, and in a case of a cumulation of sentences, it cannot exceed 30 years for adults and 15 years for juveniles.

(5) In a case of substitution of life imprisonment with a milder punishment as mercy, imprisonment for 30 years shall be applied.

[Art.70 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.70 amended by Law No.184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 71. Life Imprisonment

- (1) Life imprisonment is the deprivation of the liberty of the convict for the entire rest of his/her life.
- (2) Life imprisonment shall be set only for exceptionally serious crimes.
- (3) Life imprisonment may not be applied to women and juveniles.

Article 72. Categories of Penitentiaries Where the Punishment of Imprisonment Is Executed

- (1) The punishment of imprisonment shall be executed in the following penitentiaries:
 - a) open;
 - b) semi-closed;
 - c) closed.
- (2) Persons convicted of crimes committed by imprudence shall serve the punishment of imprisonment in open penitentiaries.
- (3) Persons convicted of minor, less serious and serious crimes committed with intent shall serve the punishment of imprisonment in semi-closed penitentiaries.
- (4) Persons convicted of extremely serious and exceptionally serious crimes as well as persons who committed crimes deemed as recidivism shall serve the punishment of imprisonment in closed penitentiaries.
- (5) Persons aged under 18 shall serve the punishment of imprisonment in penitentiaries for juveniles with due consideration of the personality of the convict, his/her criminal history, and the prejudicial degree of the crime committed.
- (6) Convicted women shall serve the punishment of imprisonment in penitentiaries for women.
- (7) Any change in the category of penitentiary shall be made by a court in line with the legislation in force.

[Art.72 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 73. Deprivation of the Right of a Legal Entity to Practice Certain Activities

- (1) The deprivation of the right of a legal entity to practice certain activities consists in setting a prohibition to make specific transactions; to issue shares or other bonds; to receive subventions, facilities, and other advantages from the state or to practice other activities.
- (2) The deprivation of the right to practice certain activities may be limited to a certain territory or to a certain period of the year and shall be set for a term of up to 5 years or for an unlimited term.

[Art.73 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 74. Liquidation of a Legal Entity

(1) The liquidation of a legal entity consists in its closure with the consequences provided by civil legislation.

(2) The liquidation of a legal entity shall be imposed when the court finds that the seriousness of the crime committed makes it impossible to preserve such a legal entity and for it to continue its activities.

[Art.74 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Chapter VIII SPECIFYING PUNISHMENTS

Article 75. General Criteria for Specifying Punishment

(1) An equitable punishment within the limits set by the Special Part of this Code and in strict compliance with the provisions of the General Part of this Code shall be applied to a person found guilty of the commission of a crime. When determining the category and the term of punishment, the court shall take into consideration the seriousness of the crime committed, its motive, the personality of the guilty person, the circumstances of the case that mitigate or aggravate liability, the impact of the punishment on the rehabilitation and re-education of the guilty person, as well as the living conditions of his/her family.

(2) The more severe punishment among the alternatives provided for by law for the commission of a crime shall be applied only when a milder punishment among the specified ones cannot ensure the achievement of the purpose of the punishment.

(3) Punishment for a minor or less serious crime shall be applied to a juvenile when it is assessed that educational measures are not sufficient for that juvenile's rehabilitation.

[Art.75 completed by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 76. Mitigating Circumstances

(1) When determining a punishment, the following shall be considered as mitigating circumstances:

- a) commission for the first time of a minor or a less serious crime;
- b) commission of a crime by a juvenile;
- c) commission of a crime due to difficult personal or family circumstances;
- d) commission of a crime by a person with limited mental capacity;
- e) prevention by the guilty person of prejudicial consequences of the crime committed, voluntary repair of the damage caused, or the elimination of the damage caused;
- f) self-denunciation, active contribution to solving the crime and to identifying the criminals, or admitting guilt;
- g) the illegality or immorality of the victim's actions if such were the reason for the crime;
- h) the commission of a crime as a result of physical or mental coercion that does not exclude the criminal nature of the act, or of financial or work dependence or other natural coercion;

- i) the commission of a crime by a person in a state of intoxication caused by the involuntary or forced consumption of substances mentioned in article 24, or by the consumption of these substances not being aware of their effects;
- j) the commission of a crime in excess of the legal limits of legitimate defense, capturing a criminal, a state of extreme necessity, reasonable risk or as a result of executing an order or command from a superior;
- k) the serious impact of the crime committed on its perpetrator or the heavy burden of the punishment applied to him/her due to his/her advanced age, health condition, or other circumstances;
- l) expiry at the moment of the commission of the crime of at least 2/3 of the criminal liability limitation period provided for this crime or excess of the reasonable timeframe for hearing the case, considering the nature of the act, provided that the delay was not caused by the perpetrator.

(2) The court may consider other circumstances not specified in par. (1) as mitigating circumstances.

(3) By determining the punishment, the court shall not consider as mitigating a circumstance defined by law as a constitutive element of the crime.

[Art.76 in version of Law 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 77. Aggravating Circumstances

(1) When determining punishment, the following shall be considered as aggravating circumstances:

- a) the commission of a crime by a person who previously was convicted for a similar crime or of other acts relevant to the case;
- b) severe consequences caused by the commission of the crime;
- c) the commission of a crime with any form of participation;
- d) the commission of a crime due to social, national, racial, or religious hatred;
- e) the commission of a crime against a person known to be under 14 years of age or against a pregnant woman or by taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical or mental handicap, or another factor;
- f) the commission of a crime against a person in connection with his/her professional or social duties;
- g) the commission of a crime using juveniles, persons in difficulty, mentally retarded persons, or persons dependent on the perpetrator;
- h) the commission of a crime through extremely cruel acts or humiliation of the victim;
- i) the commission of a crime by means that pose a great social danger;
- j) the commission of a crime by a person in a state of intoxication caused by the consumption of substances mentioned in article 24: the court has the right, depending upon the nature of the crime, not to consider this as an aggravating circumstance;
- k) the commission of crime with the use of weapons, ammunition, explosive substances, or similar devices, specially prepared technical devices, noxious and radioactive substances, medical and other chemical/pharmaceutical preparations, and the use of physical and mental coercion;

[Letter l) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- m) the commission of a crime by taking advantage of a state of emergency, natural calamities, and mass disorders;

n) the commission of a crime by abusing someone's trust.

(2) If the circumstances mentioned in par. (1) are also set forth in the corresponding articles of the Special Part of the this Code as evidence of these criminal components, they may not be concurrently considered as aggravating circumstances.

[Art.77 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 78. Effects of Mitigating and Aggravating Circumstances

(1) If the court ascertains the presence of mitigating circumstances in the commission of a crime, the main punishment shall be reduced or changed as follows:

- a) if the minimum term of imprisonment set in the corresponding article of the Special Part of this Code is less than 10 years, the punishment may be reduced to this minimum;
- b) when a fine is applied, it may be reduced to its lowest limit;
- c) if the law specifies life imprisonment for the crime committed, it shall be substituted by imprisonment for 15 to 25 years.

(2) If the court ascertains the presence of mitigating circumstances in the commission of a crime, the complementary punishment provided by the law for the crime may be eliminated.

(3) In the case of aggravating circumstances, the maximum punishment set in the corresponding article of the Special Part of this Code may be applied.

(4) In the case of a concurrence of aggravating and mitigating circumstances, the reduction of the punishment to the minimum or its increase to the maximum set in the corresponding article of the Special Part of this Code shall not be mandatory.

(5) Where exceptional mitigating circumstances exist, the punishment may be applied according to the provisions of article 79.

Article 79. Application of a Punishment Milder Than the One Provided by Law

(1) Considering the case of exceptional circumstances related to the purpose and motive of the act, the role of the guilty person in the commission of the act, his/her behavior during and after the commission of the crime, and other circumstances that essentially diminish the seriousness of the act and its consequences, as well as the active contribution of the participant in the commission of a group crime to its solving, the court may apply either a punishment less than the minimum limit set by criminal law for the respective crime or a milder form of punishment of a different category, or it may decide not to apply the mandatory complementary punishment. The minority of the person who committed the crime shall be considered an exceptional circumstance.

[Par. 2 article 79 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

(3) When convicting adults for the commission of extremely serious crimes, the court may apply a punishment less than the minimum limit set by criminal law but it must account for at least two thirds of the minimum punishment set by this Code for the crime committed.

(4) The provisions of par. (1) shall not apply to adults sentenced to life imprisonment or in cases of recidivism.

[Art.79 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.79 amended by Law No.184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 80. Application of Punishment in Cases of Plea Bargaining

When an accused person enters a plea-bargaining agreement and the court accepts this agreement, the punishment for the imputed crime shall be reduced by one third of the maximum punishment set for this crime.

Article 81. Application of Punishment for an Inchoate Crime

(1) When setting punishment for an inchoate crime, due consideration of the circumstances that prevented completion of crime shall be taken into account.

(2) The punishment for the preparation of a crime that does not constitute recidivism shall not exceed one half of the maximum term of the most severe punishment set by the corresponding article of the Special Part of this Code for the consummated crime.

(3) The punishment for an attempt to commit a crime that does not constitute recidivism shall not exceed three quarters of the maximum term of the most severe punishment set by the corresponding article of the Special Part of this Code for the consummated crime.

(4) Life imprisonment shall not be applied for the preparation of a crime and the attempt to commit a crime.

Article 82. Application of Punishment for Recidivism

(1) The punishment for recidivism, dangerous recidivism, and extremely dangerous recidivism shall be applied with due consideration of the number, nature, seriousness, and consequences of previously committed crimes, the circumstances due to which previous punishment was insufficient for the rehabilitation of the guilty person, as well as the nature, seriousness, and consequences of the new crime.

(2) The punishment for recidivism may not be less than half, for serious recidivism it shall be at least two thirds and for extremely serious recidivism at least three fourths of the maximum term of the most severe punishment set by the corresponding article of the Special Part of this Code.

Article 83. Application of Punishment for Participation

The organizer, the instigator, and the accomplice in a crime set forth in criminal law and committed with intent shall be punished with the punishment provided for the author. In determining the punishment, due consideration shall be taken of each individual's contribution to the commission of the crime according to the provisions in art. 75.

Article 84. Application of Punishment in Cases of Cumulative Crimes

(1) If a person is found guilty of committing two or more crimes provided for in different articles of the Special Part of this Code and has not been convicted of any of such crimes, the court by adjudicating each crime separately shall set the final punishment for the cumulative

crimes by summing up, either in whole or in part, the applied punishments although for a term not exceeding 25 years of imprisonment and in respect to persons who have not reached the age of 18 for a term not exceeding 12 years and 6 months. If a person is found guilty of committing two or more minor and/or less serious crimes, the final punishment may also be set by combining the milder punishment with a more severe one.

(2) Any of the complementary punishments provided in the corresponding articles of the Special Part of this Code setting the liability for crimes for which a person was found guilty may be combined with the main punishment applied in the case of cumulative crimes. The final complementary punishment set by summing up, either in whole or in part, the complementary punishments applied shall not exceed the maximum term or amount set by the General Part of this Code for this category of punishment.

(3) If main punishments of a different category are set for cumulative crimes the summing up of which is not provided in art. 87, and if the court does not ascertain any grounds for combining one punishment with another, such shall be executed separately.

(4) In line with the provisions of par. (1)-(3), the punishment shall also be set in cases when after the sentence is pronounced, it is held that the convict is also guilty of another crime committed prior to the pronouncement of the sentence in the first case. In this case, the term of punishment shall include the term of the completely or partially executed punishment based on the first sentence.

(5) In the case of cumulative of crimes where a sentence of life imprisonment was set along with one or more terms of imprisonment or other punishments, life imprisonment shall be applied as the final punishment.

[Art.84 amended by Law No.277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.84 completed by Law No.184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 85. Application of Punishment in Cases of Cumulative Sentences

(1) If after the sentence is pronounced but prior to the complete execution of punishment the convict commits a new crime, the court shall combine, either in whole or in part, the punishment set by the new sentence with the unexecuted part of the punishment set by the previous sentence. In this case, the final punishment shall not exceed 30 years of imprisonment, and in respect to persons who have not reached the age of 18 the term shall be 15 years.

(2) The combining of complementary punishments in the case of cumulative sentences shall be in line with art. 84 par. (2).

(3) In cases of cumulative sentences, the final punishment shall exceed the punishment set for the commission of a new crime and the unexecuted part of the punishment set by the previous sentence of the court.

(4) If one of the sentences is life imprisonment, in the summing up the final punishment shall be life imprisonment.

[Art.85 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 86. Application of Punishment in Cases of Executing a Foreign State's Decision

(1) In executing a foreign state's decision, the court shall substitute the punishment of imprisonment applied in the foreign state with a punishment set by its own criminal law for the same act without aggravating the criminal situation of the convict as determined by the foreign state's decision. If the law of a foreign state provides for a punishment milder than the minimum provided by domestic law, the court shall not be bound to that minimum and shall apply a punishment corresponding to the one pronounced in the foreign state.

(2) Any part of a punishment pronounced in a foreign state and any period of temporary detention executed by the convict shall be entirely deducted by the court decision on the recognition of the foreign state's decision.

(3) When executing a foreign state's decision on the application of a fine or the seizure of a sum of money, the court shall calculate the amount in national currency applying the exchange rate in force at the moment when the decision on the recognition of the foreign state's decision was pronounced, without exceeding the maximum limit of the punishment set by the foreign state for such an act.

(4) Fines and the seizures of goods resulting from the execution of foreign states' decisions shall accrue to the Republic of Moldova without prejudice to the rights of third states.

Article 87. Method of Determination of the Final Punishment Term in Cases of Summing Up Different Punishments

(1) By summing up different main punishments applied in cases of cumulative crimes or cumulative sentences, 1 day of imprisonment shall be equivalent to 2 hours of community service.

(2) Other punishments combined with imprisonment shall be executed separately.

[Art.87 in version of Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.87 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.87 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 88. Calculation of Punishment Terms and Computation of Preventive Arrest

(1) The terms of the deprivation of the right to hold certain positions or to practice certain activities and imprisonment shall be calculated in months and years, while those of community service shall be calculated in hours.

(2) For the computation or addition of punishments referred to in par. (1), except for community service, and for punishment substitutions, their calculation in days shall be accepted.

(3) The time spent by a person under preventive arrest until a case is heard shall be included in the term of imprisonment whereby 1 day shall be equivalent to 1 day and for terms of community service whereby 1 day of preventive arrest shall be equivalent to 2 hours of community service.

(4) In cases of extradition of a person under the conditions set by law, the duration of preventive arrest and of the part of the punishment of imprisonment already executed as applied by a court decision for a crime committed abroad shall be included in the term of punishment whereby 1 day shall be equivalent to 1 day.

(5) When setting a fine, the deprivation of the right to hold certain positions or to practice certain activities as main punishment for a convict held under preventive arrest until the case hearing date is set, the court, taking into account the term of preventive arrest, shall apply a milder form of punishment or shall completely exempt the convict from the execution thereof.

(6) The time during which the convict in the course of executing the punishment is subjected to medical treatment shall be included in the term of the punishment unless the convict caused the disease by himself/herself as ascertained during the execution of the punishment. The time when the convict is absent from his/her work place shall not be included in the term of the punishment of community service.

[Art.88 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.88 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.88 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Chapter IX

EXEMPTION FROM CRIMINAL PUNISHMENT

Article 89. Definition and Categories of Exemption from Criminal Punishment

(1) Exemption from criminal punishment is the partial or total release of a person who committed a crime from the actual execution of criminal punishment provided by a court decision.

(2) Exemption from criminal punishment shall be done by means of:

- a) conviction with a conditional suspension of execution of punishment;
- b) conditional exemption from punishment prior to the term of expiration;
- c) substitution of the unexecuted part of the punishment with a milder form of punishment;
- d) exemption from punishment of juveniles;
- e) exemption from punishment due to a situation change;
- f) exemption from executing the punishment of seriously ill persons;
- g) deferral of the execution of punishment for pregnant women and women who have children under the age of 8.

Article 90. Conviction with a Conditional Suspension of the Execution of Punishment

(1) If by setting the punishment of imprisonment for up to 5 years for crimes committed with intent and up to 7 years for crimes committed by imprudence, the court, taking into account the circumstances of the case and the personality of the guilty person, comes to the conclusion that it is not rational for the guilty person to execute the set punishment, it may decide to conditionally suspend the execution of the punishment applied to the guilty person and shall by all means indicate in the decision the reasons for conviction with conditional suspension of the execution of the punishment as well as the probation period. In this case, the court shall order the exemption from the punishment applied if during the set probation period the

convict does not commit a new crime and through good behavior and honest work justifies the credence given to him/her. Control over the behavior of convicts granted conditional suspension of the execution of punishment shall be exerted by competent bodies while control over the behavior of servicepersons shall be exerted by the respective military command.

(2) The probation period shall be set by the court within the limit of 1 to 5 years.

[Par.3 article 90 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

(4) Conditional suspension of the execution of punishment shall not apply to persons who commit extremely serious and exceptionally serious crimes or in cases of recidivism.

(5) In cases of conviction with a conditional suspension of the execution of punishment, complementary punishments may be applied.

(6) When granting conviction with a conditional suspension of the execution of punishment, the court may require that the convict:

- a) not change his/her domicile without the consent of a competent body;
- b) not attend certain places;
- c) undergo certain treatment for addiction to alcohol, drugs, toxic substances, or for a venereal disease;
- d) provide financial support to the victim's family;
- e) compensate for the damage caused within the term set by the court.

(7) During the probation period upon the suggestion of the body exerting control over the behavior of the convict with a conditional suspension of the execution of punishment, the court may cancel in whole or in part the obligations previously imposed on the convict or may impose new ones.

(8) If upon expiry of at least half of the probation period it is established that the convict with a conditional suspension of the execution of punishment has exhibited correct and exemplary behavior, upon the recommendation of the body that exerts control over the behavior of the convict with a conditional suspension of the execution of punishment, the court may issue a ruling canceling the conviction and the criminal history.

(9) If a convict with a conditional suspension of the execution of punishment systematically violates during the probation period the obligations set or public order and is subjected to administrative liability or maliciously does not meet prior to expiry of the probation period the obligation to repair the damage caused, upon the recommendation of the body that exerts control over the behavior of convicts with a conditional suspension of the execution of punishment, the court may issue a ruling canceling the conviction with a conditional suspension of the execution of punishment and making the convict execute the punishment set by the court decision.

(10) If the convict with a conditional suspension of the execution of punishment commits during the probation period a new crime with intent, the court shall set a punishment in line with art. 85.

11) If the convict with a conditional suspension of the execution of punishment commits during the probation period a new crime by imprudence or a less serious crime with intent, the

issue of maintaining or canceling the conviction with a conditional suspension of the execution of punishment shall be decided by the court.

[Art.90 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.90 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.90 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 91. Preterm Conditional Exemption from Punishment

(1) Persons who serve a punishment of imprisonment and who entirely repair the damage caused by the crime for which they are convicted, persons who participate in the provision and do not refuse to provide, in line with art. 253 of the Enforcement Code, paid or unpaid service in the care or maintenance of the penitentiary and territory, and persons who improve the living and medical/sanitary conditions of detention may be conditionally exempted from punishment prior to the expiry of the term, if the court finds that the rehabilitation of the convict is possible without the complete execution of the punishment. The person may be exempted, either in whole or in part, from the complementary punishment as well.

(2) By application of a preterm conditional exemption from punishment, the court may require the convict to execute obligations provided in art. 90 par. (6) for the unexecuted part of the punishment term.

(3) Preterm conditional exemption from punishment shall be applied to convicts by the court from the place of the execution of punishment upon the recommendation of the body that exerts control over the execution of the punishment.

(4) Preterm conditional exemption from punishment may be applied if the convict who at the time of the commission of the crime has reached the age of 18 has effectively served:

- a) at least half of the term of punishment set for the commission of a minor or of a less serious crime;
- b) at least two thirds of the term of punishment set for the commission of a serious crime;
- c) at least three quarters of the term of punishment set for the commission of an extremely serious or an exceptionally serious crime and of the punishment applied to a person who was previously conditionally exempted from punishment preterm if the preterm exemption from punishment was cancelled in line with par. (8).

(5) A person serving the punishment of life imprisonment may be conditionally exempted from the punishment prior to the expiry of the term if the court finds that it is no longer necessary to further execute the punishment and if the person has effectively served at least 30 years of imprisonment.

(6) Preterm conditional exemption from punishment may be applied to juveniles if they have effectively served:

- a) at least one third of the term of punishment set for the commission of a minor or of a less serious crime;
- b) at least half of the term of punishment set for the commission of a serious crime;
- c) at least two thirds of the term of punishment set for the commission of an extremely serious or an exceptionally serious crime.

(7) Control over the behavior of persons conditionally exempted from punishment prior to the

expiry of the term shall be exerted by competent bodies while control over the behavior of servicepersons shall be exerted by the respective military command.

(8) If during the unexecuted part of the term of punishment:

- a) the convict violates public order and is subject to an administrative sanction or deliberately avoids performing the obligations set by the court on granting the preterm conditional exemption from punishment, the court, upon the recommendation of the body mentioned in par. (7), may issue a ruling canceling the preterm conditional exemption from punishment and oblige the convict to execute the unexecuted part of the punishment;
- b) the convict commits by imprudence a new crime, the cancellation or maintenance of the preterm conditional exemption from punishment shall be decided by the court;
- c) the convict commits with intent a new crime, the court shall set the punishment according to art. 85. The punishment for the commission by imprudence of a new crime shall be applied in the same manner provided that the court of law cancels the preterm conditional exemption from punishment.

[Art.91 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.91 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.91 amended by Law No. 387-XVI dated 08.12.2006, in force as of 31.12.2006]

[Art.91 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 92. Substitution of the Unexecuted Part of Punishment with a Milder Punishment

(1) The court may issue a ruling on substituting the unexecuted part of punishment with a milder form of punishment with respect to persons who serve a punishment of imprisonment for the commission of a minor or a less serious crime, considering their behavior during the execution of the punishment. At the same time, the person may be exempted, in whole or in part, from complementary punishment.

(2) Substituting the unexecuted part of punishment with a milder punishment may be applied only after the convict has effectively served at least one third of the term of punishment.

(3) Upon substituting the unexecuted part of punishment with a milder punishment, the court may select any milder punishment specified in art. 62 within the limits provided for each category of punishments.

Article 93. Exemption from Punishment of Juveniles

(1) Juveniles convicted for the commission of a minor, less serious, or serious crime may be exempted from punishment by the court if it is ascertained that the goal of the punishment can be achieved by placing them in a special education and re-education institution or in a medical re-education institution, or by applying other coercive measures of an educational nature specified in art. 104.

(2) The court shall decide on placing juveniles in a special education and re-education institution or a medical re-education institution until they reach majority. The extension of a person's stay in such an institution after the age of 18 shall be allowed only until graduation from a secondary or a professional school.

[Art.93 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 94. Exemption from Punishment due to a Change in Situation

A person who commits a minor or a less serious crime may be exempted from punishment if it is ascertained that at the date of the case hearing due to a change in situation the act committed has lost its prejudicial nature and due to his/her irreproachable behavior after the commission of the crime the respective person may be rehabilitated without executing punishment.

Article 95. Exemption from the Execution of Punishment for Seriously Ill Persons

(1) A person who while serving a criminal punishment develops a mental disease that deprives him/her of the possibility to be aware of his/her actions or to control such shall be exempted from the execution of punishment. The court may apply to such a person coercive measures of medical nature.

(2) The person who after the commission of a crime or during the execution of punishment develops a serious disease other than the type specified in par. (1) which prevents the execution of the punishment may be exempted by the court from the execution of the punishment.

[Par.3 art. 95 excluded by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

(4) Persons mentioned in par. (1)-(3) in cases of recovery may be subject to criminal punishment if the limitation period specified in art. 60 and 97 has not expired.

[Par.4 art. 95 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.95 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 96. Deferral of the Execution of Punishment for Pregnant Women and Women with Children under the Age of 8

(1) For convicted pregnant women and women with children under the age of 8, except for women sentenced to imprisonment for a term exceeding 5 years for serious, extremely serious, and exceptionally serious crimes against a person, the court may defer the execution of punishment until the child reaches the age of 8.

(2) In the event any of the convicts referred to in par. (1) abandon their children or continue to avoid their children's education after a warning from the body exerting control over the behavior of the person convicted with a deferral of the execution of punishment, the court, upon the recommendation of the aforementioned body, may cancel the deferral of the execution of punishment and require the convict to execute the punishment in the place specified in the court decision.

(3) When the child reaches the age of 8 the court shall:

- a) exempt the convict from the unexecuted part of the punishment;
- b) substitute the unexecuted part of the punishment with a milder form of punishment;
- c) refer the convict to the corresponding institution to serve the unexecuted part of the punishment.

(4) If during the period of the deferral of the execution of punishment the convict commits a

new crime, the court shall set a punishment according to the provisions in art. 85.

Article 96¹. Decision on Forced Placement in a Pulmonary Institution

If the court examines the issue of exempting from punishment in line with art. 91-96 a person suffering from tuberculosis, the court may decide, based on the request of the penitentiary's administration, to forcefully place the person in a pulmonary institution.

[Art.96¹ introduced by Law No. 128-XVI dated 06.06.2008, in force as of 01.01.2009]

Article 97. Limitation Period of the Enforcement of the Conviction Sentence

(1) The conviction sentence shall not be subject to enforcement if it has not been enforced within the following terms calculated from the day when the sentence became final:

- a) 2 years for conviction for a minor crime;
- b) 6 years for conviction for a less serious crime;
- c) 10 years for conviction for a serious crime;
- d) 15 years for conviction for an extremely serious crime;
- e) 20 years for conviction for an exceptionally serious crime.

(2) The limitation period for the enforcement of the punishment shall be reduced by half for persons who at the date of the commission of the crime are juveniles.

(3) The limitation period shall be interrupted if the person avoids enforcing the punishment or if, prior to the expiry of the terms provided in par. (1) and (2), he/she commits with intent a new crime. If the person avoids enforcing the punishment, the calculation of the limitation period shall start from the moment when the person appears for the enforcement of the punishment or from the moment when the person is seized, while in the case of the commission of a new crime it shall start from the moment the new crime is committed.

(4) The limitation period does not exclude the enforcement of main punishments set for crimes committed against the peace and security of humanity or war crimes provided for in art.135-137, 139 and 143.

Chapter X SECURITY MEASURES

Article 98. Purpose and Types of Security Measures

(1) Security measures are aimed at eliminating a danger and at preventing the commission of acts set forth in criminal law.

(2) Security measures are:

- a) medically coercive measures;
- b) coercive educational measures;
- c) expulsion;
- d) special seizure.

Article 99. Application of Medically Coercive Measures

(1) Persons who commit acts set forth in criminal law in state of irresponsibility or who

commit such acts in state of responsibility or limited responsibility but who prior to the sentence being pronounced or during the execution of the punishment develop a mental disease making them unable to understand or to control their actions, the court may order the following medically coercive measures enforced by the medical institutions of health protection bodies:

- a) hospitalization in a mental institution with ordinary supervision;
- b) hospitalization in a mental institution with strict supervision.

[Art.99 completed by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 100. Hospitalization in a Mental Institution

(1) Hospitalization in a mental institution with ordinary supervision may be ordered by the court for a mentally ill person who due to his/her mental condition and to the nature of the prejudicial act committed requires medical care and treatment under ordinary supervision.

(2) Hospitalization in a mental institution with strict supervision may be ordered by the court for a mentally ill person who due to his/her mental condition and to the nature of the prejudicial act committed represents a serious danger to society and requires hospitalization and treatment under strict supervision.

(3) Persons hospitalized in mental institutions with strict supervision shall be detained in conditions excluding the possibility of their committing new prejudicial acts.

Article 101. Setting, Change, Extension and Termination of Medically Coercive Measures Ordered for Mentally Ill Persons

(1) Considering the need to apply a medically coercive measure, the court shall select the type of measure depending on the mental disease of the person and the nature and degree of the prejudicial act committed. The person subject to forced treatment or his/her representative has the right to ask for the opinion of an independent medical institution on the health condition of the person subject to medically coercive measures.

(2) Based on the opinion of the medical institution, the court shall order the termination of the application of medically coercive measures in cases of recovery or of a change in the nature of the disease that excludes the need to apply such measures.

(3) Changes in medically coercive measures or extensions of their terms shall also be decided by the court either ex-officio or at the request of the respective person or his/her representative based on the results of an assessment for the need for such measures conducted at least once in 6 months.

(4) If the court does not consider it necessary to order medically coercive measures for a mentally ill person and if the application of such measures terminates, the court may entrust that person into the care of his/her relatives or tutors under compulsory medical supervision.

Article 102. Deduction of the Duration of Medically Coercive Measures

(1) If a person who after the commission of a crime or during the execution of the punishment develops a mental disease making him/her unable to understand or to control his/her actions, the court may apply the punishment after recovery provided that the limitation period has not

expired and that there are no other grounds for exempting the person from criminal liability and punishment.

(2) In the event that a punishment is applied after recovery, the duration of application of medically coercive measures shall be deducted from the term of punishment.

Article 103. Application of Medically Coercive Measures for Alcoholics and Drug Addicts or Their Placement under Tutelage

(1) In the event a crime is committed by an alcoholic or a drug addict provided there is a relevant medical opinion available, the court, either ex-officio or upon the request of the employees or the public health body, may order forced medical treatment for the respective person along with the punishment for the crime committed.

(2) Persons mentioned in par. (1) sentenced to a punishment that does not involve the deprivation of liberty shall be subject to forced medical treatment in medical institutions with a special regime.

(3) If the persons mentioned in par. (1) are sentenced to imprisonment, they shall be subject to forced medical treatment during the execution of the punishment and upon their release from detention they shall be treated, if necessary, in medical institutions with a special regime.

(4) The termination of forced medical treatment shall be ordered by the court upon the recommendation of the medical institution where the respective person is treated.

(5) If a crime was committed by a person who abuses alcohol and thus causes a difficult financial condition for his/her family, the court, upon the request of the employees or close relatives of the person along with an application for a punishment that does not involve the deprivation of liberty, may also place that person under tutelage.

Article 104. Application of Coercive Educational Measures

(1) For persons exempted from criminal liability according to art. 54, the court may order the following coercive educational measures:

- a) warnings;
- b) placing juveniles under the strict supervision of parents or persons replacing parents or specialized state bodies;
- c) requiring juveniles to repair the damage caused taking into consideration their financial conditions;
- d) requiring juveniles to follow a course of psychological rehabilitation treatments;
- e) placing juveniles in a special education/re-education institution or a medical re-education institution.

(2) The listing in par. (1) shall be exhaustive.

(3) Several coercive educational measures may be ordered for juveniles simultaneously.

(4) If a juvenile systematically evades coercive educational measures, the court, upon the recommendation of specialized state bodies, shall cancel the measures applied and refer the

criminal case to the prosecutor or shall set the punishment according to the law based on which the person was convicted as the case may be.

[Art.104 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.104 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 105. Expulsion

(1) Foreign citizens and stateless persons convicted of the commission of a crime may be prohibited from remaining in the territory of the state.

(2) In the event that expulsion accompanies a punishment of imprisonment, the expulsion shall be enforced only after the punishment is executed.

(3) When adopting the decision on the expulsion of persons specified in par. (1), their right to privacy shall be considered.

[Art.105 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 106. Special Seizure

(1) Special seizure is the forced and free transfer to the state of property or goods used in the commission of a crime or that resulted from crimes. If the goods used in the commission of a crime or that resulted from crimes no longer exist or cannot be found, their monetary equivalent shall be seized.

(2) The following goods shall be subject to special seizure:

- a) goods resulting from an act set forth in this Code as well as other revenues that accrue from these goods, except for goods and revenues subject to return to their legal owners;
- b) goods used or intended for use in the commission of a crime, if they belong to the criminal;
- c) goods provided to determine the commission of a crime or to pay the criminal;
- d) goods obtained through the commission of a crime, if they are not to be returned to the injured person or not intended for his/her compensation;
- e) goods possessed contrary to legal provisions;
- f) goods converted or transformed, partially or integrally, from goods resulting from crimes and from revenues accrued from such goods;
- g) goods used or intended for financing terrorism.

(2¹) If the goods resulting or obtained through the commission of a crime and revenues accrued from such goods are added to the illegally obtained goods, subject to seizure shall be the part of such goods or their equivalent value to the value of goods resulting or obtained from the commission of the crime and of the revenues accrued from such goods.

(3) Special seizure shall be applied to persons who commit acts set forth in this Code. Special seizure may also be applied to goods specified in par. (2), which, however, belong to other persons who accepted them knowing about their illegal origin.

(4) Special seizure may be applied even in cases when a criminal punishment is not set for the criminal.

(5) Special seizure shall not be applied for crimes committed through a press agency or any other type of mass media.

[Art.106 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

[Art.106 amended by Law No. 243-XVI dated 16.11.2007, in force as of 14.12.2007]

[Art.106 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Chapter XI

CAUSES THAT EXCLUDE CRIMINAL LIABILITY OR THE CONSEQUENCES OF CONVICTION

Article 107. Amnesty

(1) Amnesty is an act generating the effect of the exclusion of criminal liability or punishment or reducing the punishment applied or replacing the punishment with a milder form.

(2) Amnesty does not have any effect on security measures or the rights of the injured person.

Article 108. Pardon

(1) Pardon is an act through which a convict is exempted, in whole or in part, from the punishment set or through which the punishment set is replaced with a milder form.

(2) A pardon is granted by the President of the Republic of Moldova on an individual basis.

(3) A pardon does not have any effect on complementary punishments except for cases when the act of pardon provides otherwise.

(4) A pardon does not have any effect on security measures or on the rights of the injured person.

Article 109. Reconciliation

(1) Reconciliation is the act excluding criminal liability for a minor or a less serious crime and for juveniles for a serious crime, for crimes set forth in Chapters II – VI of the Special Part of the Code, as well as in cases provided by criminal procedural law.

(2) Reconciliation is personal and produces legal effects from the moment of the initiation of a criminal investigation and the panel of judges' withdrawal for deliberations.

(3) Reconciliation on behalf of persons deprived of their legal capacity shall be performed by their legal representatives. Persons with limited legal capacity may reconcile with the consent of the persons specified in the law.

[Art.109 completed by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.109 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 110. Definition of Criminal History

A criminal history is the legal state of a person that appears at the moment when a conviction sentence becomes final generating unfavorable legal consequences for the convicted person until the termination of criminal history or the rehabilitation of the person.

Article 111. Termination of Criminal History

(1) Persons have no criminal history who are:

- a) exempted from criminal punishment;
- b) exempted by an act of amnesty from criminal liability;
- c) exempted by an act of amnesty or pardon from the execution of punishment set in the sentence;
- d) convicted with a conditional suspension of the execution of punishment, if during the probation period the conviction with a conditional suspension of the execution of punishment was not cancelled;
- e) sentenced to a punishment milder than imprisonment after the execution of punishment;
[Letter f) excluded by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]
- g) sentenced to imprisonment for the commission of a minor or a of less serious crime if 2 years have passed since the execution of punishment;
- h) sentenced to imprisonment for the commission of a serious crime if 6 years have passed since the execution of punishment;
- i) sentenced to imprisonment for the commission of an extremely serious crime if 8 years have passed since the execution of punishment;
- j) sentenced to imprisonment for the commission of an exceptionally serious crime if 10 years have passed since the execution of punishment.

(2) If the convict as provided by the law is exempted from the execution of punishment prior to the expiry of the term, or if the unexecuted part of the punishment is replaced with a milder form of punishment, then the term for the termination of criminal history shall be calculated based on the actual term of the punishment executed from the moment of exemption of the execution of main and complementary punishments.

(3) The termination of criminal history cancels all restrictions and deprivations of rights associated with criminal history.

Article 112. Judicial Rehabilitation

(1) If a person who has served a criminal punishment has proved to have irreproachable behavior, upon his/her request the court may cancel his/her criminal history prior to its term of expiry. The following may be conditions for judicial rehabilitation:

- a) the convict does not commit a new crime;
- b) at least half of the term provided in art. 111, par. (1) and (2), has expired;
- c) the convict has had irreproachable behavior;
- d) the convict has fully paid the civil compensation to which he was subject by the court's decision as well as the court fees;
- e) the convict has secured his living through work or other honest means or has reached retirement age or is incapable of working.

(2) Rehabilitation cancels all restrictions and deprivations of rights associated with criminal history.

(3) If a rehabilitation request is rejected, a new request may be submitted only after a year.

(4) Judicial rehabilitation may be cancelled if it is discovered subsequent to granting rehabilitation that the rehabilitated person had another conviction, which, if known, would have caused the rejection of the rehabilitation request.

Chapter XII

QUALIFICATION OF A CRIME

Article 113. Definition of the Qualification of a Crime

(1) The qualification of a crime is the legal determination and statement of an exact correspondence between the evidence of the prejudicial act committed and the evidence of the criminal component provided by criminal law provisions.

(2) The official qualification of a crime shall be performed at all stages of criminal procedures by persons conducting criminal investigations and by judges.

Article 114. Qualification of Cumulative Crimes

The qualification of cumulative crimes defined in art. 33 shall be performed with reference to all articles or paragraphs of an article in criminal law providing for the prejudicial acts committed.

Article 115. Qualification of Crimes if Criminal Norms Conflict

(1) A conflict of criminal norms implies the commission by a person or by a group of persons of a prejudicial act entirely covered by the provisions of two or more criminal norms in one single crime.

(2) The selection of one of the conflicting norms that most precisely reflects the legal nature of the prejudicial act committed shall be performed in line with art. 116–118.

Article 116. Qualification of Crimes if General and Special Norms Conflict

(1) The general norm is the criminal norm providing for two or more prejudicial acts, whereas the special norm is the criminal norm providing for only particular cases of these acts.

(2) If a general and a special norm conflict, only the special norm shall be applied.

Article 117. Qualification of Crimes if Two Special Norms Conflict

A conflict between two special norms may have one of the following forms:

- a) a conflict between a criminal component with mitigating circumstances and a criminal component with aggravating circumstances in which case the crime shall be qualified based on the component with mitigating circumstances;
- b) a conflict between two criminal components with mitigating circumstances in which case the crime shall be qualified based on the component providing for a milder form of punishment;

- c) a conflict between two criminal components with aggravating circumstances in which case the crime shall be qualified based on the component providing for a more severe form of punishment.

Article 118. Qualification of Crimes with a Conflict between a Part and the Whole

(1) A conflict between a part and the whole is the existence of two or more criminal norms, one of which covers the prejudicial act entirely, while the other covers only some parts thereof.

(2) The qualification of crimes with a conflict between a part and the whole shall be performed based on the norm that entirely covers all the evidence of the prejudicial act committed.

Chapter XIII

MEANING OF SOME TERMS OR EXPRESSIONS IN THIS CODE

Article 119. General Provisions

Whenever criminal law uses a term or an expression defined in this chapter, the meaning is the one provided in the following articles.

Article 120. Territory

The territory of the Republic of Moldova and the territory of the country mean the land and the waters located within the borders of the Republic of Moldova including its subsoil and airspace.

Article 121. State Secret

A state secret is information protected by the state and related to its military, economic, technical, scientific, foreign policy, intelligence, counterintelligence, and operative investigation activities, the distribution, disclosure, loss, piracy, or destruction of which can endanger state security.

Article 122. Person Availing of International Protection

A person availing of international protection is:

- a) the head of a foreign state, including each member of the collegial body that exercises the functions of the head of state according to the constitution of the respective state, or the head of government, or the minister of foreign affairs of a foreign state as well as the members of their family who accompany them;
- b) any representative or official of a foreign state, or any official person or another agent of an international, intergovernmental organization that, under international law, has the right to special protection from any attack against himself/herself, his/her freedom or dignity, as well as members of their families who live with them.

Article 123. Official

(1) An official is a person who in an enterprise, institution, state, or local public administration organization or a subdivision thereof is granted, either permanently or temporarily, by law appointment, election, or assignment certain rights and obligations related to exercising the functions of a public authority or to administrative management or to economic/organizational actions.

(2) A high-ranking official is an official person whose appointment or election is regulated by the Constitution of the Republic of Moldova and by organic laws, as well as the persons to whom the high-ranking official delegates his/her duties.

Article 124. Person Administering a Commercial, Social, or Other Non-State Organization

A person administering a commercial, social, or other non-state organization is a person who within the above-indicated organizations or subdivisions thereof is granted, either permanently or temporarily, by appointment, election, or assignment, certain rights and obligations related to exercising administrative management or to economic/organizational functions or actions.

Article 125. Illegally Practicing an Entrepreneurial Activity

Illegally practicing an entrepreneurial activity means:

- a) practicing an entrepreneurial activity without proper registration (repeated registration) with the authorized bodies;
- b) practicing certain activities prohibited by law;
- c) practicing an entrepreneurial activity through branches, representations, departments, sections, stores, warehouses, commercial units, and other units not duly registered in the manner set out in legislation;
- d) practicing an entrepreneurial activity without the use of trademarks and factory brands and without indication of the fiscal codes in documents when their use or indication is required by law, or practicing an entrepreneurial activity with the use of foreign or forged fiscal codes.

Article 126. Especially Large-Scale, Large Scale, Considerable Damages, and Essential Damages

(1) Especially large-scale and large-scale mean the value of stolen, obtained, received, produced, destroyed, used, transported, or stored commercial goods or goods passed through border customs, damaged by a person or by a group of persons that at the moment of the commission of the crime exceed 5000 conventional units and 2500 conventional units of a fine, respectively.

(2) The considerable or essential nature of damages is established considering the value, quantity, and significance of the goods to the victim, his/her financial condition and income, the existence of persons supported by the victim and other circumstances that essentially affect the material condition of the victim and in a case of the violation of rights and interests protected by law, the degree of violation of human rights and fundamental freedoms.

[Art.126 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.126 amended by Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

[Art.126 in version of Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 127. Wartime

Wartime is the period of time from the date when a mobilization is declared or from the beginning of war operations until the date when the army is placed in a state of peace.

Article 128. Military Crimes

(1) Military crimes are the crimes set forth in this Code against the established way that military service is performed, committed by persons in military service based on contract, active duty, or reduced-term military service or as reservists called to assembly or mobilized.

(2) Servicepersons who commit crimes shall be subject to criminal liability in line with the general and special parts of this Code.

[Art.128 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 129. Weapons

(1) Weapons are tools, parts, or devices declared as weapons by legal provisions.

(2) Any other objects that could be used as weapons or that were used in attacks are considered to be weapons.

Article 130. Mercenary

A mercenary is a person acting in the territory of a state involved in military conflict, military actions, or other violent actions aimed at the subversion or undermining of the state's constitutional order or the violation of the state's territorial integrity for the purpose of receiving material compensation, who is not a citizen of this state, who has no permanent domicile in the territory of this state, and who is not authorized to attend to official duties.

[Art.130 amended by Law No. 282-XVI dated 10.11.05, in force as of 02.12.05]

Article 131. Publicly Committed Act

A publicly committed act is an act committed:

- a) in a place that by its nature or purpose is always accessible to the public even if no person was present there at the moment the crime is committed but in which the perpetrator was aware of the fact that the deed could become known to the public;
- b) in any other place accessible to the public if two or more persons are present there at the moment the crime is committed;
- c) in a place not accessible to the public with the intent was that the act was to be heard or seen if the act is committed in the presence of two or more persons;
- d) in a meeting or reunion of several persons except for reunions that may be considered as having a family character due to the nature of relationships among participating persons;
- e) by any means to which the perpetrator resorted being aware that the act could become known to the public.

Article 132. Means of Transport

Means of transport are all types of automobiles, tractors, and other types of self-propelled vehicles, trams and trolley buses, as well as motorcycles and other types of mechanic means of transport.

Article 133. Cultural Values

Cultural values of a religious or secular character are the values indicated in the Convention of the United Nations Educational, Scientific, and Cultural Organization on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property dated November 14, 1970.

Article 134. Kinship

(1) Kinship is the relation based on the descent of one person from another, or on the fact that several persons have one common relative on the ascending side. In the first case, kinship is direct while in the second case it is collateral.

(2) The degree of relationship shall be determined by the number of births.

(3) Relatives of a spouse are relatives-in-law of the other spouse. The lines and degrees of in-law relationships are similar to relationship lines and degrees.

(4) Close relatives are the parents, children, adoptive parents, adopted children, brothers, sisters, grandparents, and their grandchildren.

[Art.134 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 134¹. Narcotic Drugs, Psychotropic Substances, and Precursors

(1) Narcotic drugs or psychotropic substances are substances of natural or synthetic origin and preparations containing such substances causing mental disorder and physical dependency upon their abuse.

(2) The analog of a narcotic drug or of a psychotropic substance is the substance that by its composition and effect produced is similar to a narcotic drug or psychotropic substance.

(3) A precursor is a substance of natural or synthetic origin used as a raw material for the production of a narcotic drug or a psychotropic substance.

(4) Lists of narcotic drugs, psychotropic substances, and precursors shall be approved by the Government.

(5) In a case of theft, appropriation, extortion, or other illegal action with narcotic drugs, psychotropic substances, analogs thereof, and with plants containing narcotic drugs or psychotropic substances, small-scale, large-scale, or especially large-scale shall be determined based on the small, large, or especially large quantity of the narcotic drugs, psychotropic substances and plants containing narcotic drugs or psychotropic substances.

[Art.134¹ introduced by Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

Article 134². In-Flight Aircraft and In-Service Aircraft

(1) An aircraft is in flight from the moment when following embarkation all the external doors of the aircraft are closed until the moment when one of these doors is opened for the purpose of debarkation. In the event of a forced landing, it shall be considered that the flight continues until the moment when competent authorities take responsibility for the aircraft, as well as the persons and goods onboard.

(2) An aircraft shall be considered in service from the moment when ground personnel or the crew start preparing the aircraft for a certain flight until 24 hours after any landing. The in-service period covers, in any case, the entire duration of the aircraft in flight.

[Art.134² introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134³. Fixed Platform

A fixed platform is an artificial island, an installation, or a facility permanently fixed to the sea bottom for the purpose of exploring and exploiting resources or for other economic goals.

[Art.134³ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134⁴. Explosive or Other Lethal Devices

An explosive or other lethal device is:

- a) an explosive or incendiary weapon or device intended or able to cause death, serious bodily injury, serious damage to health, or essential material damage;
- b) a weapon or device intended or able to cause death, serious bodily injury or damage to health, or essential material damage through the release, dispersion or action of toxic chemical substances, biological agents or toxins or other analogous substances, or radiation or radioactive substances.

[Art.134⁴ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134⁵. State or Government Object

A state or government object is a permanent or temporary asset or means of transport used or held by state representatives; members of the government, legislative or judiciary bodies; officials or officers of a public authority or any other body or public institution; or officers or officials of an intergovernmental organization while exercising their professional duties.

[Art.134⁵ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134⁶. Infrastructure Object

An infrastructure object is any asset of public or private property providing or distributing services to the population such as: sewerage, water supply, energy supply, heat supply, or telecommunications.

[Art.134⁶ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134⁷. Public Facilities

A public facility is any part of the building, land, street, waterway, or any other place accessible or open to the permanent, periodic, or occasional public that also includes any

commercial, cultural, historical, educational, religious, state, entertainment, recreation or any other facility accessible or open to the public.

[Art.134⁷ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134⁸. Nuclear Material

(1) Nuclear material means: plutonium, except for plutonium the isotopic concentration of which in plutonium-238 exceeds 80%; uranium 233; uranium enriched with uranium-235 or uranium-233 isotopes; uranium containing a mixture of isotopes that occurs in nature in a form different from ore or ore residues; or any material containing one or many of the elements specified in this paragraph;

(2) Uranium enriched with uranium-235 or uranium-233 means uranium containing either uranium-235 or uranium-233 or both isotopes in such a quantity that the correlation between the sum of these two isotopes and isotope-238 exceeds the correlation between isotope-235 and isotope-238 in natural uranium.

[Art.134⁸ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134⁹. Nuclear Installation

A nuclear installation is:

- a) an installation including related buildings and equipment where nuclear material is produced, processed, used, manipulated, stored, or buried provided that damage to or interference in its use may lead to the emission of a significant quantity of radiation or radioactive material;
- b) any nuclear reactor including reactors installed on air, sea, road or railroad transport or on space objects to be used as an energy source for the propulsion of the aforementioned means of transport or space objects or for any other purposes;
- c) any construction or any means of transport used for the production, storage, processing, or transportation of radioactive material.

[Art.134⁹ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134¹⁰. Radioactive Device

A radioactive device is:

- a) any nuclear explosive device;
- b) any device dispersing radioactive material or emitting radiation that due its radiological properties may cause death, serious bodily injury, or damage to health or essential damage to property or to the environment.

[Art.134¹⁰ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134¹¹. Crime of Terrorist Nature

Crimes of terrorist nature are the crimes set forth in art.140¹, 142, 275, 275¹, 275², 278, 278¹, 279¹, 279², 280, 284 par.(2), art.289¹, 292 par.(1¹) and par.(2) in the section related to acts set forth in par.(1¹), art.295, 295¹, 295², 342 and 343.

[Art.134¹¹ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 134¹². State of Intoxication

(1) A state of intoxication is a state of a bodily psycho-functional disorder that occurs as a result of the consumption of alcohol, narcotic drugs, psychotropic substances, and/or other substances with similar effects.

(2) The minimum degree of a state of intoxication is the state of the person with a concentration of alcohol in the blood that ranges from 0.3 to 0.8 g/l and a concentration of alcohol vapor in the breath that ranges from 0.15 to 0.4 mg/l.

(3) An advanced state of intoxication is the state of the person with a concentration of alcohol in the blood that exceeds 0.8 g/l and a concentration of alcohol vapor in the breath that exceeds 0.4 mg/l.

[Art.134¹² introduced by Law No. 16-XVI dated 03.02.2009, in force as of 03.03.2009]

SPECIAL PART

Chapter I CRIMES AGAINST THE PEACE AND SECURITY OF HUMANITY, WAR CRIMES

Article 135. Genocide

Commission aimed at the destruction, in whole or in part, of a national, ethnic, racial, or religious group of any of the following acts:

- a) killing members of this group;
- b) causing serious bodily or mental harm to members of the group;
- c) imposing measures intended to prevent births within the group;
- d) trafficking in children of the respective group;
- e) deliberate exposure of the group to living conditions leading to its physical destruction in whole or in part

shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

[Art.135 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 136. Ecocide

Deliberate mass destruction of flora and fauna, poisoning the atmosphere or water resources, and the commission of other acts that may cause or caused an ecological disaster shall be punished by imprisonment for 10 to 15 years.

[Art.136 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 137. Inhumane Treatment

(1) Subjecting persons by any methods to torture or inhumane treatment to deliberately cause severe pain or serious bodily injury or to damage the health of wounded or sick persons, prisoners, civilians, members of civil medical staff or members of the Red Cross and similar organizations, shipwrecked persons, as well as any other person fallen to an enemy or their subjection to medical, biological, or scientific experiments not justified by medical treatment to their benefit shall be punished by imprisonment for 8 to 15 years.

(2) The commission of one of the following acts against the persons specified in par. (1):

- a) forced entry into military service in the armed forces of the enemy;
- b) taking hostages;
- c) deportation;
- d) unlawful displacement or confinement;
- e) conviction by an illegal court without a preliminary hearing and without observing the fundamental legal guarantees provided by law,

shall be punished by imprisonment for 12 to 20 years.

(3) The torture, mutilation, extermination, or execution without legal trial of the persons specified in par. (1) shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

[Art.137 amended by Law No. .277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 138. Violation of International Humanitarian Laws

(1) The execution of an illegal order that leads to the commission of crimes provided in art. 137 shall be punished by imprisonment for 5 to 10 years.

(2) The issuance by a superior to his/her subordinate during an armed conflict or military action of an obviously illegal order aimed at the commission of crimes provided in art. 137 provided that signs of a more serious crime are absent shall be punished by imprisonment for 8 to 15 years.

(3) The failure to execute or the inadequate execution by a superior of the obligations to prevent the commission by subordinates of crimes provided in art. 137 shall be punished by imprisonment for 6 to 12 years.

Article 139. Planning, Preparation, Unleashing or Waging War

(1) Planning, preparing or unleashing a war shall be punished by imprisonment for 8 to 15 years.

(2) Waging a war shall be punished by imprisonment for 10 to 20 years or by life imprisonment.

[Art.139 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 140. War Propaganda

(1) War propaganda, spreading of pretentious or invented information inciting to war, or any other actions aimed at unleashing war committed verbally; in writing; on radio, television, cinema; or by any other means shall be punished by a fine of up to 500 conventional units or by imprisonment for up to 6 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) Commission of the acts set forth in par. (1) by a high-ranking official shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 3 to 7 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.140 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 140¹. Use, Development, or Acquisition; Processing, Possession, Accumulation or Conservation; Direct or Indirect Transmission, Storage, or Transportation of Weapons of Mass-Destruction

(1) The use, development, or acquisition; the processing, possession, accumulation or conservation; the direct or indirect transmission, storage, or transportation of chemical weapons, biological weapons, nuclear weapons, nuclear explosive devices, or other weapons of mass-destruction that violate provisions of national legislation or of international treaties to which the Republic of Moldova is a party by a person shall be punished by a fine in the amount of 3000 to 5000 conventional units or by imprisonment for 8 to 12 years, in both

cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 8000 conventional units with the deprivation of the right to practice certain activities for 2 to 5 years or by its liquidation.

(2) The same actions

[Letter a) excluded by the Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed by two or more persons;
- c) committed by an organized criminal group or by a criminal organization;
- d) entailing especially large-scale damage;
- e) entailing person's death

shall be punished by imprisonment for 16 to 20 years, whereas a legal entity shall be punished by a fine in the amount of 8000 to 10000 conventional units and by its liquidation.

(3) The design, production, or acquisition; the possession, storage, transmission, or transportation of equipment, material, software, or related technology essentially contributing to the design, production, or delivery of weapons of mass destruction, being aware that the equipment, material, software, or technology serve this purpose, shall be punished by a fine in the amount of 1000 to 3000 conventional units or by imprisonment for up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities for up to 5 years or by the liquidation of the legal entity.

(4) The design, production, or acquisition; the possession, storage, transmission or transportation of raw materials, special fissionable materials, equipment or material designed or prepared for processing; the use or production of the special fissionable material, being aware that this raw material, material, or equipment is intended for use in activities related to nuclear explosions or to other nuclear activities conflicting with international treaties to which the Republic of Moldova is a party shall be punished by imprisonment for up to 5 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, or by a fine applied to a legal entity in the amount of 4000 to 7000 conventional units with the deprivation of the right to practice certain activities for 2 to 5 years or by the liquidation of the legal entity.

[Art.140¹ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.140¹ completed by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

[Art.140¹ introduced by Law No. 30-XVI dated 23.02.06, in force as of 17.03.06]

Article 141. Mercenaries' Activities

(1) The participation of a mercenary in an armed conflict, military action, or other violent action aimed at the subversion or undermining of the constitutional order or at the violation of the state's territorial integrity shall be punished by imprisonment for 3 to 7 years.

(2) Employment, training, financing, or any other assistance provided to mercenaries as well as their use in an armed conflict, military action or other violent action aimed at the subversion or undermining of the constitutional order or at the violation of the state's territorial integrity shall be punished by imprisonment for 5 to 10 years.

[Art.141 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.141 amended by Law No. 282-XVI dated 10.11.05, in force as of 02.12.05]

Article 142. Attack on a Person Availing of International Protection

(1) The commission of a violent attack on the office, house, or means of transport of a person availing him or herself of international protection, provided that such an act may pose a threat to the life, health or freedom of the given person shall be punished by imprisonment for 5 to 10 years.

(2) Kidnapping or otherwise attacking a person availing him or herself of international protection or depriving them of their freedom shall be punished by imprisonment for 7 to 15 years.

(3) The murder of a person availing him or herself of international protection shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

(4) Actions specified in par. (1) or (2) committed for the purpose of unleashing war or an international conflict shall be punished by imprisonment for 8 to 15 years or by life imprisonment.

(5) The threat of committing an action provided in par. (1), (2), (3) or (4), if the danger that such a threat could be accomplished existed, shall be punished by imprisonment for 3 to 7 years.

[Art.142 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.142 in version of Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 143. Application of Prohibited Means and Methods of Waging War

(1) The application during an armed conflict or military action of means and methods of waging war prohibited by the international treaties to which the Republic of Moldova is a party shall be punished by imprisonment for 12 to 20 years.

(2) The use of weapons of mass-destruction prohibited by the international treaties to which the Republic of Moldova is a party shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

[Art.143 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 144. Cloning

Creating human beings through cloning shall be punished by imprisonment for 7 to 15 years.

Chapter II CRIMES AGAINST THE LIFE AND HEALTH OF A PERSON

Article 145. Deliberate Murder

(1) The murder of a person shall be punished by imprisonment for 8 to 15 years.

(2) Murder

- a) committed with premeditation;
- b) committed for purposes of profit;
- [Letter c) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]*
- d) committed in connection with the performance by the victim of official or public duties;
- e) of a person known to be a juvenile or a pregnant woman or committed by taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical, or mental handicap or another factor;
- f) accompanied by kidnapping or taking the person hostage;
- g) of two or more persons;
- h) of a representative of a public authority or a serviceperson or their close relatives during or in connection with the performance of professional duties by the representative or the serviceperson;
- i) committed by two or more persons;
- j) committed with extreme cruelty or with sadistic motives;
- k) committed in order to conceal another crime or to facilitate its commission;
- l) committed from motives of social, racial, or religious hatred;
- m) committed through means dangerous to life and health of many persons;
- n) committed in order to remove and/or use or sell the victim's organs or tissues;
- o) committed by a person who previously had committed an intentional murder set forth in par. (1);
- p) committed by contract;

shall be punished by imprisonment for 12 to 20 years or by life imprisonment.

[Art.145 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 146. Murder in the Heat of Passion

A murder committed in the heat of passion that occurs suddenly and is caused by acts of violence or gross insults or other unlawful or immoral acts of the victim shall be punished by imprisonment for up to 5 years.

[Art.146 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.146 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 147. Infanticide

The murder of a newborn committed during childbirth or immediately thereafter by the mother in a state of physical or mental disorder with a disturbed consciousness caused by delivery shall be punished by imprisonment for up to 5 years.

[Art.147 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 148. Deprivation of Life upon a Person's Wish (Euthanasia)

The deprivation of a person's life in connection with his/her incurable disease or unbearable physical pain, provided it is victim's wish or, in the case of juveniles, the wish of their relatives shall be punished by imprisonment for up to 6 years.

[Art.148 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 149. Deprivation of Life by Imprudence

(1) The deprivation of life by imprudence shall be punished by imprisonment for up to 3 years.

(2) The deprivation of life by imprudence of two or more persons shall be punished by imprisonment for 2 to 6 years.

[Art.149 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 150. Inciting Suicide

(1) Inciting suicide or an attempt at suicide through systematic persecution, slander, insults, or the humiliation of the victim's dignity by the guilty person shall be punished by imprisonment for up to 4 years.

(2) Inciting suicide or an attempt at suicide:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) of a juvenile;

c) of a person in a position of material or some other form of dependence on the guilty person;

d) by cruel behavior;

[Letter e) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

shall be punished by imprisonment for 2 to 6 years.

[Art.150 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.150 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 151. Intentional Severe Bodily Injury or Damage to Health

(1) Intentional severe bodily injury or life-threatening damage to health or that caused the loss of sight, hearing, speech or another organ, or the cessation of its functioning, mental disease or some other form of health damage accompanied by the permanent loss of at least one-third of the capacity to work or resulting in a miscarriage or an incurable disfiguration of the face and/or adjacent areas shall be punished by imprisonment for 3 to 10 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) against a person known to be a juvenile or against a pregnant woman or by taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical, or mental handicap or another factor;

c) against a person in connection with his/her performance of official or public duties;

d) by two or more persons;

e) by mutilation or torture;

f) by methods dangerous to the lives and health of many persons;

g) for purposes of profit;

[Letter h) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

i) from motives of social, racial or religious hatred;

j) against two or more persons;

k) by an organized criminal group or a criminal organization;

l) in order to remove and/or use or sell the victim's organs or tissues;
m) by contract;
shall be punished by imprisonment for 5 to 12 years.

[Par. 3 art.151 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

(4) The actions set forth in par. (1) or (2) that cause the death of the victim shall be punished by imprisonment for 8 to 15 years.

[Art.151 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 152. Intentional Less Severe Bodily Injury or Damage to Health

(1) Intentional less severe bodily injury or damage to health that are not life threatening and did not cause the consequences specified in art. 151, which, however, are followed by a prolonged health disorder or a significant and permanent loss of less than one-third of the capacity to work shall be punished by community service for 140 to 240 hours or by imprisonment for up to 3 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) against two or more persons;

[Letter c) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

c¹) against a person known to be a juvenile or against a pregnant woman or by taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical, or mental handicap or another factor;

d) against a person in connection with his/her performance of official or public duties;

e) by two or more persons;

f) by mutilation or torture;

g) by methods dangerous to lives or health of many persons;

h) for purposes of profit;

[Letter i) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

j) from motives of social, racial or religious hatred;

k) by contract;

shall be punished by imprisonment for 3 to 6 years.

[Art.152 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.152 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.153 excluded by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.154 excluded by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.154 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.154 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 155. Threatening Murder or Severe Bodily Injury or Damage to Health

Threatening murder or severe bodily injury or damage to health provided that the danger of accomplishing such a threat exists shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

[Art.155 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 156. Severe or Less Severe Bodily Injury or Damage to Health Caused in the Heat of Passion

Severe or less severe bodily injury or damage to health caused in the heat of passion that occur suddenly and are caused by acts of violence or gross insults or other unlawful or immoral acts of the victim shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

[Art.156 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.156 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.156 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 157. Severe or Less Severe Bodily Injury or Damage to Health Caused by Imprudence

Severe or less severe bodily injury or damage to health caused by imprudence shall be punished by a fine of up to 300 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

[Art.157 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 158. Compelling a Person to Remove Organs or Tissues

(1) Compelling a person to remove organs or tissues for transplant or other purposes with violence or the threat of its application shall be punished by imprisonment for up to 5 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

(2) The same action committed against a person certainly known by the guilty person as being in a helpless state or in a material or any other form of dependence on him/her shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.158 amended by Law No. 193-XVI dated 26.09.2008, in force as of 21.10.2008]

[Art.158 amended by Law No.184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 159. Illegal Abortion

(1) Interrupting a pregnancy by any means committed:

- a) outside medical institutions or specially authorized medical offices;
- b) by a person without special higher medical education;
- c) in case of a pregnancy that exceeds 12 weeks without medical indications issued by the Ministry of Health;
- d) if there are medical contraindications for such operations;
- e) in insanitary conditions;

shall be punished by a fine in the amount of 200 to 500 conventional units or by the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years or by imprisonment for up to 2 years.

(2) The same action:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) that cause by imprudence serious or less serious bodily injury or damage to health;

c) that cause by imprudence the death of the victim;

shall be punished by imprisonment for 1 to 6 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.159 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.159 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 160. Illegal Performance of Surgical Sterilization

(1) Illegally performing surgical sterilization by a doctor shall be punished by a fine of up to 200 conventional units with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

(2) The same action committed:

a) in non-specialized medical/sanitary units;

b) by a person without special higher medical education,

shall be punished by a fine of up to 500 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for a period of up to 5 years.

(3) The actions set forth in par. (1) or (2) that:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) cause by imprudence a long-term health disorder or severe bodily injury or damage to health;

c) cause by imprudence the death of the patient,

shall be punished by imprisonment for 3 to 6 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.160 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 161. Performance of Artificial Insemination or Implantation of an Embryo without the Consent of the Patient

The performance by a doctor of artificial insemination or the implantation of an embryo without the written consent of the patient shall be punished by a fine of up to 300 conventional units or by community service for 150 to 240 hours, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.161 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.161 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 162. Withholding Help from a Sick Person

(1) Withholding help from a sick person without good reasons by a person who has the obligation by law or special rules to render such help shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 100 to 240 hours.

(2) The same act that causes by imprudence:

a) severe bodily injury or damage to health;

b) the death of the sick person,
shall be punished by imprisonment for up to 5 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.162 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.162 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 163. Abandonment in Danger

(1) The deliberate abandonment without help of a person in a life-threatening situation who lacks the capacity to save him/herself because of age, sickness, or overall helplessness, provided that the guilty person either knew about the danger and had the possibility to render help to the victim, or the guilty person him/herself placed the victim in a life-threatening situation shall be punished by a fine of up to 200 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

(2) The same act that causes by imprudence:
a) severe bodily injury or damage to health;
b) the death of the victim,
shall be punished by imprisonment for up to 4 years.

[Art.163 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.163 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.163 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Chapter III CRIMES AGAINST THE FREEDOM, HONOR, AND DIGNITY OF A PERSON

Article 164. Kidnapping

(1) Kidnapping a person shall be punished by imprisonment for 2 to 6 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) against two or more persons;

c) against a person known to be a juvenile or against a pregnant woman or by taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical, or mental handicap or another factor;

[Letter d) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

e) by two or more persons;

f) for purposes of profit;

g) with the use of a weapon or another object used as a weapon,

shall be punished by imprisonment for 4 to 10 years.

(3) The actions set forth in par. (1) or (2):

a) committed by an organized criminal group or by a criminal organization;

b) that cause by imprudence severe bodily injury or damage to the health or the death of the victim,

shall be punished by imprisonment for 6 to 13 years.

[Art.164 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 164¹. Kidnapping a Juvenile by Close Relatives

Kidnapping a juvenile by close relatives shall be punished by a fine of up to 300 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 6 months.

[Art.164¹ introduced by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 165. Trafficking in Human Beings

(1) The recruitment, transportation, transfer, concealment or receipt of a person, with or without his/her consent, for the purpose of commercial or non-commercial sexual exploitation, for forced labor or services, for begging, for slavery or similar conditions, for use in armed conflicts or criminal activities, for the removal of human organs or tissues committed by:

- a) the threat of physical or mental violence not dangerous to the person's life and health, including kidnapping, the seizure of documents, and servitude for the purpose of paying a debt, the amount of which was not set within a reasonable limit, as well as through the threat of disclosure of confidential information of the family of the victim or of other persons, both individuals and legal entities;
- b) deception;
- c) the abuse of vulnerability or abuse of power, giving or receiving payments or benefits to get the consent of a person controlling another person;

shall be punished by imprisonment for 5 to 12 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or the liquidation of the legal entity.

(2) The same actions committed:

- a) by a person who previously committed an act set forth in par. (1);
- b) against two or more persons;
- c) against a pregnant woman;
- d) by two or more persons;
- e) by an official or a high-ranking official;
- f) with violence dangerous to the person's life, physical or mental health;
- g) with torture, inhumane or degrading treatment aimed at ensuring the person's subordination, or with the use of rape, physical dependence, or a weapon;

shall be punished by imprisonment for 7 to 15 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 7000 conventional units with the deprivation of the right to practice certain activities or the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2):

- a) committed by an organized criminal group or by a criminal organization;
- b) that cause severe bodily injury or a mental disorder, or the death or his/her suicide;

shall be punished by imprisonment for 10 to 20 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to 9000 conventional units with the deprivation of the right to practice certain activities or the liquidation of the legal entity.

(4) The victim of trafficking in human beings shall be exempted from criminal liability for any crimes committed by him/her in relation to this procedural status.

[Art.165 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.165 amended by Law No. 193-XVI dated 26.09.2008, in force as of 21.10.2008]

[Art.165 amended by Law No. 376-XVI dated 29.12.05, in force as of 31.01.06]

[Art.165 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 166. Illegal Deprivation of Liberty

(1) The illegal deprivation of the liberty of a person, if unrelated to the kidnapping of that person, shall be punished by community service for 120 to 240 hours or by imprisonment for up to 2 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) against two or more persons;

c) against a person known to be a juvenile or against a pregnant woman or by taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical or mental handicap or another factor;

d) by two or more persons;

e) with violence dangerous to the person's life or health;

f) with the use of a weapon or another object used as a weapon,

shall be punished by imprisonment for 2 to 7 years.

(3) The actions set forth in par. (1) or (2), provided that such actions caused severe bodily injury or damage to health or death of the victim shall be punished by imprisonment for 5 to 10 years.

[Art.166 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.166 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 167. Slavery and Conditions Similar to Slavery

Placing or keeping a person in conditions where another person owns him/her or forcing the person through deceit, coercion, violence or the threat of violence to enter into or remain in an extramarital or marital relationship shall be punished by imprisonment for 3 to 10 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.167 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 168. Forced Labor

Forcing a person to work against his/her will, keeping a person under servitude for paying off a debt, obtaining labor or services by means of deception, coercion, violence or the threat of violence shall be punished by imprisonment for up to 3 years.

[Art.168 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 169. Illegal Placement in a Psychiatric Institution

(1) The illegal placement in a psychiatric institution of a person who is obviously mentally sane shall be punished by imprisonment for up to 3 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

(2) The same action that causes by imprudence:

- a) severe bodily injuries or damage to health;
- b) the death of the victim;

shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years.

[Art.169 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.170 excluded by Law No. 111-XV dated 22.04.04, in force as of 07.05.04]

Chapter IV CRIMES RELATED TO SEXUAL LIFE

Article 171. Rape

(1) Rape, i.e. sexual intercourse committed by the physical or mental coercion of the person, or by taking advantage of the victim's incapacity to defend himself/herself or to express his/her will shall be punished by imprisonment for 3 to 5 years.

(2) Rape:

- a) committed by a person who has previously committed rape as set forth in par. (1);
- b) committed knowingly against a juvenile;
- b¹) committed knowingly against a pregnant woman;
- c) committed by two or more persons;

[Letter d) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- e) committed for the intentional contamination of the victim with a sexually transmitted disease;

- f) involving torture of the victim;

[Letter g) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

shall be punished by imprisonment for 5 to 12 years.

(3) Rape:

- a) of a person under the care, custody, protection, education, or treatment of the perpetrator;
- b) of a juvenile under the age of 14;
- c) involving deliberate contamination with AIDS;
- d) that causes by imprudence severe bodily injury or damage to health;
- e) that causes by imprudence the death of the victim;
- f) that results in other severe consequences,

shall be punished by imprisonment for 10 to 20 years or by life imprisonment.

[Art.171 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.171 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 172. Violent Actions of a Sexual Character

(1) Homosexuality or satisfying sexual needs in perverted forms committed through the physical or mental coercion of the person or by taking advantage of the person's incapacity to defend himself/herself or to express his/her will shall be punished by imprisonment for 3 to 5 years.

(2) The same actions:

- a) committed by a person who has previously committed rape as set forth in par. (1);
- b) committed knowingly against a juvenile;
- b¹) committed knowingly against a pregnant woman;
- c) committed by two or more persons;
- d) committed for the intentional contamination of the victim with a venereal disease;
[Letter e) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]
- f) involving torture of the victim;

shall be punished by imprisonment for 5 to 12 years.

(3) The actions set forth in par.(1) or (2):

- a) committed against a person certainly known to be under the age of 14;
- b) that cause deliberate contamination with AIDS;
- c) that cause by imprudence severe bodily injury or damage to health;
- d) that cause by imprudence the death of the victim;
- e) that result in other severe consequences;

shall be punished by imprisonment for 10 to 20 years or by life imprisonment.

[Art.172 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.172 amended by Law No. 305-XV dated 11.07.03, in force as of 22.07.03]

Article 173. Coercion to Actions of a Sexual Character

Coercing a person to sexual intercourse, homosexuality, or to the commission of other actions of a sexual character by blackmail or by taking advantage of financial, work-related or any other form of dependence of the victim shall be punished by a fine in the amount of 300 to 500 conventional units or by community service for 140 to 240 hours or by imprisonment for up to 3 years.

[Art.173 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.173 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 174. Sexual Intercourse with a Person under the Age of 16

(1) Sexual intercourse other than rape as well as any other acts of vaginal or anal penetration committed with a person certainly known to be under the age of 16 shall be punished by imprisonment for up to 5 years.

(2) The person who committed the act set forth in par. (1) shall not be subject to criminal liability if he/she is similar to the victim in terms of age and physical and mental development.

[Art.174 in version of Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.174 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 175. Perverted Actions

The commission of perverted actions against a person certainly known to be under the age of 16 shall be punished by imprisonment for up to 5 years.

[Art. 175 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art. 175 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Chapter V **CRIMES AGAINST POLITICAL, LABOR, AND OTHER** **CONSTITUTIONAL RIGHTS OF CITIZENS**

Article 176. Violation of Citizens' Equality of Rights

The violation of citizens' rights and freedoms guaranteed by the Constitution and other laws on the grounds of sex, race, color, language, religion, political, or any other opinions; national or social origin; association with a national minority; property; birth or any other situation

a) committed by an official;

b) resulting in considerable damage;

shall be punished by a fine in the amount of 300 to 600 conventional units or by community service for 150 to 240 hours or by imprisonment for up to 3 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.176 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 177. Violation of Privacy

(1) Illegally collecting or deliberately disseminating legally protected information about personal life that is a personal or family secret of another person without his/her consent shall be punished by a fine of up to 300 conventional units or by community service for 180 to 240 hours.

(1¹) Illegally collecting the information mentioned in par. (1) without the person's consent by use of special technical means designed to secretly access information shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 200 to 240 hours.

(2) The dissemination of the information mentioned in par. (1):

a) in a public speech through mass-media;

b) by deliberate use of an official position,

shall be punished by a fine in the amount of 200 to 500 conventional units or by the deprivation of the right to hold certain positions or to practice certain activities for 1 year or by community service for 180 to 240 hours, whereas the legal entity shall be punished by a fine in the amount of 1000 to 2000 conventional units.

[Art.177 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.177 completed by Law No. 181-XVI dated 10.07.2008, in force as of 01.11.2008]

[Art.177 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 178. Violation of the Right to Privacy of Correspondence

(1) A violation of the right to the privacy of letters, telegrams, parcels and other mail, telephone conversations and telegraph messages contrary to the provisions of the law shall be punished by a fine of up to 200 conventional units or by community service for 120 to 180 hours.

(2) The same action committed:

- a) by use of an official position;
- b) by use of special technical devices designed to secretly access the information;
- c) in the interest of an organized criminal group or a criminal organization;

shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 100 to 240 hours, or by imprisonment for up to 3 years, or by the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.178 amended by Law No. 181-XVI dated 10.07.2008, in force as of 01.11.2008]

[Art.178 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.178 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 179. Violation of the Inviolability of the Domicile

(1) An illegal intrusion or stay in the domicile or residence of a person without his/her consent or the refusal to leave the domicile or residence upon the person's request as well as illegal searches and investigations shall be punished by a fine of up to 300 conventional units or by community service for 100 to 200 hours or by imprisonment for up to 2 years.

(2) The same actions committed with violence or the threat of violence shall be punished by a fine in the amount of 200 to 600 conventional units or by community service for 140 to 240 hours or by imprisonment for up to 3 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) by use of an official position;
- b) by an organized criminal group or a criminal organization;

shall be punished by imprisonment for 2 to 5 years.

[Art.179 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.179 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 180. Deliberate Violation of Legislation on Access to Information

A deliberate violation by an official of the legal procedure for ensuring and exercising the right of access to information when such a violation caused considerable damage to the legally protected rights and interests of the person that requested information on the protection of public health, public security or environmental protection shall be punished by a fine in the amount of 150 to 300 conventional units with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.180 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 181. Hindering the Free Exercise of Election Rights or the Activities of Electoral Bodies

Hindering by any means the free exercise of election rights or hindering the activities of electoral bodies:

- a) committed by blocking or attacking voting stations by any means and in any form;
- b) committed by stealing ballot boxes or electoral documents;
- c) committed by means endangering a person's life;
- d) involving severe bodily injury or damage to health;
- e) causing other severe consequences,

shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

[Art.181 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 182. Falsification of Voting Results

Falsification, by any means, of voting results shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 100 to 200 hours or by imprisonment for up to 2 years.

[Art.182 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.182 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 183. Violation of Labor Protection Regulations

(1) A violation by an official or by a person managing a commercial, social, or another non-governmental organization of the safety regulations, industrial, sanitation, or other labor protection regulations if such a violation causes accidents involving people or other severe consequences shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 100 to 200 hours or by imprisonment for up to 2 years.

(2) The same action that causes by imprudence the death of a person shall be punished by imprisonment for 2 to 6 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.183 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 184. Violation of the Right to Freedom of Assembly

(1) A violation of the right to freedom of assembly by illegally preventing meetings, demonstrations, manifestations, processions, or any other type of assembly as well as citizens' participation therein or by forcing citizens to participate in such assemblies:

- a) committed by an official;
- b) committed by two or more persons;
- c) involving violence not dangerous to life or health,

shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

(2) The same action:

- a) committed with the use of a weapon or another object used as a weapon or specially adjusted to cause bodily injury or damage to health;
 - b) involving violence dangerous to life or health;
 - c) causing large-scale damage;
 - d) causing other severe consequences,
- shall be punished by imprisonment for up to 5 years.

[Art.184 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.184 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 185. Offence against a Person's and Citizens' Rights in the Form of Religious Preaching and Religious Rites

(1) Organizing, leading, or actively participating in a group carrying out an activity in the form of religious preaching and religious rites and involving either damage to citizens' health or other offences against a person or a person's rights or the incitement of citizens to refuse to perform their civic duties shall be punished by a fine in the amount of 300 to 700 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 5 years.

[Art.185 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.185 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Art. 185¹. Violation of Copyright and Associated Rights

(1) Assuming an author's rights (plagiarism) or any other violation of copyright and/or associated rights if the value of the rights infringed or the value of the licensed work, software, database, performance, logo or broadcasts that are the object of a copyright or associated rights is large scale and when such an assumption is committed by:

- a) reproducing, in whole or in part, the work protected by copyright or associated rights;
- b) the sale, rental, import, export, transport, storage, or publication of the work protected by copyright or associated rights;
- c) the public broadcasting of a cinematographic work or of an audio-visual work via radio/electronic means or cable in an interactive mode, including via Internet or another similar procedure;
- d) public broadcasting of the original work or of a copy;
- e) public performance of the work;
- f) simultaneous or subsequent rebroadcast of the work, performance, or program via radio/electronic means or cable or by another similar procedure or in places with a paid entry;
- g) recording of the audio-visual work, program, or performance in concert halls, cinemas, and in another public places without the consent of the holder of rights over the work, program, or performance;
- h) allowing public access to a computer database that contains or constitutes work protected by copyright;
- i) translation, publication in editions, adaptation or transformation of work, and the processing and arrangement thereof;

shall be punished by a fine in the amount of 800 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

(2) The sale, rental, or exchange of copies of works infringing copyright or associated rights by public announcements, via means of electronic communication, or through public displays of catalogues with covers or of covers of works or logos, the deliberate allocation by legal entities of their own spaces, equipment, means of transport, goods or services for the purpose of illegal use by another individual or legal entity of works and/or performances, logos, or programs that are the object of copyright or associated rights, as well as a refusal to declare the origin of the copies or logos sold, rented, or exchanged infringing copyright or associated rights shall be punished by a fine in the amount of 800 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

(3) The sale, rental, exchange, free transmission, export, storage, or other use of copies of works and/or logos, software, or databases without relevant trademarks and without having, at the time of control, copyright agreements signed with the holders of rights over the aforementioned objects, as well as the improper application of trademarks, other than those applied on material objects specified in the annexes to the request for issuing trademarks or the application of trademarks on copies or logos without the consent of the copyright holder, provided that the value of such objects is large scale, shall be punished by a fine in the amount of 800 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

(4) Avoiding by technical means used for the protection of copyright and associated rights as well as the removal or change of information on the management of copyright and other associated rights, irrespective of whether these rights were violated or not, shall be punished by a fine in the amount of 800 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

(5) The illegal marking, sale, import, export, transport, or storage of trademarks and the falsification thereof causing large-scale damage shall be punished by a fine in the amount of 2000 to 4000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 2000 to 6000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

(6) The actions set forth in par. (1), (2), (3), (4) or (5) committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) by two or more persons;
- c) by an organized criminal group or by a criminal organization;
- d) through physical or mental coercion;
- e) on an especially large scale;

shall be punished by a fine in the amount of 4000 to 5000 conventional units or by imprisonment for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 8000 to 10,000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years or by the liquidation of the legal entity.

[Art.185¹ amended by Law No. 110-XVI dated 27.04.2007, in force as of 08.06.2007]

[Art.185¹ introduced by Law No. 446-XV dated 30.12.04, in force as of 28.01.05]

Article 185². Violation of the Rights to Industrial Property

(1) The disclosure of information on inventions, useful models, industrial drawings or models, types of plants, or integrated circuit topography without the consent of the author (creator) or his/her legal successor prior to the official publication of data from the registration request by a person to whom such information was entrusted or that otherwise became aware thereof as well as the fraudulent misappropriation by a third party of the status of the author of the invention, useful model, industrial drawing or model, kind of plant, or integrated circuit topography or coercion to co-authorship shall be punished by a fine in the amount of 500 to 1000 conventional units or by community service for 180 to 240 hours.

(2) The illegal use of a trademark or origin name of a protected product; the use of identical or similar marks that can be confused with the trademarks or origin names of the product and that are registered or the registration of which was requested on behalf of other persons for the purpose of marking products or services identical to the ones for which the trademark (origin name) was registered; the production, use, import, export, transport, offering for sale, or sale or any other manner of introduction into economic turnover or storage to this effect of the products with such marks; and inciting third parties to perform such actions that cause large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 3500 to 5000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

3) The production, import, export, transport, offering for sale, or any other manner of introduction into economic turnover or storage to this effect of the product; the use of other procedures construed as inventions or useful models or including the protected object of invention or useful model for which, in line with the legislation, the right holder's authorization is required if performed without such an authorization; and inciting third parties to perform such actions that caused large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 3500 to 5000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

(4) The production, import, export, transport, offering for sale, or any other manner of introduction into economic turnover or storage to this effect of the product obtained as a result of the use of a protected industrial drawing or model, provided that such a product, in whole or to a considerable extent, is a copy of the protected industrial drawing or model for which in line with the legislation the right holder's authorization is required if performed without such an authorization and inciting third parties to perform such actions that cause large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 3500 to 5000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

(5) The production, reproduction, conditional reproduction, offering for sale, sale, or other forms of trade, import, export, or storage to this effect of the plant material for which in line with the legislation the right holder's authorization is required if performed without such an authorization and inciting third parties to perform such actions that cause large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units or by community

service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 3500 to 5000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

(6) The reproduction of integrated circuit topography or a part thereof; the import, export, offering for sale, sale, or distribution in any other manner for commercial purposes of integrated circuit topography for which in line with the legislation the right holder's authorization is required if performed without such an authorization; and inciting third parties to perform such actions that cause large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 3500 to 5000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

(7) The actions mentioned in par. (1), (2), (3), (4), (5) and (6) committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) by two or more persons;
- c) by an organized criminal group or by a criminal organization;
- d) through physical or mental coercion;
- e) on an especially large scale;

shall be punished by a fine in the amount of 3000 to 5000 conventional units or by imprisonment for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to 10,000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years or by the liquidation of the legal entity.

[Art.185² introduced by Law No. 110-XVI dated 27.04.2007, in force as of 08.06.2007]

Article 185³. Deliberate False Declarations in Registration Documents Protecting Intellectual Property

Deliberate false declarations, the deliberate introduction of false information into documents related to intellectual property protection, the falsification of documents required for issuing title protection, the deliberate preparation of falsified documents, or the deliberate submission of documents undermining the authority of the person requesting the protection of intellectual property shall be punished by a fine in the amount of 800 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 3500 to 5000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

[Art.185³ introduced by Law No. 110-XVI dated 27.04.2007, in force as of 08.06.2007]

Chapter VI CRIMES AGAINST PROPERTY

Article 186. Theft

(1) Theft, meaning the secret appropriation of another person's goods, shall be punished by a fine of up to 300 conventional units or by community service for 120 to 240 hours or by imprisonment for up to 2 years.

(2) Theft:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed by two or more persons;
- c) committed by entry into a premises, storage area, or residence;
- e) causing considerable damage;

shall be punished by a fine in the amount of 300 to 1000 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 4 years.

(3) Theft committed:

- a) during a calamity;
- b) by an organized criminal group or by a criminal organization;

shall be punished by imprisonment for 2 to 6 years with (or without) a fine in the amount of 1000 to 3000 conventional units.

(4) The actions mentioned in par. (1), (2) or (3) committed on a large-scale shall be punished by imprisonment for 5 to 10 years.

(5) The actions mentioned in par. (1), (2) or (3) committed on an especially large-scale shall be punished by imprisonment for 7 to 12 years.

[Art.186 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.186 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.186 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 187. Robbery

(1) Robbery, meaning the open appropriation of another person's goods, shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

(2) Robbery:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed by two or more persons;
- c) committed by a masked or disguised person or by a caricature of a person;
- d) committed by entry into a premises, storage area, or residence;
- e) committed with violence not dangerous to a person's life or health or with the threat of such violence;
- f) causing considerable damage;

shall be punished by imprisonment for 3 to 6 years with (or without) a fine in the amount of 500 to 1000 conventional units.

(3) Robbery committed:

- a) during a calamity;
- b) by an organized criminal group or by a criminal organization;

shall be punished by imprisonment for 5 to 10 years.

(4) The actions mentioned in par. (1), (2) or (3) committed on a large scale shall be punished by imprisonment for 7 to 12 years.

(5) The actions mentioned in par. (1), (2) or (3) committed on an especially large scale shall be punished by imprisonment for 8 to 15 years.

[Art.187 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.187 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]
[Art.187 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 188. Burglary

(1) Burglary, meaning an offence against a person aimed at the appropriation of goods involving violence dangerous to the life or health of the person attacked or the threat of such violence, shall be punished by imprisonment for 3 to 6 years with (or without) a fine in the amount of 400 to 1000 conventional units.

(2) Burglary:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed by two or more persons;
- c) committed by a masked or disguised person or by a caricature of a person;
- d) committed by entry into a premises, storage area, or residence;
- e) committed with the use of weapons or other objects used as weapons;
- f) causing considerable damage;

shall be punished by imprisonment for 6 to 10 years.

(3) Burglary committed:

- a) during a calamity;
- b) by an organized criminal group or a criminal organization;
- c) causing severe bodily injury or damage to health;
- d) by mutilation, torture, inhumane or degrading treatment;

shall be punished by imprisonment for 7 to 12 years.

(4) The actions mentioned in par. (1), (2) or (3) committed on a large scale shall be punished by imprisonment for 9 to 14 years.

(5) The actions mentioned in par. (1), (2) or (3) committed on an especially large scale shall be punished by imprisonment for 10 to 15 years.

[Art.188 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]
[Art.188 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]
[Art.188 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 189. Blackmail

(1) Blackmail, meaning the demand for the transmission of goods of the owner, possessor, or holder or of the rights over such goods or for commission of other actions of a patrimonial nature involving threats of violence against the person, his/her relatives or close persons, of dissemination of defamatory information about these persons, or of the destruction of the goods of the owner, possessor, holder, or of kidnapping the owner, possessor, holder, their relatives or close persons shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for up to 4 years.

(2) Blackmail:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed by two or more persons;
- c) committed with violence not dangerous to life or health;
- d) committed with a threat of death;

e) committed with the deterioration or destruction of goods,
shall be punished by imprisonment for 3 to 7 years with a fine in the amount of 500 to 1000 conventional units.

(3) The actions mentioned in par. (1) or (2):

- a) committed by an organized criminal group or a criminal organization;
- b) committed with the use of weapons or other objects used as weapons;
- c) involving violence dangerous to life or health;
- d) involving mutilation, torture, inhumane, or degrading treatment;
- e) resulting in the receipt of the extorted goods;
- f) causing other severe consequences;

shall be punished by imprisonment for 6 to 10 years with a fine in the amount of 1000 to 2000 conventional units.

(4) The actions mentioned in par. (1), (2) or (3) involving the kidnapping of the owner, possessor, or holder of the goods or of their relatives or close persons shall be punished by imprisonment for 7 to 13 years.

(5) The actions mentioned in par. (1), (2), (3) or (4) committed on a large scale shall be punished by imprisonment for 9 to 13 years.

(6) The actions mentioned in par. (1), (2), (3) or (4) committed on an especially large scale shall be punished by imprisonment for 10 to 15 years.

[Art.189 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.189 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 190. Fraud

(1) Fraud, meaning the unlawful appropriation of another person's goods by deception or abuse of trust,
shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 120 to 240 hours or by imprisonment for up to 3 years.

(2) Fraud:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed by two or more persons;
- c) causing considerable damage;
- d) committed by use of an official position;

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 2 to 6 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

(3) Fraud committed by an organized criminal group or a criminal organization shall be punished by imprisonment for 4 to 8 years with (or without) a fine in the amount of 1000 to 3000 conventional units.

(4) The actions mentioned in par. (1), (2) or (3) committed on a large scale shall be punished by imprisonment from 7 to 10 years with the deprivation of the right to hold certain positions or to practice specific activities for up to 5 years.

(5) The actions mentioned in par. (1), (2) or (3) committed on an especially large scale shall be punished by imprisonment for 8 to 15 years with the deprivation of the right to hold certain positions or to practice specific activities for up to 5 years.

[Art.190 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.190 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 191. Appropriation of Another Person's Property

(1) The appropriation of another person's property, meaning the misappropriation of another person's goods entrusted into the administration of the guilty person shall be punished by a fine of up to 500 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

(2) The appropriation of another person's property:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed by two or more persons;

c) causing considerable damage;

d) committed by use of an official position,

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 2 to 6 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(3) The actions mentioned in par. (1) or (2) committed by an organized criminal group or a criminal organization shall be punished by imprisonment for 4 to 8 years with deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(4) The actions mentioned in par. (1), (2) or (3) committed on a large scale shall be punished by imprisonment from 7 to 12 years.

(5) The actions mentioned in par. (1), (2) or (3) committed on an especially large scale shall be punished by imprisonment for 8 to 15 years.

[Art.191 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 192. Pick-pocketing

(1) Pick-pocketing, meaning an action committed to steal another person's goods from his/her pockets, purses or from other objects carried by that person shall be punished by a fine in the amount of 300 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

(2) Pick-pocketing committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons

shall be punished by imprisonment for up to 4 years with a fine in the amount of 200 to 1000 conventional units.

(3) The actions mentioned in par. (1) or (2) committed on a large scale shall be punished by imprisonment from 4 to 7 years.

(4) The actions mentioned in par. (1) or (2) committed on an especially large scale shall be punished by imprisonment for 6 to 10 years.

[Art.192 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.192 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.192 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 192¹. Theft of Means of Transportation

(1) Theft of means of transportation not aimed at misappropriation shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 1 to 3 years.

(2) The same action:

a) committed by two or more persons;

b) involving violence not dangerous to the life or health of the victim or the threat of such violence;

c) committed by entry into a garage, other premises, or fenced or protected areas

shall be punished by imprisonment for 2 to 5 years.

(3) The actions mentioned in par. (1) or (2) involving violence dangerous to the life or health of the victim or the threat of such violence shall be punished by imprisonment for 3 to 7 years.

[Art.192¹ introduced by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 192². Theft of Means of Animal Transport and Draught Animals

Theft of means of animal transport and of draught animals not aimed at misappropriation that causes:

a) the destruction of goods;

b) serious disease or loss of the stolen animals;

shall be punished by a fine in the amount of 300 to 700 conventional units or by community service for 180 to 240 hours.

[Art.192² introduced by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 193. Trespassing

(1) Trespassing, in whole or in part, without any right, on the real estate owned by another person with violence or the threat of violence or by destroying or shifting property lines shall be punished by a fine of up to 1000 conventional units or by community service for 150 to 240 hours or by imprisonment for 1 to 2 years.

[Art.193 in version of Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.193 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 194. Misappropriation or Illegal Use of Electric Power, Thermal Energy or Natural Gas

(1) The misappropriation of electric power, thermal energy or natural gas or their illegal use avoiding duly installed systems of evidence of use or by using such systems that have deteriorated due to actions by the consumer, provided that large-scale damage is caused shall

be punished by a fine in the amount of 500 to 1500 conventional units or by community service for 180 to 240 hours.

(2) The same actions that cause damage on an especially large scale shall be punished by a fine in the amount of 1500 to 3000 conventional units or by community service for 240 hours.

[Art.194 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.194 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

[Art.195 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 196. Causing Material Damage through Deception or Abuse of Trust

(1) Causing material damage on a large scale to an owner through deception or abuse of trust, provided that the act does not constitute a misappropriation, shall be punished by a fine of up to 200 conventional units or by community service for 180 to 240 hours, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons,

shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

(3) The actions mentioned in par. (1) or (2) committed:

a) by an organized criminal group or a criminal organization;

[Letter b) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 3 years.

(4) Causing material damage on an especially large scale through deception or abuse of trust, provided that the act does not constitute a misappropriation, shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 3 years.

[Art.196 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.196 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.196 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.196 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 197. Deliberate Destruction or Damaging of Goods

(1) Deliberate destruction or damaging of goods, provided that such actions cause damage on a large scale, shall be punished by a fine of up to 1000 conventional units or by community service for 240 hours.

(2) The same actions:

a) committed by arson, explosion, or other dangerous methods;

b) committed out of social, national, racial, or religious hatred;

c) committed against a person in connection with his/her performance of official or social duties;

d) causing by imprudence the death of the person;

shall be punished by imprisonment for up to 6 years.

[Art.197 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.197 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.197 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

[Art.198 excluded by Law No. 292-XVI din 21.12.2007, in force as of 08.02.2008]

[Art.198 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.198 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 199. Acquisition or Marketing of Goods Known to Have Been Obtained by Criminal Means

(1) The acquisition or marketing of goods, without an advance promise, known to have been obtained by criminal means shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 120 to 180 hours.

(2) The same actions committed:

a) by two or more persons;

b) as a business;

c) on a large scale;

shall be punished by a fine in the amount of 300 to 600 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

(3) The actions mentioned in par. (1) or par. (2) letters a) and b) committed on an especially large scale

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 5 years.

[Art.199 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.199 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.200 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.200 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Chapter VII CRIMES AGAINST FAMILIES AND JUVENILES

Article 201. Incest

(1) Sexual intercourse between direct relatives up to the third degree inclusively as well as between relatives on a collateral line (brothers, sisters) shall be punished by imprisonment for up to 5 years.

(2) Persons mentioned in par. (1) shall not be subject to criminal liability provided that at the moment the act was committed they had not reached the age of 18 and the age difference between them did not exceed 2 years.

[Art.201 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.201 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

[Art.202 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.203 excluded by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

Article 204. Disclosure of Adoption

(1) The disclosure of adoption against the will of the adoptive parent committed by a person obliged to keep the fact of adoption as a professional or official secret shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 100 to 240 hours or by imprisonment for up to 6 months, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 years.

[Art.204 in version of Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.204 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 205. Abuses by Parents and Other Persons Adopting Children

(1) Receipt by a parent, custodian (trustee) or other legal representative of a child or by some other person of compensation in any form for the consent for adoption or for other purposes related to adoption shall be punished by a fine in the amount of 150 to 400 conventional units or by imprisonment for up to 3 years.

(2) Intermediation, facilitation or encouragement of adoption of a child for profit, material or other interests shall be punished by a fine in the amount of 200 to 400 conventional units or by imprisonment for 1 to 3 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities.

(3) Exerting any form of compulsion on the parent or custodian (trustee) of the child in order to obtain a consent for adoption or submitting false data for permission for adoption, custody (trusteeship), or a child's placement in a residential institution or a family or family-type orphanage shall be punished by a fine in the amount of 250 to 400 conventional units or by imprisonment for 3 to 5 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 2500 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(4) The actions mentioned in par. (1)-(3) committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) against two or more children;

c) by a high-ranking official;

d) by two or more persons;

e) by an organized criminal group or a criminal organization,

shall be punished by imprisonment for 3 to 7 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.205 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.205 amended by Law No. 235-XVI dated 08.11.2007, in force as of 07.12.2007]

[Art.205 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 206. Trafficking in Children

(1) The recruitment, transportation, transfer, harboring, or receipt of a child, as well as giving or receiving payments or benefits to obtain the consent of the person who exerts control over the child for the purpose of:

- a) commercial or non-commercial sexual exploitation in prostitution or a pornographic industry;
- b) exploitation by forced labor or services;
- b¹) practicing begging or other base purposes;
- c) exploitation in slavery or in conditions similar to slavery including illegal adoption;
- d) participating in armed conflicts;
- e) participating in criminal activities;
- f) removing human organs or tissues;
- g) abandonment abroad;
- h) sale or purchase;

shall be punished by imprisonment for 8 to 12 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The same actions involving:

- a) physical or mental violence, the use of weapons or the threat of their use;
- b) sexual abuse and violence;
- c) the abuse of authority or the child's vulnerability, the threat of disclosure of confidential information to the child's family or to other persons;
[Letters d), e) excluded by Law No. 235-XVI dated 08.11.2007, in force as of 07.12.2007]
- f) the removal of human organs or tissues;

shall be punished by imprisonment for 10 to 15 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in amount of 5000 to 7000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2):

- a) committed by a person who has previously committed the same actions;
- b) committed against two or more children;
- c) committed by an official or by a high-ranking official;
- d) committed by an organized criminal group or a criminal organization;
- e) causing severe bodily injury or mental disorder of the child or his/her death or suicide;
- f) committed against a child aged under 14,

shall be punished by imprisonment for 15 to 20 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years or with life imprisonment, whereas a legal entity shall be punished by a fine in the amount of 7000 to 9000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(4) A victim of trafficking in children shall be exempted from criminal liability for any crimes committed by him/her in relation to this procedural status.

[Art.206 amended by Law by 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.206 amended by Law No. 193-XVI dated 26.09.2008, in force as of 21.10.2008]

[Art.206 completed by Law No. 235-XVI dated 08.11.2007, in force as of 07.12.2007]

[Art.206 amended by Law No. 376-XVI dated 29.12.05, in force as of 31.01.06]

[Art.206 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 207. Illegally Taking Children Out of the Country

Taking a child out of the country based on false documents or any other illegal means and his/her abandonment abroad for purposes other than those specified in art. 206 shall be punished by imprisonment for 2 to 6 years.

[Art.207 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 208. Involving Juveniles in Criminal Activity or Encouraging Them to Commit Immoral Acts

(1) Involving juveniles in criminal activity or encouraging them to commit crimes as well as inciting juveniles to immoral acts (e.g., begging, gambling, lust) committed by a person who has reached the age of 18 shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 150 to 200 hours or by imprisonment for up to 5 years.

(2) The same actions committed by the parents or other legal representatives of the child or by his/her teachers shall be punished by a fine in the amount of 300 to 700 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 6 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) with violence or the threat of violence;
 - b) with the involvement of juveniles in an organized criminal group or criminal organization;
 - c) with the involvement of juveniles in a crime of a terrorist nature,
- shall be punished by imprisonment for 3 to 7 years.

[Art.208 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.208 completed by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 208¹. Infantile Pornography

The production, distribution, broadcasting, import, export, offering, sale, exchange, use, or holding of pictures or of other images of one or more children involved in explicit, real, or simulated sexual activities or pictures or other images of genital organs of a child represented in a lustful or indecent manner including in a soft version shall be punished by imprisonment for 1 to 3 years whereas a legal entity shall be punished by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities.

[Art.208¹ introduced by Law No. 235-XVI dated 08.11.2007, in force as of 07.12.2007]

Article 209. Involving Juveniles in the Illegal Consumption of Drugs, Medicines and Other Substances with Narcotic Effects

(1) Involving juveniles by a person who has reached the age of 18 in the illegal consumption of drugs, medicines or other substances with narcotic effects shall be punished by a fine in the amount of 200 to 600 conventional units or by imprisonment for up to 5 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) with violence or with the threat of violence

shall be punished by a fine in the amount of 400 to 800 conventional units or by imprisonment for 3 to 6 years.

[Art.210 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Chapter VIII

CRIMES AGAINST PUBLIC HEALTH AND SOCIAL LIFE

Article 211. Infection with a Venereal Disease

(1) A person knowing that he/she is suffering from a venereal disease who infects another person shall be punished by a fine in the amount of 150 to 500 conventional units or by community service for 120 to 200 hours or by imprisonment for up to 1 year.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) against two or more persons;

c) against a person known to be a juvenile;

shall be punished by a fine in the amount of 200 to 700 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

[Art.211 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 212. Infection with AIDS

(1) Deliberate exposure of another person to the danger of infection with AIDS shall be punished by imprisonment for up to 1 year.

(2) Infection with AIDS by a person who knew he/she was suffering from this disease shall be punished by imprisonment for 1 to 5 years.

(3) The action set forth in par. (2) committed:

a) against two or more persons;

b) knowingly against a juvenile,

shall be punished by imprisonment for 3 to 8 years.

(4) Infection with AIDS resulting from non-performance or inadequate performance of a medical employee of his/her professional duties shall be punished by imprisonment for up to 5 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

(5) A person who commits the actions set forth in par. (1) or (2) shall not be subject to criminal liability provided that he/she informed in advance the person exposed to the danger of being infected, that he /she suffered from AIDS, or that the person exposed to the danger knew about the existence of this disease but voluntarily committed actions that created the danger of infection.

[Art.212 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.212 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 213. Violation by Negligence of Medical Assistance Rules and Methods

Violation by negligence of medical assistance rules or methods by a physician or another medical employee causing:

- (1) severe bodily injury or damage to health;
- (2) the death of the patient;

shall be punished by imprisonment for up to 3 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.213 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 214. Illegally Practicing Medicine or Pharmaceutical Activities

(1) Practicing medicine as a profession or practicing pharmaceutical activities by a person without a license or some other authorization provided that such activity caused by imprudence damage to health,

shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for up to 2 years.

(2) The same actions causing by imprudence the death of the victim shall be punished by imprisonment for up to 3 years.

[Art.214 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 214¹. Production and Marketing of Counterfeit Medicines

(1) The production or marketing of counterfeit medicines shall be punished by a fine in the amount of 1000 to 2000 conventional units with (or without) the deprivation of the right hold certain positions or to practice certain activities for up to 3 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with (or without) the deprivation of the right to practice certain activities for up to 3 years.

(2) The same actions that cause by imprudence severe or less severe damage to health or the death of the person shall be punished by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities for up to 5 years or by the liquidation of the legal entity.

[Art.214¹ introduced by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 215. Spread of Epidemics

(1) Failure to observe methods for preventing or combating epidemics provided that such failure caused the spread of the disease shall be punished by a fine in the amount of 200 to 400 conventional units or by imprisonment for up to 1 year, whereas a legal entity shall be punished by a fine in the amount of 1000 to 2000 conventional units with (or without) the liquidation of the legal entity.

(2) The same acts causing by imprudence severe or less severe damage to health or the death of the person shall be punished by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 2000 conventional units and the liquidation of the legal entity.

[Art.215 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.215 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 216. Production (Counterfeiting), Transport, Storage, Marketing, Offering Goods (Services) for Payment or Free of Charge, and Providing Services Dangerous to the Life or Health of Consumers

(1) The production (counterfeiting), transport, storage, marketing, offering goods (services) for payment or free of charge, and providing services dangerous to the life or health of consumers committed on a large scale shall be punished by a fine in the amount of 600 to 800 conventional units, whereas a legal entity shall be punished by a fine in the amount of 1000 to 5000 conventional units with the deprivation of the right to practice certain activities for up to 2 years or with the liquidation of the enterprise.

(2) The same actions:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed on an especially large scale

shall be punished by a fine in the amount of 800 to 1000 conventional units or by imprisonment for up to 3 years, whereas a legal entity shall be punished by a fine in amount of 5000 to 8000 conventional units with the deprivation of the right to practice certain activities for up to 3 years or with the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2):

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed by an organized criminal group or a criminal organization;

c) causing death of two or more persons;

shall be punished by a fine in the amount of 1000 to 1500 conventional units or by imprisonment for 3 to 7 years whereas a legal entity shall be punished by a fine in the amount of 8000 to 10000 conventional units with the deprivation of the right to practice certain activities for up to 5 years or with the liquidation of the legal entity.

[Art.216 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.216 completed by Law No. 3-XVI dated 07.02.2008, in force as of 29.02.2008]

[Art.216 in version of Law No. 158-XV dated 20.05.2004, in force as of 18.06.2004]

[Art.216 completed by Law No. 211-XV dated 29.05.2003, in force as of 12.06.2003]

Article 217. Illegal Circulation of Narcotic or Psychotropic Substances or Analogs Thereof Not for the Purpose of Alienation

(1) The illegal sowing or cultivation of plants containing narcotic or psychotropic substances and the processing or use of such plants committed on a large scale not for the purpose of sale shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 100 hours, whereas a legal entity shall be punished by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities or with the liquidation of the legal entity.

(2) The production, preparation, experimentation, extraction, processing, transformation, purchase, storage, dispatch, or transport of narcotic, psychotropic substances or analogs thereof, committed on a large scale not for the purpose of sale shall be punished by a fine in the amount of 400 to 700 conventional units or by community service for up to 150 hours or by imprisonment for up to 1 year, whereas a legal entity shall be punished by a fine in the amount of 4000 to 6000 conventional units with the deprivation of the right to practice certain activities or with the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2) committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) by two or more persons;
 - b¹) by a person who has reached the age of 18 with involvement of juveniles;
 - c) with the use of narcotic or psychotropic substances or analogs thereof, the circulation of which for medical purposes is prohibited;
 - d) by use of an official position;
 - e) on the territory of educational institutions, social rehabilitation institutions, penitentiaries, military units, recreation centers, places where juveniles and youth education and training or other cultural or sports events take place, or in immediate proximity thereto;
- shall be punished by imprisonment for up to 4 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 6000 to 8000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(4) The actions set forth in par. (1), (2), or (3) committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) on an especially large scale
- shall be punished by imprisonment for 1 to 6 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 6000 to 10000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(5) The person who committed the actions set forth in art. 217 or 217¹ shall be exempted from criminal liability if he/she actively contributed to solving or preventing the crime related to the illegal circulation of narcotic and psychotropic substances or analogs thereof; indicated the source of the purchase of such substances; disclosed the persons who contributed to the commission of the crime; or provided information on money, goods, or revenues resulting from the crime. The seizure of narcotic or psychotropic substances or analogs thereof upon a person's detention or during a criminal investigation aimed at their discovery and seizure shall not be deemed a voluntary submission of such substances.

[Art.217 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.217 in version of the Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

[Art.217 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 217¹. Illegal Circulation of Narcotic or Psychotropic Substances or Analogs Thereof for the Purpose of Alienation

(1) Sowing or cultivating plants containing narcotic or psychotropic substances, the processing or use of such plants without authorization committed for the purpose of alienation shall be punished by a fine in the amount of 600 to 900 conventional units or by imprisonment for up to 2 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to

5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The production, preparation, experimentation, extraction, processing, transformation, purchase, storage, dispatch, transport, distribution or other illegal operations involving narcotic or psychotropic substances or analogs thereof committed for the purpose of alienation or the illegal alienation of narcotic or psychotropic substances or analogs thereof shall be punished by imprisonment for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 4000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2) committed:

a) by a person who has previously committed the same actions;

b) by two or more persons;

b¹) by a person who has reached the age of 18 with the involvement of juveniles;

c) with the use of narcotic or psychotropic substances or analogs thereof the circulation of which for medical purposes is prohibited;

d) by use of an official position;

e) on the territory of educational institutions, social rehabilitation institutions, penitentiaries, military units, recreation centers, places where juveniles and youth education and training or other cultural or sports events take place, or in immediate proximity thereto;

f) on a large scale;

shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 6000 to 8000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(4) The actions set forth in par. (1), (2) or (3) committed:

[Letter a) excluded by law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by an organized criminal group or a criminal organization or for the benefit thereof;

[Letter c) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

d) on an especially large scale;

shall be punished by imprisonment for 7 to 15 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 8000 to 10000 conventional units and the liquidation of the legal entity.

[Art.217¹ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.217¹ introduced by Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

Article 217². Illegal Circulation of Precursors for the Purpose of Producing or Processing Narcotic or Psychotropic Substances or Analogs Thereof

The production, preparation, processing, experimentation, purchase, storage, dispatch, transport, alienation or other operations involving precursors for the purpose of producing or processing narcotic or psychotropic substances or analogs thereof shall be punished by a fine in the amount of 800 to 1000 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to

10000 conventional units with the deprivation of the right to practice a certain activity or by the liquidation of the legal entity.

[Art.217² amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.217² introduced by Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

Article 217³. Illegal Circulation of Materials and Equipment Aimed at Producing or Processing of Narcotic or Psychotropic Substances or Analogs Thereof

(1) The production, preparation, purchase, storage, dispatch, transmission, transport, or alienation of materials or equipment aimed at producing, preparing or processing narcotic or psychotropic substances or analogs thereof or the cultivation of plants containing these substances shall be punished by a fine in the amount of 150 to 300 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) with use of an official position,

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 2000 to 5000 conventional units with the deprivation of the right to practice certain activities.

(3) The actions set forth in par. (1) or (2) committed:

a) by an organized criminal group or a criminal organization or for the benefit thereof;

b) on the territory of educational institutions, social rehabilitation institutions, penitentiaries, military units, recreation centers, places where juveniles and youth education and training or other cultural or sports events take place, or in immediate proximity thereto,

[Letter c) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

shall be punished by imprisonment for 2 to 5 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 6000 to 8000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.217³ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.217³ introduced by Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

Article 217⁴. Theft or Extortion of Narcotic or Psychotropic Substances

(1) The theft or extortion of narcotic or psychotropic substances shall be punished by a fine in the amount of 300 to 2000 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 5 years.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) by two or more persons;
- c) with use of an official position;
- d) by entry into a premises, storage area, or residence;
- e) with violence not dangerous to the life and health of the person or with the threat of such violence;
- f) on a large scale;

shall be punished by imprisonment for 3 to 8 years with (or without) a fine in the amount of 500 to 3000 conventional units.

(3) The actions set forth in par. (1) or (2) committed:

- a) by an organized criminal group or a criminal organization or for the benefit thereof;
- b) with violence dangerous to the life and health of the person or with the threat of such violence;
- c) on an especially large scale;

shall be punished by imprisonment for 7 to 15 years with a fine in the amount of 1000 to 5000 conventional units.

[Art.217⁴ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.217⁴ introduced by Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

Article 217⁵. Illegal Public Consumption or the Organization of Illegal Consumption of Narcotic or Psychotropic Substances or Analogs Thereof

(1) The illegal consumption of narcotic or psychotropic substances or analogs thereof committed publicly or on the territory of educational institutions, social rehabilitation institutions, penitentiaries, military units, recreation centers, places where juveniles and youth education and training or other cultural or sports events take place, or in immediate proximity thereto shall be punished by a fine in the amount of 400 to 700 conventional units or by community service for 180 to 240 hours.

(2) The organization of the illegal consumption of narcotic or psychotropic substances shall be punished by a fine in the amount of 400 to 700 conventional units or by imprisonment for 2 to 5 years.

[Art.217⁵ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.217⁵ introduced by Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

Article 217⁶. Deliberate Illegal Introduction into the Body of Another Person, Against His/Her Will, of Narcotic or Psychotropic Substances or Analogs Thereof

(1) The deliberate, illegal introduction, irrespective of manner, into the body of another person against his/her will of narcotic or psychotropic substances or analogs thereof shall be punished by a fine in the amount of 400 to 700 conventional units or by community service for 150 to 200 hours or by imprisonment for up to 3 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) against two or more persons;

c) against a person known to be a juvenile or against a pregnant woman or taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical or mental handicap or another factor;

[Letter d) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

e) with the use of narcotic or psychotropic substances the circulation of which for medical purposes is prohibited, shall be punished by imprisonment for 2 to 7 years.

[Art.217⁶ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.217⁶ introduced by Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

Article 218. Illegal Prescription of Narcotic or Psychotropic Substances or Violation of Circulation Rules

(1) The unnecessary prescription of narcotic or psychotropic preparations shall be punished by a fine in the amount of 200 to 800 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished with a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The falsification of prescription or other documents allowing a person to obtain narcotic or psychotropic preparations and substances shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 1 year, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2) committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) for the purpose of obtaining narcotic or psychotropic preparations or substances in especially large amounts;

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for a period of up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 10,000 conventional units and the liquidation of the legal entity.

(4) Violating established rules for the production, preparation, processing, purchase, storage, recording, release, alienation, distribution, transport, dispatch, use, import, export, or destruction of narcotic or psychotropic substances or materials or equipment aimed at producing or processing of narcotic or psychotropic substances and the cultivation of plants containing narcotic or psychotropic substances that caused their loss committed by a person obliged to follow the aforementioned rules shall be punished by a fine in the amount of 300 to 600 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 2000 to 4000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(5) The actions set forth in par. (4) committed for material interest or that cause by imprudence damage to the health of the person or that cause other severe consequences shall be punished by a fine in the amount of 600 to 1000 conventional units or by imprisonment for up to 5 years, in both cases with the deprivation of the right to hold certain positions or to

practice certain activities for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 4000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.218 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.218 amended by law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.218 amended by Law No. 277-XVI dated 04.11.05, in force as of 02.12.05]

[Art.218 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 219. Organization or Maintenance of Dens for the Consumption of Narcotic or Psychotropic Substances

(1) Organizing or maintaining dens for the consumption of narcotic or psychotropic substances as well as offering premises for such purposes shall be punished by a fine in the amount of 200 to 800 conventional units or by imprisonment for up to 4 years.

(2) The same actions committed by an organized criminal group or a criminal organization shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 3 to 7 years.

Article 220. Pimping

(1) Encouraging or inducing a person to practice prostitution or facilitating prostitution or gaining benefits from practicing prostitution by another person shall be punished by a fine in the amount of 200 to 800 conventional units or by imprisonment for 2 to 5 years.

(2) The same actions:

a) committed by an organized criminal group or a criminal organization;

[Letter b) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

c) committed against two or more persons;

d) committed with violence not dangerous to the life and health of the person or with the threat of such violence against the person practicing prostitution or his/her relatives or close persons;

shall be punished by imprisonment for 4 to 7 years.

[Art.220 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.220 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 221. Deliberate Destruction or Damage of Historical and Cultural Monuments

The deliberate destruction or damage of historical and cultural monuments or objects of nature placed under state protection shall be punished by a fine in the amount of 500 to 3000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities.

[Art.221 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.221 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 222. Profanation of Graves

(1) Profanation by any means of a grave, a monument, a funeral urn or a corpse and the appropriation of objects inside or on a grave shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 1 year.

(2) The same actions committed:

- a) by two or more persons;
- b) because of social, national, racial or religious hatred,

shall be punished by a fine in the amount of 400 to 600 conventional units or by community service for 200 to 240 hours or by imprisonment for up to 3 years.

[Art.222 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.222 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Chapter IX

ENVIRONMENTAL CRIMES

Article 223. Violation of Environmental Security Requirements

Violating environmental security requirements during the design, emplacement, construction, startup, and operation of industrial, agricultural, or scientific construction or other projects by persons responsible for following those regulations provided that such violations caused:

- a) a significant increase in radiation levels;
- b) damage to the population's health;
- c) massive deaths of animals;
- d) other severe consequences;

shall be punished by a fine in the amount of 300 to 600 conventional units or by imprisonment for 2 to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.223 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 224. Violation of Rules on the Circulation of Radioactive, Bacteriological or Toxic Substances, Materials, and Waste

(1) Violating established rules related to the fabrication, import, export, burial, storage, transport, or use of radioactive, bacteriological, or toxic substances, materials, and waste including pesticides, herbicides, and other chemical substances, if they present a real threat to cause essential damage to the health of the population or to the environment shall be punished by a fine in the amount of 200 to 600 conventional units or by imprisonment for up to 3 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions:

[Letter a) excluded by Law No.277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed in an area with an exceptional environmental situation or in an area prone to natural calamities;
- c) resulting in polluting, poisoning or infecting the environment;
- e) resulting in the massive deaths of animals,

shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2) resulting by imprudence in:

- a) massive infections of people;
- b) the death of a person,

shall be punished by imprisonment for 3 to 7 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 10000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(4) The actions set forth in par. (1) resulting in death of two or more persons shall be punished by imprisonment for 5 to 10 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 10,000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.224 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.224 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

[Art.224 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.224 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 225. Concealment or Deliberate Submission of Inauthentic Data on Environment Pollution

(1) The concealment or deliberate submission by an official or a person administering a commercial, social, or other non-state organization as well as by a legal entity of inauthentic data on accidents resulting in excessive environmental pollution; in radioactive, chemical, or bacteriological pollution; or in other consequences dangerous to the life or health of the population as well as data on the health of the population affected by environmental pollution, if such actions cause by imprudence:

- a) massive infections of people;
- b) massive deaths of animals;
- c) the death of a person;
- d) other severe consequences;

shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for 3 to 7 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions causing death of two or more persons shall be punished by imprisonment for 5 to 10 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.225 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 226. Failure to Perform Obligations to Eliminate Consequences of Ecological Violations

(1) The circumvention or improper performance by an official or a person administering a commercial, social or other non-state organization or by a legal entity of obligations on to eliminate the consequences of ecological violations, when causing by imprudence:

- a) massive infections of people;
- b) massive deaths of animals;
- c) the death of a person;
- d) other severe consequences;

shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for up to 5 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions causing the death of two or more persons shall be punished by imprisonment for 3 to 7 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.226 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.226 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 227. Soil Pollution

(1) Effluence, poisoning, contamination, or any other pollution of soil with noxious products resulting from economic or other types of activity as a consequence of violating the rules on working with noxious substances, mineral fertilizers, fertilizers for plant growth, and other chemical or biological substances during the transportation, utilization, or storage thereof, when causing damage to:

- a) the health of the population;
- b) the environment;
- c) agricultural production;

shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for up to 2 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions:

- a) committed in an area with an exceptional environmental situation or in an area prone to natural calamities;
- b) followed by the death of a person by imprudence;

shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.227 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.227 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 228. Violation of Subsoil Protection Requirements

Violating requirements on the protection of mineral deposits or other resources in the subsoil, the unauthorized construction or dumping of toxic waste in areas with mineral resources, and the unauthorized disposal of noxious substances into the subsoil when causing:

- a) the collapse of the land or landslides on a large scale;
- b) the pollution of underground waters creating danger to the health of the population;
- c) the death of a person by imprudence;
- d) other severe consequences;

shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.228 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.228 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 229. Water Pollution

The infection or other contamination of surface or underground waters with used waters or other waste from industrial, agricultural, communal or other enterprises, institutions, or organizations when causing large-scale damage to the animal or vegetal world; to fishery, forestry, or agriculture; or to the health of the population, or causing the death of a person shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.229 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.229 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 230. Air Pollution

Pollution of the air by exceeding set norms as a result of emission into the atmosphere of pollutants or violating the rules for exploitation or failure to use equipment, devices, or installations for purification and control of emissions into atmosphere if causing large-scale damage to the environment, animal and vegetal world, to the health of the population or the death of a person, shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.230 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.230 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 231. Illegal Cutting of Forest Vegetation

The illegal cutting of trees and bushes from the forestry fund or in natural areas protected by the state committed:

- a) by persons responsible for the protection and security of forest vegetation;
- b) on a scale exceeding 500 conventional units;

shall be punished by a fine in the amount of 500 to 1000 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities

for up to 3 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.231 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.231 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.231 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 232. Destroying or Damaging Woodlands

(1) Destroying or damaging on a large scale woodlands as a result of imprudent use of fire or other sources of excessive danger shall be punished by a fine in the amount of 200 to 600 conventional units or by community service for 120 to 240 hours or by imprisonment for up to 3 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The deliberate destruction or large-scale damage of woodlands by arson shall be punished by a fine in the amount of 300 and 1000 conventional units or by community service for 180 to 240 hours or by imprisonment for 3 to 7 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.232 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.232 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 233. Illegal Hunting

Hunting without proper authorization either during a period of the year when hunting is prohibited or in forbidden areas or using prohibited tools and methods (poaching) or using an official position if it causes damage exceeding 200 conventional units shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.233 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.233 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 234. Illegal Fishing, Hunting or Other Exploitation of Waters

Illegal fishing, hunting or other exploitation of waters with the use of explosive or poisonous substances or by other means of mass destruction of fauna if causing damage exceeding 200 conventional units shall be punished by a fine in the amount of 200 to 700 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 1 year, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.234 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.234 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.234 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.234 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 235. Violation of the Administrative and Protective Regime Applied to the Fund of Natural Areas Protected by State

Violation of the administrative and protective regime applied to the fund of natural areas protected by state when threatening to cause large-scale damage, or causing large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.235 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.235 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Chapter X ECONOMIC CRIMES

Article 236. Production or Putting into Circulation of Counterfeit Money or Securities

(1) Production aimed at putting into circulation or putting into circulation of false banknotes of the National Bank of Moldova, coins, foreign currency, state securities, as well as other securities used for effecting payments shall be punished by imprisonment for 5 to 10 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by an organized criminal group or a criminal organization;

c) on an especially large scale;

shall be punished by imprisonment for 7 to 15 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.236 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.236 amended by Law No. 231-XVI dated 02.11.2007, in force as of 23.11.2007]

[Art.236 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 237. Production or Putting into Circulation of False Cards or Other Pay Checks

(1) Production for the purpose of putting into circulation or putting into circulation of false cards or other pay checks that are not foreign currency or securities which however confirm, establish, or grant property rights or obligations shall be punished by a fine in the amount of 200 to 700 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by a clerk or other employee during the performance of their official duties;

c) by an organized criminal group or a criminal organization;

d) on an especially large scale;
shall be punished by imprisonment for 4 to 8 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.237 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.237 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.237 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 238. Obtaining Credit by Fraud

The deliberate submission of false information for the purpose of obtaining credit or increasing the amount thereof or obtaining credit on easy terms, provided that the financial institution incurred large-scale damage shall be punished by a fine in the amount of 1500 to 3000 conventional units or by imprisonment for 3 to 6 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.238 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.238 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 239. Violation of Crediting Rules

(1) Offering credit that deliberately violates crediting rules if it causes large-scale damage to the financial institution shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same action that:

a) causes especially large-scale damage to the financial institution;

b) leads to insolvency of the financial institution;

shall be punished by a fine in the amount of 2000 to 3000 conventional units or by imprisonment for 2 to 7 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas the legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.239 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.239 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 240. Use of Means from Internal or External Loans Guaranteed by the State Contrary to their Purpose

(1) The use of means from internal or external loans guaranteed by the state contrary to their purpose if it causes large-scale damage shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 2 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same action:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed by two or more persons;

c) causing damage on an especially large scale;

shall be punished by a fine in the amount of 2000 to 3000 conventional units or by imprisonment for up to 3 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.240 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.240 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 241. Illegally Practicing an Entrepreneurial Activity

(1) Illegally practicing an entrepreneurial activity resulting in obtaining a large-scale profit shall be punished by a fine in the amount of 1000 to 2000 conventional units or by community service for up to 200 hours, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) by use of an official position;

[Letters d), e) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

f) obtaining a profit on an especially large scale;

shall be punished by a fine in the amount of 2000 to 3000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.241 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.241 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 242. Pseudo Entrepreneurship

Pseudo entrepreneurship, meaning the establishment of enterprises without the intention to practice an entrepreneurial or banking activity in order to cover illegal entrepreneurial activities if causing large-scale damage shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 3 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.242 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.242 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 243. Money Laundering

(1) Money laundering committed by:

a) the conversion or transfer of goods by a person who knew or should have known that such goods were illegal earnings in order to conceal or to disguise the illegal origin of goods or to help any person involved in the commission of the main crime to avoid the legal consequences of these actions;

b) the concealment or disguise of the nature, origin, location, disposal, transmission, or movement of the real property of the goods or related rights by a person who knew or should have known that such were illegal income;
c) the purchase, possession or use of goods by a person who knew or should have known that such were illegal earnings;
d) the participation in any association, agreement, complicity through assistance, help or advice on the commission of actions set forth in letters a)-c);
shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to 10,000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) by two or more persons;
- c) by use of an official position,

shall be punished by a fine in the amount of 2000 to 5000 conventional units or by imprisonment for 4 to 7 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) by an organized criminal group or a criminal organization;
- b) on an especially large scale;

shall be punished by imprisonment for 5 to 10 years.

(4) Illegal actions shall also be acts committed outside the territory of the country provided that such acts include the constitutive elements of a crime in the state where they were committed and may be the constitutive elements of a crime committed in the territory of the Republic of Moldova.

[Art.243 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.243 amended by Law No. 243-XVI dated 16.11.2007, in force as of 14.12.2007]

[Art.243 amended by Law No. 353-XV dated 31.07.03, in force as of 08.08.03]

Article 244. Tax Evasion by Enterprises, Institutions, and Organizations

(1) Tax evasion by enterprises, institutions, and organizations by including into accounting, fiscal, or financial documents obviously distorted data on revenues or expenses or by concealing other taxable objects provided that the value of the tax payable exceeds 2500 conventional units shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 2 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same action:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) that leads to the nonpayment of tax on an especially large scale

shall be punished by a fine in the amount of 2000 to 3000 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years, whereas a legal entity shall be

punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.244 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.244 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.244 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 245. Abuses in Issuing Securities

(1) Inclusion in offering circulars or other documents based on which issuing securities is registered of inauthentic or misleading information or deliberate approval offering circulars that contain inauthentic or misleading information and the approval of the results of an obviously inauthentic issue, provided that such actions cause large-scale damage shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed by two or more persons;

c) causing damage on an especially large scale;

shall be punished by a fine in the amount of 2000 to 3000 conventional units or by imprisonment for 1 to 6 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.245 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.245 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.245 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 245¹. Abuses in Activities of Real Estate Market Participants

(1) The activities of real estate market participants aimed at limiting the free circulation of real estate on the market, the commission of certain fraudulent actions or the performance of transactions with real estate by insiders for personal or third parties' interest availing of the insider's information, and the involvement in such actions of other real estate market participants provided that such actions caused large-scale damage shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The same actions:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) that cause damages on an especially large scale

shall be punished by a fine in the amount of 2000 to 3000 conventional units or by imprisonment for 1 to 6 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity

shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.245¹ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.245¹ introduced by Law No. 353-XVI dated 24.11.2006, in force as of 22.12.2006]

Article 245². Violation of Legislation on Entering Data into the Movable Property Owners' Register

(1) Deliberate inclusion in the moveable property owners' register of inauthentic, distorted, or false information followed by the transfer of property rights to another person provided that such an action causes large-scale damage shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice a certain activity or by the liquidation of the legal entity.

(2) The same action committed by imprudence that causes especially large-scale damages shall be punished by a fine of up to 500 conventional units or by imprisonment for up to 2 years.

(3) The action described in par. (1):

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) that causes damages on an especially large scale shall be punished by a fine in the amount of 2000 to 3000 conventional units or by imprisonment for 1 to 6 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity

[Art.245² amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.245² introduced by Law No. 353-XVI dated 24.11.2006, in force as of 22.12.2006]

Article 246. Restricting Free Competition

Restricting free competition by signing an illegal agreement providing for the division of the market, restricting access to the market, eliminating other economic agents, and increasing or maintaining uniform prices provided that such actions lead to the gain of profit on an especially large scale or cause damages on an especially large scale to a third party shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 3 years.

[Art.246 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.246 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.246 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 246¹. Unfair Competition

Any act of unfair competition including:

- a) the creation by any means of confusion with the enterprise, products, or industrial or commercial activity of a competitor;

- b) spreading in the course of trade of false statements discrediting the enterprise, products, or entrepreneurial activity of a competitor;
- c) misleading the consumer about the nature of the mode of production, features, fitness for use or quantity of the competitor's goods;
- d) the use of the trade name or trademark in a manner creating confusion with the ones legally used by another economic agent;
- e) comparison for advertising purposes of produced or marketed goods of an economic agent with the goods other economic agents;

shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 1 year, whereas a legal entity shall be punished by a fine in the amount of 3500 to 5000 conventional units with the deprivation of the right to practice certain activities for 1 to 5 years.

[Art.246¹ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.246¹ introduced by Law No. 110-XVI dated 27.04.2007, in force as of 08.06.2007]

Article 247. Coercion to Close or to Refuse to Close a Transaction

(1) Coercion to sign or to refuse to sign a transaction involving threats of violence, of destruction, or of damage to goods and the spread of information that would cause considerable damage to the legally protected rights and interests of a person or his/her close relatives without the constitutive elements of blackmail shall be punished by a fine in the amount of 1000 to 2000 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) with violence, the destruction or damage to goods;

- c) by an organized criminal group or a criminal organization;

shall be punished by a fine in the amount of 2000 to 3000 conventional units or by imprisonment for up to 5 years.

[Art.247 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.247 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 248. Smuggling

(1) Transportation on a large scale of goods, objects, and other valuables across the customs border of the Republic of Moldova circumventing customs control or concealing the goods from customs control by hiding them in compartments specially prepared or adjusted for this purpose or fraudulently using documents or other means of customs identification or involving the non-declarations or inauthentic declarations in customs documents or in other border-crossing documents shall be punished by a fine in the amount of 150 to 300 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The transportation of narcotic, psychotropic, toxic, poisonous, radioactive and explosive substances, and substances that produce strong effects, as well as noxious waste and double-purpose products across the customs border of the Republic of Moldova circumventing customs control or concealing the goods from customs control by hiding them in

compartments specially prepared or adjusted for this purpose or fraudulently using documents or other means of customs identification or involving non-declarations or inauthentic declarations in customs documents or in other border-crossing documents shall be punished by a fine in the amount of 200 to 600 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(3) The transportation of weapons, explosive devices, and ammunition across the customs border of the Republic of Moldova circumventing customs control or concealing the goods from customs control by hiding them in compartments specially prepared or adjusted for this purpose or fraudulently using documents or other means of customs identification or involving non-declarations or inauthentic declarations in customs documents or in other border-crossing documents shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for 4 to 6 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 10,000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(4) The transportation of goods of cultural value across the customs border of the Republic of Moldova circumventing customs control or concealing the goods from customs control by hiding them in compartments specially prepared or adjusted for this purpose as well as the failure to return to the territory of the Republic of Moldova items of cultural value taken out of the country if their return is mandatory shall be punished by imprisonment for 3 to 8 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 10,000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(5) The actions set forth in par. (1), (2), (3) or (4) committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) by an official with the use of his/her official position;

d) on an especially large scale;

shall be punished by imprisonment for 3 to 10 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 10,000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.248 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.248 completed by Law No. 27-XVI dated 22.02.2008, in force as of 07.03.2008]

[Art.248 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.248 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 249. Evasion from Customs Payments

(1) Evading customs payments on a large scale shall be punished by a fine of up to 300 conventional units or by community service for 120 to 180 hours, whereas a legal entity shall be punished by a fine in the amount of 1000 to 2000 conventional units.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons

shall be punished by a fine in the amount of 300 to 500 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 1500 to 2000 conventional units.

(3) Evading customs payments on an especially large scale shall be punished by a fine in the amount of 500 to 1000 conventional units or by community service for 180 to 240 hours, whereas a legal entity shall be punished by a fine in the amount of 2000 to 5000 conventional units.

[Art.249 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.249 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 250. Transportation, Storage, or Marketing of Excised Goods without Marking Them with Control Stamps or Excise Stamps

(1) The transportation, storage, or marketing of excised goods without marking them with control stamps or excise stamps of the set model provided that such actions cause large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions involving:

a) marking with stamps other than those of the set model;

b) damage on an especially large scale;

shall be punished by a fine in the amount of 1000 to 1500 conventional units, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.250 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.250 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.250 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 251. Appropriation, Alienation, Substitution, or Concealment of Sequestered or Confiscated Goods

The appropriation, alienation, substitution, or concealment of sequestered or confiscated goods or their use for other purposes by a person to whom such goods were entrusted or who was obliged, under the law, to ensure their integrity shall be punished by fine in amount of 1000 to 1500 conventional units or by imprisonment for up to 3 years, in both cases with (or without) deprivation of the right to hold certain positions or to practice certain activities for up to 3 years, whereas the legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.251 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.251 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 252. Deliberate Insolvency

(1) Deliberate insolvency that causes large-scale damage to the creditor shall be punished by a fine in the amount of 300 to 600 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same action:

- a) committed by two or more persons;
- b) causing damage on an especially large scale;

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.252 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.252 completed by Law No. 333-XV dated 07.10.04, in force as of 22.10.04]

Article 253. Fictitious Insolvency

(1) Fictitious insolvency that causes large-scale damage to the creditor shall be punished by a fine in the amount of 300 to 600 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same action:

- a) committed by two or more persons;
- b) causing damage on an especially large scale;

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 4 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.253 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.253 completed by Law No. 333-XV dated 07.10.04, in force as of 22.10.04]

[Art.254 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.254 in version of Law No. 158-XV dated 20.05.04, in force as of 18.06.04]

Article 255. Deceiving Customers

(1) Exceeding established retail prices and the prices and rates for social and communal services provided to the population, deceit in calculations, or other forms of misleading customers committed on a large scale shall be punished by a fine of up to 300 conventional units or by community service for 100 to 240 hours, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) by two or more persons;
- c) on an especially large scale;

shall be punished by a fine in the amount of 500 to 1000 conventional units with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.255 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.255 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.255 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 256. Receipt of an Illegal Remuneration for the Performance of Public Service Works

(1) Receipt through extortion by an employee who is not an official from an enterprise, institution, or organization of remuneration for the performance of work or the provision of services in the areas of trade, public nutrition, transportation, social services, medical or other work and services as part of the professional duties of this employee shall be punished by a fine of up to 200 conventional units or by community service for 120 to 180 hours.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) on a large scale;

shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

[Art.256 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 257. Low Quality Construction Work

(1) Commissioning living quarters; industrial construction; construction in the field of transportation and power engineering; other low quality, unfinished, or planned non-compliant construction by the managers of construction organizations, managers of construction sites, and officials responsible for the control of construction quality shall be punished by a fine in the amount of 300 to 600 conventional units with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The continuation by responsible persons of improperly executed work terminated as a result of control acts, when such work can affect the resistance and stability of the construction shall be punished by a fine of up to 200 conventional units, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(3) The planning, inspection, and building by responsible persons of an urban complex or a construction or making changes to such construction by violating the provisions of legal documents on safety, resistance, and stability provided that such actions resulted in:

a) severe bodily injury or damage to health of a person or loss by a person of the ability to work;

b) complete or partial destruction of the construction;

c) destruction or malfunctioning of important units or equipment;

d) large-scale damage;

shall be punished by a fine in the amount of 200 to 600 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 10000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(4) The actions set forth in par. (3) that caused death of a person shall be punished by imprisonment for 5 to 10 years, whereas a legal entity shall be punished by a fine in the

amount of 5000 to 10,000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.257 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.257 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.257 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 258. Violation of Rules on Using, Renovating or Changing Apartments in an Apartment Building

Violations by landlords or tenants of the rules on for using, renovating, or changing apartments in an apartment building and of the rules for internal communications within the building causing thus especially large-scale damage to the structural integrity of the building or to the apartments of other landlords or tenants or worsening their living conditions shall be punished by a fine in the amount of 500 to 1000 conventional units.

[Art.258 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.258 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

Chapter XI COMPUTER CRIMES AND CRIMES IN THE TELECOMMUNICATIONS SPHERE

[Title in version of Law No. 278-XVI dated 18.12.2008, in force as of 20.02.2009]

[Title in version of Law No. 254-XV dated 09.07.04, in force as of 22.10.04]

Article 259. Illegal Access to Computerized Information

(1) Illegal access to computerized information meaning the data from computers, data storage devices, computer systems, or networks by a person unauthorized by law or contract or who exceeds the limits of his/her authorization or who does not have permission from a competent person to use, administer, or control a data system or to conduct scientific research or to perform any other operation in a data system, provided that such access is accompanied by destroying, deteriorating, changing, blocking or copying information, the malfunction of the computers, computer systems or networks, and provided that such access causes large-scale damage shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 150 to 200 hours or by imprisonment for up to 2 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) by breaching protection systems;

d) via connection to telecommunication channels;

e) with the use of special technical means;

f) with the illegal use of the computer, computer system, or network in order to commit one of the crimes set forth in par. (1) of art. 260¹-260³, 260⁵ and 260⁶;

g) in respect to information protected by law;

h) on an especially large scale;

shall be punished by a fine in the amount of 500 to 1000 conventional units or community service for 180 to 240 hours or by imprisonment for up to 3 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.259 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.259 amended by Law No. 278-XVI dated 18.12.2008, in force as of 20.02.2009]

[Art.259 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.259 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 260. Illegal Production, Importation, Marketing, or Offering of Technical Means or Software Products

(1) The production, importation, marketing or otherwise offering in an illegal manner of technical means or software products developed or adapted in order to commit one of crimes set forth in art. 237, 259, 260¹-260³, 260⁵ and 260⁶ shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.260 in version of Law No. 278-XVI dated 18.12.2008, in force as of 20.02.2009]

[Art.260 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.260 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 260¹. Illegal Interception of an Information Data Transfer

The illegal interception of an information data transfer (including an electronic emission) that are not public and are intended for the data system, that originate from such a system or are performed within a data system shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.260¹ introduced by Law No. 278-XVI dated 18.12.2008, in force as of 20.02.2009]

Article 260². Violation of the Integrity of the Information Data Contained in a Data System

The deliberate modification, deletion, or damaging of information data contained in a data system or the illegal restriction of access to such data or the unauthorized transfer of information data from a data system or a storage device or obtaining, marketing, or offering in any form of information data with limited access provided that such actions cause large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 2 to 5 years.

[Art.260² introduced by Law No. 278-XVI dated 18.12.2008, in force as of 20.02.2009]

Article 260³. Impact on Data System Operation

(1) Impact on a data system's operation by introducing, transmitting, modifying, deleting or deteriorating information data or by limiting access to such data provided that such actions cause large-scale damage shall be punished by a fine in the amount of 700 to 1000

conventional units or by community service for 150 to 200 hours or by imprisonment for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The same action:

- a) committed for material interests;
- b) committed by two or more persons;
- c) committed by an organized criminal group or a criminal organization;
- d) causing damage on an especially large scale;

shall be punished by a fine in the amount of 700 to 1000 conventional units or by imprisonment for 3 to 7 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units or by the liquidation of the legal entity.

[Art.260³ introduced by Law No. 278-XVI dated 18.12.2008, in force as of 20.02.2009]

Article 260⁴. Illegal Production, Importation, Marketing, or Offering of Passwords, Access Codes, or Similar Data

(1) The production, importation, marketing, or otherwise offering in an illegal manner of a password, access code, or similar data that allow total or partial access to a data system in order to commit one of the crimes set forth in art. 237, 259, 260¹-260³, 260⁵ and 260⁶ provided that such actions cause large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same actions:

- a) committed for material interest;
- b) committed by two or more persons;
- c) committed by an organized criminal group or a criminal organization;
- d) causing damage on an especially large scale;

shall be punished by a fine in the amount of 1000 to 1500 conventional units or by imprisonment for 3 to 7 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the enterprise.

[Art.260⁴ introduced by Law No. 278-XVI dated 18.12.2008, in force as of 20.02.2009]

Article 260⁵. Information Data Forgery

The illegal introduction, change, or deletion of information data or the illegal limitation of access to such data generating unauthentic data to be used for the production of a legal consequence shall be punished by a fine in the amount of 1000 to 1500 conventional units or by imprisonment for 2 to 5 years.

[Art.260⁵ introduced by Law No. 278-XVI dated 18.12.2008, in force as of 20.02.2009]

Article 260⁶. Information Fraud

(1) Introducing, changing, or deleting information data, limiting access to such data, or in any way preventing a data system's operation in order to gain material benefit either personal or for another person provided that such actions caused large-scale damage shall be punished by a fine in the amount of 1000 to 1500 conventional units or by community service for 150 to 200 hours or by imprisonment for 2 to 5 years.

(2) The same actions:

- a) committed by an organized criminal group or a criminal organization;
 - b) causing damage on an especially large scale;
- shall be punished by imprisonment for 4 to 9 years.

[Art.260⁶ introduced by Law No. 278-XVI dated 18.12.2008, in force as of 20.02.2009]

Article 261. Violation of Data System Security Rules

The violation of rules on collecting, processing, storing, disseminating, or distributing information or of rules on protecting the data system provided in line with the status of the information or its degree of protection, provided that such an action contributes to the appropriation, distortion, or destruction of information or causes other severe consequences shall be punished by a fine of up to 400 conventional units or by community service for 200 to 240 hours or by imprisonment for up to 2 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by fine in amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

[Art.261 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 261¹. Unauthorized Access to Telecommunication Networks and Services

(1) Unauthorized access to telecommunication networks and/or services and the use of telecommunication networks and/or services of other providers, if such an action causes large-scale damage shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 1 year, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities.

(2) The same action:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed by two or more persons;
- c) committed by breaching protection systems;
- d) committed with the use of special technical means;
- e) causing damage on an especially large scale;

shall be punished by a fine in the amount of 1000 to 3000 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 6000 conventional units with the deprivation of the right to practice certain activities.

[Art.261¹ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.261¹ amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.261¹ introduced by Law No. 254-XV din 09.07.04, in force as of 22.10.04]

Chapter XII

TRANSPORT CRIMES

Article 262. Violation of Flight Rules

Entry into, exiting from or transit by air to the territory of the Republic of Moldova without the required authorization or noncompliance with the flight routes indicated in the authorization, with landing sites, entry points, or flight altitudes without the authorization of competent bodies or other violations of rules on flights in the air space of the Republic of Moldova shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 2 years.

[Art.262 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.262 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 263. Violation of Railway, Naval or Air Transport Traffic or Operational Safety Rules

(1) Violations by a railway, naval, or air transport employee of transport traffic or operational rules that cause by imprudence severe or less severe bodily injury or damage to health or material damage on a large scale shall be punished by a fine in the amount of 300 to 1000 conventional units or by imprisonment for up to 4 years, in both cases with (or without) the deprivation of the right to operate the means of transport for up to 2 years.

(2) The same action that causes:

- a) the death of a person;
- b) other severe consequences;

shall be punished by imprisonment for 3 to 7 years with (or without) the deprivation of the right to operate the means of transport for up to 5 years.

[Art.263 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 264. Violation of Transport Traffic or Operational Safety Rules by the Person Operating the Means of Transport

(1) Violation of transport traffic or operational safety rules by the person operating the means of transport that causes by imprudence less severe bodily injury or damage to health shall be punished by a fine of up to 300 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years with (or without) the deprivation of the right to operate the means of transport for up to 2 years.

(2) The same action committed in a state of intoxication shall be punished by a fine in the amount of 600 to 1000 conventional units or by community service for 200 to 240 hours or by imprisonment for up to 4 years, in all cases with the deprivation of the right to operate the means of transport for 3 to 5 years.

(3) The action set forth in par. (1) that causes:

- a) severe bodily injury or damage to health;
- b) the death of a person;

shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to operate the means of transport for up to 4 years.

(4) The action set forth in par. (3) committed in a state of intoxication shall be punished by imprisonment for 4 to 8 years with the deprivation of the right to operate the means of transport for 4 to 5 years.

(5) The action set forth in par. (1) that causes death of two or more persons shall be punished by imprisonment for 6 to 10 years with the deprivation of the right to operate the means of transport for up to 5 years.

(6) The action set forth in par. (5) committed in a state of intoxication shall be punished by imprisonment for 7 to 12 years with the deprivation of the right to operate the means of transport for 5 years.

[Art.264 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.264 amended by Law No. 16-XVI dated 03.02.2009, in force as of 03.03.2009]

[Art.264 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.264 amended by Law No. 45-XVI dated 21.04.05, in force as of 13.05.05]

[Art.264 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 264¹. Operating a Means of Transport in a State of Acute Alcoholic Intoxication or in a State of Intoxication Caused by Other Substances

(1) Operating a means of transport by a person in a state of acute alcoholic intoxication or in a state of intoxication caused by narcotic, psychotropic, and/or other substances with similar effects shall be punished by a fine in the amount of 400 to 500 conventional units or by community service for 200 to 240 hours, in both cases with the deprivation of the right to operate the means of transport for 3 to 5 years.

(2) The deliberate transmission of a means of transport to be driven by a person in a state of intoxication, provided that such an action causes consequences specified in art. 264 shall be punished by a fine in the amount of 450 to 550 conventional units or by community service for 200 to 240 hours, in both cases with the deprivation of the right to operate the means of transport for 3 to 5 years.

(3) The refusal, resistance, or evasion of an operator of a means of transport to undergo a breath analyzer test or a medical examination aimed at determining a state of intoxication and its nature or from taking biological samples as part of this medical examination shall be punished by a fine in the amount of 550 to 650 conventional units or by community service for 200 to 240 hours, in both cases with the deprivation of the right to operate the means of transport for 3 to 5 years.

(4) The actions set forth in par. (1)-(3) committed by a person without an operator's license or who has been deprived of the right to operate the means of transport shall be punished by a fine in the amount of 700 to 800 conventional units or by community service for 200 to 240 hours or by imprisonment for up to 1 year.

[Art.264¹ introduced by Law No. 16-XVI dated 03.02.2009, in force as of 03.03.2009]

Article 265. Commissioning a Means of Transport with Evident Technical Defects

Commissioning a means of transport with evident technical defects or any other gross violation of operational rules that ensure traffic safety committed by a person responsible for the technical condition or operation of the means of transport and violations by an official or a person administering a commercial, social, or other non-state organization that manages the working regulations of drivers or machine operators, provided that such actions cause the consequences set forth in article 264 shall be punished by a fine in the amount of 200 to 700 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold positions involving responsibility for the technical condition or operation of the means of transport for 2 to 5 years.

[Art.265 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 266. Abandoning a Traffic Accident Site

Abandoning a traffic accident site by the person who was operating the means of transport and who violated the traffic or operational safety rules for that means of transport provided that such an action causes the consequences set forth in par. (3) and (5) of article 264 shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 200 to 240 hours or by imprisonment for up to 2 years.

[Art.266 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 267. Low-Quality Renovation of Communication Lines or Railway, Naval or Air Transport or Their Commissioning with Technical Defects

The low-quality renovation of communication lines or their installation and of telecommunication or means of signaling, or commissioning railway, naval or air transport with technical defects or grossly violating their operational rules committed by a person responsible for their technical condition or operation, provided that such actions cause the consequences set forth in article 263 shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 7 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.267 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.267 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 268. Deliberate Destruction or Damage of Communication Lines and Transport Means

The deliberate destruction or damage of communication lines or their installations and of telecommunications or means of signaling or of other transportation equipment as well as of means of transport provided that such actions cause the consequences set forth in art. 263 or art. 264, par. (5) shall be punished by a fine in the amount of 200 to 1000 conventional units or by imprisonment for up to 7 years.

[Art.268 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.268 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 269. Violation of Traffic Order and Safety Rules

Violations of traffic order and safety rules by a passenger, pedestrian or other participant in the traffic provided that such an action causes the consequences set forth in article 264 shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years.

[Art.269 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 270. Willful and Unnecessary Stopping of Trains

The willful and unnecessary stopping of trains by pulling the general brake or by other means provided that such an action causes:

- a) accidents involving people;
- b) the derailment or damage of the rolling stock;
- c) other severe consequences;

shall be punished by a fine in the amount of 300 to 1000 conventional units or by imprisonment for up to 7 years.

[Art.270 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 271. Deliberate Blocking of Thoroughfares

The deliberate blocking of thoroughfares by creating obstacles, establishing checkpoints, or by other means, provided that such an action causes:

- a) accidents involving people;
- b) other severe consequences;

shall be punished by a fine in the amount of 300 to 1000 conventional units or by imprisonment for 2 to 6 years.

[Art.271 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 272. Coercing a Railway, Naval, Air or Road Transport Employee Not to Perform Official Duties

(1) Coercing a railway, naval, air, or road transport employee not to perform his/her official duties by threats of murder, severe bodily injury, or damages to health or of the destruction of his/her or his/her close relatives' property provided the danger of executing such threats exists shall be punished by a fine of up to 200 conventional units or by community service for 140 to 200 hours or by imprisonment for up to 1 year.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) by two or more persons

shall be punished by a fine in the amount of 200 to 700 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

[Art.272 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.272 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.273 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.273 amended by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.274 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.274 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 275. Hijacking or Capturing a Train, Airplane, Sea Craft, or River Boat

(1) Hijacking, capturing or illegally controlling a train, aircraft, sea craft, or river boat or occupying a railway station, airport, sea or river port, or any other transport enterprise, institution, or organization as well as seizing cargo units with no purpose of appropriating them shall be punished by imprisonment for 5 to 10 years.

(2) The same actions:

- a) committed by two or more persons;
- b) involving violence or the threat of violence or another form of intimidation;
- b¹) committed on an in-flight aircraft;
- c) causing damage to a train, aircraft, sea craft, or river boat;
- d) causing other severe consequences,

shall be punished by imprisonment for 7 to 15 years.

(3) The actions set forth in par. (1) or (2) that cause:

- a) severe bodily injury or damage to health;
- b) the death of a person;

shall be punished by imprisonment for 10 to 15 years.

[Art.275 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.275 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 276. Forging Identification Markings of Road Vehicles

(1) Forging of the series of identification numbers on the chassis, body, or engine of a vehicle by erasure, replacement or alteration shall be punished by a fine in the amount of 300 to 600 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 1 year.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) by two or more persons;
- c) with the use of an official position;

shall be punished by a fine in the amount of 500 to 1500 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.276 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.276 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.277 excluded by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.277 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Chapter XIII

CRIMES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

Article 278. Acts of Terrorism

(1) Acts of terrorism meaning setting an explosion, arson, or any other action that creates the danger of causing death, bodily injury, damage to health, vital damage to property or to the environment or other severe consequences when such an act is committed to intimidate the population or a part thereof, to draw the attention of society to the political, religious or other ideas of the perpetrator, or to force the state, international organization, legal entity or individual to commit or to refrain from committing an action, as well as threat to commit such acts for other purposes shall be punished by imprisonment for 6 to 12 years.

(2) The same actions:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed by an organized criminal group;
- c) committed with the use of firearms or explosive substances;
- d) causing severe or less severe bodily injury or damage to health;
- e) causing material damage on an especially large scale;

shall be punished by imprisonment for 8 to 15 years.

(3) The actions set forth in par. (1) or (2):

- a) committed by a criminal organization;
- b) causing by imprudence the death of a person;

shall be punished by imprisonment for 12 to 20 years.

(4) An act of terrorism involving the murder of one or more persons for purposes specified in par. (1),

shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

(5) The person who commits an act of terrorism and other participants may be sentenced to minimal punishment set by this article if they warn the authorities about the respective acts and by doing so contributed to the prevention of the death of people, of bodily injury, of damage to health, of other severe consequences or to the identification of other perpetrators.

(6) The person who participates in the preparation of an act of terrorism shall be exempted from criminal liability if he/she contributes to the prevention of the act of terrorism by notifying the authorities in due time or by other means and if his/her actions do not contain the constitutive elements of another crime.

[Art.278 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.278 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 278¹. Delivery, Placement, Triggering, or Detonation of an Explosive Device or of Any Other Device with Lethal Effect

(1) The delivery, placement, triggering, or detonation of an explosive device or any other device with a lethal effect in a public place, on state or government assets, in infrastructure or in the assets of the public transport system or committing these actions against the aforementioned places or assets in order to cause:

- a) death or severe bodily injury or damage to health;
- b) vital damage to the place, asset, or system,

shall be punished by imprisonment for 5 to 10 years.

(2) The same actions committed:

- a) causing severe or less severe bodily injury or damage to health;

b) causing damage on a large scale or especially large scale;
shall be punished by imprisonment for 8 to 15 years.

(3) The actions set forth in par. (1) letter b) that cause by imprudence the death of a person shall be punished by imprisonment for 8 to 12 years.

(4) The actions set forth in par. (1), (2) or (3) committed by an organized criminal group or a criminal organization shall be punished by imprisonment for 12 to 18 years.

(5) The actions set forth in par. (1) involving intentional murder shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

[Art.278¹ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.278¹ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 279. Funding Terrorism

(1) Funding terrorism meaning deliberately offering or collecting by any person and through any means, directly or indirectly goods of whatsoever nature obtained through any means or providing certain financial services aimed at the use of such goods or services or knowing that they will be used, in whole or in part:

a) to organize, prepare, or commit a crime of a terrorist nature;

b) by an organized criminal group, a criminal organization, or a person who commits or attempts to commit a crime of a terrorist nature or organizes, manages, associates, agrees in advance, incites, or participates as a accomplice in the commission of this crime;

shall be punished by imprisonment for 5 to 10 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to 10,000 conventional units and by the liquidation of the legal entity.

(2) The crime of funding terrorism shall be considered consummated regardless of whether the crime of a terrorist nature was committed or whether the goods were used for the commission of this crime by the group, organization, or person mentioned in par. (1), letter b) or whether the actions were committed in or outside the territory of the Republic of Moldova.

(3) Goods are financial means or any category of material or immaterial, movable or immovable, tangible or intangible values (assets) as well as acts and other legal instruments in any form, including electronic or digital form that confirm a legal title or right including any share (interest) in these values (assets).

[Art.279 in version of Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 279¹. Recruiting, Training or Any Other Assistance for Purposes of Terrorism

(1) Recruiting for purposes of terrorism meaning requests addressed to another person to commit or to participate in the preparation or commission of a crime of a terrorist nature or to associate with an organization or a group with that intention or knowing that this request is made in order to contribute to the commission of one or more crimes of a terrorist nature shall be punished by imprisonment for 3 to 8 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be

punished by a fine in the amount of 3000 to 7000 conventional units and by the liquidation of the legal entity.

(2) Training for purposes of terrorism meaning providing guidance on the fabrication or use of explosive devices or substances, weapons of mass destruction, radioactive devices or materials, firearms or other weapons or noxious or dangerous substances, or on other specific methods or techniques with the intention or knowing that such training is to contribute to the commission of one or more crimes of a terrorist nature shall be punished by imprisonment for 4 to 9 years with the deprivation of the right to hold certain positions or to practice a certain activity for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 5000 to 8000 conventional units and by the liquidation of the legal entity.

(3) The purchase, storage, production, transportation, or supply of weapons, munitions, other destructive devices or means, of biological weapons, or of noxious or dangerous substances and assistance at state border-crossings, offering shelter, facilitating entering a limited-access zone, collecting and holding data for purposes of transmission, or offering data about target objects as well as rendering any other support in any form with the intention or knowing that such actions are to contribute to the commission of one or more crimes of a terrorist nature shall be punished by imprisonment for 5 to 10 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to 10,000 conventional units and the liquidation of the legal entity.

(4) The actions set forth in par. (1), (2) or (3) committed with use of an official position shall be punished by imprisonment for 7 to 15 years.

[Art.279¹ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 279². Instigation for Purposes of Terrorism or Public Justification of Terrorism

(1) Instigation for purposes of terrorism meaning distributing a message or otherwise informing the public with the purpose to instigate or knowing that such a message can instigate the commission a crime of a terrorist nature shall be punished by a fine in the amount of 300 to 600 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 5 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities for 2 to 5 years or by the liquidation of the legal entity.

(2) Public justification of terrorism meaning distributing a message or otherwise informing the public about an acknowledgement of an ideology or practice on committing crimes of a terrorist nature as being just and needed or to be supported or worth following shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 140 to 200 hours or by imprisonment for up to 4 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 800 to 2000 conventional units with the deprivation of the right to practice certain activities for 2 to 5 years or by the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2) committed:

a) through mass-media;
b) by using an official position;
shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 2 to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with (or without) the deprivation of the right to practice certain activities for 3 to 5 years or by the liquidation of the legal entity.

[Art.279² introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 280. Taking Hostages

(1) Taking or keeping a person hostage and threatening him/her with murder, with bodily injury, or with damage to his/her health or subsequently keeping the person hostage to force the state, international organization, legal entity, individual, or group of persons to commit or to refrain from committing an action as a condition for the release of the hostage shall be punished by imprisonment for 5 to 10 years.

(2) Taking of hostages:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) two or more persons;

c) persons known to be juveniles or pregnant women or taking advantage of the victims' known or obvious helpless condition caused by advanced age, disease, physical or mental handicap or another factor;

[Letter d) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

e) for purposes of profit;

f) using violence dangerous to the life or health of the person;

[Letter g) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

shall be punished by imprisonment for 6 to 12 years with (or without) a fine in the amount of 500 to 1000 conventional units.

(3) Taking hostages:

a) by an organized criminal group or a criminal organization;

b) causing severe bodily injury or damages to health;

c) causing by imprudence the victim's death;

d) causing other severe consequences;

shall be punished by imprisonment for 8 to 15 years.

[Art.280 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.280 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 281. Deliberate Communication of False Information about an Act of Terrorism

Deliberate communication of false information about the preparation of explosions, arson, or other actions dangerous to human lives causing large-scale material damage or other severe consequences shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

[Art.281 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.281 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 282. Establishment of an Illegal Paramilitary Unit or Participation Therein

(1) Establishing or managing a paramilitary unit not provided for by the legislation of the Republic of Moldova as well as participation in such a unit shall be punished by imprisonment for 2 to 7 years.

(2) A person who voluntarily abandons an illegal paramilitary unit and surrenders his/her weapons shall be exempted from criminal liability, provided that his/her actions do not contain the constitutive elements of another crime.

[Art.282 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 283. Banditry

The organization of armed criminal gangs to attack legal entities or individuals as well as participation in such gangs or in the attacks committed by them shall be punished by imprisonment for 7 to 15 years.

[Art.283 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 284. Creating or Leading a Criminal Organization

Creating or leading a criminal organization meaning the establishment of such an organization and organizing its activities or searching for and recruiting members for the criminal organization or organizing meetings of its members or creating financial and other funds for their financial support and for the criminal activity of the organization or providing the criminal organization with weapons and tools for the commission of crimes or organizing the collection of information on potential victims and the activities of law enforcement bodies or coordinating criminal plans and actions with other criminal organizations and groups of criminals both in the country and abroad shall be punished by imprisonment for 8 to 15 years.

(2) Creating or leading a criminal organization or an organized criminal group in order to commit one or more crimes of a terrorist nature shall be punished by imprisonment for 10 to 20 years or by life imprisonment.

[Art.284 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.284 completed by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 285. Mass Disorders

(1) Organizing or leading mass disorders involving violence against persons, progroms, arson, damage to goods, the use of firearms or other objects used as weapons, and violent or armed resistance to representatives of authorities shall be punished by imprisonment for 4 to 8 years.

(2) Active participation in the commission of actions set forth in par. (1) shall be punished by imprisonment for 3 to 7 years.

(3) Calls for active, violent insubordination to the legitimate requests of the authorities' representatives, and for participation in mass disorders and for the commission of acts of violence against persons shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

[Art.285 in version of Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 286. Actions Disrupting the Activities of Penitentiaries

Persons serving sentences of imprisonment who terrorize convicts who are on the way to rehabilitation or who make attacks against the administration or who organize criminal groups for such purposes or who actively participate in such groups shall be punished by imprisonment for 3 to 10 years.

[Art.286 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 287. Hooliganism

(1) Hooliganism meaning deliberate actions grossly violating public order involving violence or threats of violence or resistance to authorities' representatives or to other persons who suppress such actions as well as actions that by their content are distinguished by an excessive cynicism or impudence shall be punished by a fine in the amount of 200 to 700 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

(2) The same action committed:

- a) by a person who has previously committed an act of hooliganism;
- b) by two or more persons;

shall be punished by a fine in the amount of 400 to 1000 conventional units or by imprisonment for up to 5 years.

(3) Aggravated hooliganism meaning the actions set forth in par. (1) or (2) if committed with the use or the attempted use of weapons or other objects designed to cause bodily injury or damage to health shall be punished by imprisonment for 3 to 7 years.

[Art.287 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.287 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.287 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 288. Vandalism

(1) Vandalism meaning the defilement of edifices or other buildings and the destruction of goods in means of public transport or in other public places shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 140 to 200 hours or by imprisonment for up to 1 year.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) by two or more persons;
- c) against goods with a historical, cultural, or religious value,;

shall be punished by a fine in the amount of 200 to 700 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

[Art.288 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.288 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 289. Piracy

(1) Robbery committed for personal purposes by the crew or passengers of a vessel against persons or goods located on that ship or on another ship if the ships are in the high seas or in other places outside the jurisdiction of any state shall be punished by imprisonment for 5 to 10 years.

(2) The same action:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed by an organized criminal group or a criminal organization;

c) committed with the use of weapons or other objects used as weapons;

d) causing by imprudence the death of a person;

e) causing other especially severe consequences;

shall be punished by imprisonment for 8 to 15 years.

[Art.289 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 289¹. Crimes against Aeronautic Security and Airport Security

(1) Acts that may endanger aeronautic security and airport security include:

a) an act of violence against a person onboard an in-flight aircraft if such an act may endanger aircraft security;

b) an act of violence against a person in an airport servicing civil aviation if such an act may endanger airport security;

c) the destruction of an in-service aircraft or causing this aircraft damage that disable it or that may endanger the aircraft's security in-flight;

d) the placement or an act that leads to the placement on an in-service aircraft by any means of a device or substance able to destroy the aircraft or to cause it damage that will disable it or that may endanger the aircraft's security in-flight;

e) the destruction or damage of an aeronautical installation or service or interference with its operation provided that such actions may endanger the security of an in-flight aircraft;

f) the destruction or damage of an airport installation or building serving civil aviation or of an out-of-service aircraft in an airport or interference with the airport's service operations if such actions may endanger airport security;

g) the deliberate provision of false information if such an action creates danger for in-flight aircraft security;

shall be punished by imprisonment for 3 to 12 years.

(2) The same acts that cause by imprudence:

a) severe bodily injury or damage to health;

b) the death of a person;

c) other severe consequences;

shall be punished by imprisonment for 10 to 20 years.

(3) The acts set forth in par. (1) or (2) committed by an organized criminal group or a criminal organization shall be punished by imprisonment for 15 to 20 years or by life imprisonment.

[Art.289¹ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.289¹ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 289². Crimes against Water Transport Security

(1) Acts that may endanger water transport security include:

- a) an act of violence against a person onboard a sea vessel or river boat if such an act may endanger the safe navigation of the vessel or boat;
- b) the destruction of a sea vessel or river boat or causing this vessel or boat or its cargo damage that may endanger the safe navigation of the vessel or boat;
- c) the placement or an act that leads to the placement on board a sea vessel or river boat by any means of a device or substance able to destroy the vessel or boat or to cause it or its cargo damage that may endanger the safe navigation of the vessel or boat;
- d) the destruction or damage of navigation installations or services or interference with their operations provided that such actions may endanger the safe navigation of the sea vessel or river boat;
- e) the deliberate provision of false information if such an action creates danger for the safe navigation of the sea vessel or river boat,

shall be punished by imprisonment for 3 to 12 years.

(2) The same acts that cause by imprudence:

- a) severe bodily injury or damage to health;
- b) the death of a person;
- c) other severe consequences;

shall be punished by imprisonment for 10 to 20 years.

(3) The acts set forth in par. (1) or (2) committed by an organized criminal group or a criminal organization shall be punished by imprisonment for 15 to 20 years or by life imprisonment.

[Art.289² amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.289² introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 289³. Crimes against the Security of Fixed Platforms

(1) Acts that endanger the security of fixed platforms include:

- a) capturing or exerting illegal control over a fixed platform using violence, the threat of violence or any other form of intimidation;
- b) an act of violence against a person on a fixed platform if such an act may endanger the platform's security;
- c) the destruction of a fixed platform or causing damage to the platform that may endanger the platform's security;
- d) the placement or an act that leads to the placement on a fixed platform by any means of a device or substance able to destroy the platform or to endanger its security;

shall be punished by imprisonment for 3 to 12 years.

(2) The same acts that cause by imprudence:

- a) severe bodily injury or damage to health;
- b) the death of a person;
- c) other severe consequences;

shall be punished by imprisonment for 10 to 20 years.

(3) The acts set forth in par. (1) or (2) committed by an organized criminal group or a criminal organization shall be punished by imprisonment for 15 to 20 years or by life imprisonment.

[Art.289³ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]
[Art.289³ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 290. Illegal Carrying, Storing, Purchasing, Producing, Repairing, or Marketing of Weapons and Ammunition and Their Theft

(1) The illegal carrying, storing, purchasing, producing, repairing, or marketing of firearms as well as the theft thereof, except for smooth-barrel hunting weapons, or of ammunition without proper authorization shall be punished by a fine in the amount of 300 to 600 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons

shall be punished by imprisonment for 2 to 7 years.

(3) A person who voluntarily surrenders firearms and ammunition possessed without proper authorization shall be exempt from criminal liability.

[Art.290 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]
[Art.290 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 291. Negligent Storage of Firearms and Ammunition

The negligent storage of firearms and ammunition and their transmission to other persons shall be punished by a fine of up to 500 conventional units or by imprisonment for up to 3 years.

[Art.291 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 292. Production, Purchase, Processing, Storage, Transportation, Use, or Neutralization of Explosive Substances or of Radioactive Materials

(1) The production, purchase, processing, storage, transportation, use, or neutralization of explosive substances or radioactive materials without proper authorization or any other illegal operations on their circulation shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(1¹) The same acts committed with nuclear material provided that such acts create the danger of causing death or severe bodily injury, damage to health, or vital damage to property or to the environment shall be punished by a fine in the amount of 600 to 1000 conventional units or by imprisonment for 3 to 7 years, whereas a legal entity shall be punished by a fine in the amount of 6000 to 8000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The acts set forth in par. (1) or (1¹) that cause by imprudence:

a) the death of a person;

b) other severe consequences;

shall be punished by imprisonment for 5 to 10 years, whereas a legal entity shall be punished by a fine in the amount of 7000 to 10,000 conventional units and by the liquidation of the legal entity.

[Art.292 amended by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

[Art.292 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 293. Violation of Rules on Recording, Storing, Transporting and Using Flammable or Corrosive Substances

Violation of the rules on recording, storing, transporting and using flammable or corrosive substances and illegally sending such substances by mail or in luggage shall be punished by a fine in the amount of 500 to 1000 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

[Art.293 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.293 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.294 excluded by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 295. Theft of Radioactive Material or Devices or Nuclear Installations, the Threat of Theft, or Requests to Transmit Such Materials, Devices, or Installations

(1) The theft of radioactive material or devices or of a nuclear installation shall be punished by imprisonment for 4 to 8 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(2) Request to transmit radioactive material or devices or a nuclear installation involving the threat of violence or another form of intimidation shall be punished by imprisonment for 3 to 7 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) by two or more persons;
- b) with the use of an official position;
- c) with violence not dangerous to the life and health of a person;

shall be punished by imprisonment for 6 to 12 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(4) An attack against a person aimed at stealing radioactive material or devices or a nuclear installation involving violence dangerous to the life and health of the person attacked or the threat of such violence shall be punished by imprisonment for 6 to 12 years.

(5) The actions set forth in par. (4) committed:

- a) by two or more persons;
- b) using weapons or other objects used as weapons;
- c) causing severe bodily injury or damage to health;

shall be punished by imprisonment for 10 to 17 years.

(6) The actions set forth in par. (1), (2), (3), (4) or (5) committed:

- a) by an organized criminal group or a criminal organization or for the benefit thereof;
- b) on a large or especially large scale;

shall be punished by imprisonment for 12 to 20 years.

(7) The threat of theft of radioactive material or devices or of a nuclear installation in order to force the state, international organization, legal entity or individual to commit or to refrain from committing an action shall be punished by imprisonment for 2 to 5 years.

[Art.295 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.295 in version of Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

[Art.295 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 295¹. Possession, Production or Use of Radioactive Material or Devices or Nuclear Installations

(1) The possession of radioactive material or the production or possession of a radioactive device in order to cause death or severe bodily injury or damage to health or vital damage to property or to the environment shall be punished by imprisonment for 10 to 15 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(2) The use by any method of radioactive material or devices or a nuclear installation involving emissions or the danger of emissions from the radioactive material committed in order to:

a) cause death, severe bodily injury, damage to health, vital damage to property or to the environment;

b) force the state, international organization, legal entity, or individual to commit or refrain from committing an action;

shall be punished by imprisonment for 15 to 20 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years.

(3) A threat to commit an act set forth in par. (2) shall be punished by imprisonment for 2 to 5 years.

[Art.295¹ introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 295². Attack against a Nuclear Installation

(1) Attacks against a nuclear installation or against a nuclear installation's operations shall be punished by imprisonment for 5 to 10 years.

(2) The same action committed:

a) by two or more persons;

b) with violence dangerous to the life and health of the person,

c) using a weapon or other objects used as weapons;

shall be punished by imprisonment for 7 to 15 years.

(3) The actions set forth in par. (1) or (2):

a) involving exposure to radiation or the emission of radioactive substances;

b) causing other severe consequences;

shall be punished by imprisonment for 12 to 20 years.

(4) A threat to commit an action set forth in par. (1) shall be punished by a fine in the amount of 300 to 600 conventional units or by community service for 180 to 240 hours or by imprisonment for 2 to 5 years.

(5) A threat to commit an action set forth in par. (1) in order to force the state, international organization, legal entity, or individual to commit or to refrain from committing an action shall be punished by imprisonment for 2 to 5 years.

[Art.295² introduced by Law No. 136-XVI dated 19.06.2008, in force as of 08.08.2008]

Article 296. Violation of Fire Safety Rules

Failure to execute the orders of state fire safety authorities as well as the willful violation of fire safety rules provided that such actions cause severe consequences shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for up to 2 years.

[Art.296 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 297. Failure to Execute Orders of State Civil Protection Bodies

The failure to execute the orders of state civil protection bodies as well as willful violations of standards and rules for civil protection provided that such actions cause:

- a) the death of a person;
- b) other severe consequences;

shall be punished by a fine in the amount of 200 to 600 conventional units or by imprisonment for up to 5 years.

[Art.297 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 298. Violation of Operational Rules of Energy Facilities

Violations of the operational rules of electric and thermal energy production stations, transportation and distribution lines, and fuel transportation pipes provided that such an action cause:

- a) the death of a person;
- b) other severe consequences;

shall be punished by imprisonment for 3 to 7 years.

[Art.298 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.299 excluded by Law No. 292-XVI dated 21.12.2007, in force as of 08.02.2008]

[Art.299 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 300. Violation of Rules on Mines or Mining Constructions

Violations of the security, construction, sanitary, or fire safety rules of mines or mining constructions as well as violations of the operational rules for construction mechanisms provided that such actions cause:

- a) the death of a person;
- b) other severe consequences;

shall be punished by imprisonment for 3 to 10 years.

Article 301. Violation of Safety Rules at Enterprises or Areas Exposed to the Danger of Explosion

Violations of technical or production disciplinary rules or violations of rules ensuring production safety at enterprises or areas exposed to the danger of explosion provided that such actions cause:

- a) the death of a person;
- b) other severe consequences;

shall be punished by imprisonment for 3 to 10 years.

Article 301¹. Production, Marketing, or Purchase for the Purpose of Marketing of Special Technical Means Aimed at Illegally Accessing Secret Data

The production, marketing, or purchase for the purpose of marketing of special technical means aimed at illegally accessing secret data shall be punished by a fine in the amount of 300 to 500 conventional units or by community service for 200 to 240 hours or by imprisonment for up to 3 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 1 to 3 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to practice certain activities for 1 to 3 years.

[Art.301¹ introduced by Law No. 181-XVI din 10.07.2008, in force as of 01.11.2008]

Article 302. Organizing Begging

(1) Organizing begging in order to obtain unjust material gains personally or for another person, shall be punished by a fine of up to 1000 conventional units or by imprisonment for up to 3 years, whereas a legal entity shall be punished by a fine in the amount of 1000 to 2500 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The same action committed against two or more persons shall be punished by a fine in the amount of 500 to 1500 conventional units or by imprisonment for up to 5 years, whereas a legal entity shall be punished by a fine in the amount of 2500 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.302 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.302 in version of Law No. 193-XVI dated 26.09.2008, in force as of 21.10.2008]

[Art.302 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Chapter XIV CRIMES AGAINST JUSTICE

Article 303. Interference with the Dispense of Justice and with Criminal Investigations

(1) Interference in any form with the examination of cases by courts in order to hinder the comprehensive, complete, and objective examination of a specific case or in order to obtain

an illegal court decision shall be punished by a fine in the amount of 200 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

(2) Interference in any form with the activities of criminal investigative bodies in order to hinder the speedy, complete, and objective investigation of a criminal case shall be punished by a fine of up to 350 conventional units or by community service for 180 to 240 hours.

(3) The actions set forth in par. (1) or (2) committed with the use of an official position shall be punished by a fine in the amount of 400 to 600 conventional units or by imprisonment for up to 4 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.303 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.303 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.304 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.304 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.305 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 306. Imposing Criminal Liability on a Person Known to Be Innocent

(1) Imposing criminal liability on a person known to be innocent by the person conducting a criminal investigation shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same action:

a) involving the commission of a serious, especially serious, or exceptionally serious crime;

[Letter b) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

c) causing severe consequences;

shall be punished by imprisonment for 2 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.306 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 307. Issuing a Sentence, Decision, Ruling or Judgment Contrary to the Law

(1) The willful issuance by a judge of a sentence, decision, ruling, or judgment contrary to the law shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same action:

a) involving serious, especially serious or exceptionally serious crimes;

[Letter b) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

c) causing severe consequences;

shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.307 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 308. Illegal Detention or Arrest

(1) The deliberate illegal detention of a person by the person conducting a criminal investigation shall be punished by imprisonment for up to 2 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The deliberate illegal arrest of person by a judge shall be punished by imprisonment for up to 3 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Par.3 art.308 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

(4) The actions set forth in par. (1) or (2) that cause severe consequences shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.308 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 309. Coercion to Testify

(1) Coercing a person by threats or other illegal acts to testify during an interrogation, coercing in the same way an expert to offer a conclusion, or coercing a translator or an interpreter to provide an incorrect translation or interpretation committed by the person conducting a criminal investigation shall be punished by imprisonment for up to 3 years with the deprivation of the right to hold certain positions or to practice a certain activity for up to 5 years.

(2) The same action involving:

- a) violence;
- b) cruel, inhumane, or degrading treatment;
- c) a plea bargaining agreement,

shall be punished by imprisonment for 3 to 8 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.309 amended by Law No. 139-XVI dated 30.06.05, in force as of 22.07.05]

[Art.309 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 309¹. Torture

(1) Deliberately inflicting severe physical or mental pain or suffering on a person specifically in order to obtain from that person or from a third person information or confessions, to punish the person for an act which he/she or a third person committed or is suspected of having committed, or for any other reason based on whatever form of discrimination provided that such pain or suffering is caused by an official or any other person acting in an official basis, or upon incitement or express or tacit consent of such persons, except for pain or suffering resulting exclusively from legal sanctions that are inherent to these sanctions or caused by such sanctions shall be punished by imprisonment for 2 to 5 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The organization of or the incitement to torture shall be punished by imprisonment for 3 to 8 years with the deprivation of the right to hold certain positions or to practice a certain activity for up to 5 years.

(3) The actions set forth in par. (1) or (2) committed:

a) against a person known to be a juvenile or a pregnant woman or taking advantage of the victim's known or obvious helpless condition caused by advanced age, disease, physical or mental handicap or another factor;

[Letter b) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

c) by two or more persons;

[Letter d) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

e) with the use of special torture tools or other objects adjusted for this purpose;

f) by a high-ranking official;

shall be punished by imprisonment for 5 to 10 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.309¹ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.309¹ introduced by Law No. 139-XVI dated 30.06.05, in force as of 22.07.05]

Article 310. Falsification of Evidence

(1) The falsification of evidence in a civil case by a participant in a hearing or by his/her representative shall be punished by a fine in the amount of 500 to 800 conventional units or by community service for 180 to 240 hours, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(2) The falsification of evidence in a criminal case by the person conducting a criminal investigation, a prosecutor or the attorney acting in the criminal case shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.310 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.310 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 311. False Denunciation

(1) A deliberate false denunciation accusing a person of the commission of a crime to an agency or to an official entitled to initiate a criminal investigation shall be punished by a fine of up to 300 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

(2) The same action:

a) involving serious, especially serious, or exceptionally serious crimes;

b) committed for purposes of profit;

c) involving the artificial fabrication of incriminating evidence;

shall be punished by a fine in the amount of 200 to 800 conventional units or by imprisonment for up to 5 years.

[Art.311 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 312. False Statements, Expert Conclusions, or Incorrect Translations

(1) A deliberate false statement by a witness or the injured party or a false expert conclusion by a specialist or expert or an incorrect translation or interpretation by a translator or the interpreter provided that such an action was committed in the course of a criminal investigation or case hearing shall be punished by a fine of up to 300 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 2 years.

(2) The same actions:

- a) involving serious, especially serious or exceptionally serious crimes;
- b) committed for purposes of profit;
- c) involving the artificial fabrication of incriminating evidence,;

shall be punished by a fine in the amount of 200 to 800 conventional units or by imprisonment for up to 5 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.312 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.312 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.312 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 313. Refusal or Evasion of a Witness or an Injured Party to Make Statements

The refusal or evasion of a witness or of an injured party to make statements in the course of a criminal investigation or trial shall be punished by a fine of up to 300 conventional units.

[Art.313 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 314. Coercion to Make False Statements, False Expert Conclusions, or Incorrect Translations or to Evade Such Obligations

(1) Coercing a witness or an injured party to make false statements, coercing an expert to provide false expert conclusions or statements, coercing an interpreter or translator to provide an incorrect interpretation or translation or to evade such obligations shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for up to 3 years.

(2) The same action:

- a) committed by an organized criminal group or a criminal organization

[Letter b) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for up to 5 years.

[Art.314 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.314 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 315. Disclosing Data from a Criminal Investigation

(1) The disclosure of data from a criminal investigation contrary to the interdiction of the persons conducting criminal investigation shall be punished by a fine of up to 300 conventional units or by community service for 180 to 240 hours.

(2) The deliberate disclosure of data from a criminal investigation by the person conducting the criminal investigation or by the person exerting control over the criminal investigation provided that such an action causes moral or material damage to a suspect, accused, witness, or injured party or to their representatives or that causes the guilty person to evade criminal liability shall be punished by a fine in the amount of 500 to 1000 conventional units with the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.315 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.315 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 316. Disclosing Information on Security Measures for the Judge and Participants in a Criminal Case

(1) The disclosure of information on security measures for the judge, bailiff, injured party, witness, or other participants in a criminal case as well as to their close relatives provided that such an act was committed by a person to whom such information was entrusted by virtue of his/her professional duties shall be punished by a fine in the amount of 200 to 400 conventional units or by imprisonment for up to 2 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 2 years.

(2) The same action that causes severe consequences shall be punished by a fine in the amount of 300 to 600 conventional units or by imprisonment for up to 5 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

[Art.316 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.316 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 317. Escape from Detention

(1) Escape from places of detention by a person serving the sentence of imprisonment as well as by a person under preventive arrest shall be punished by imprisonment for up to 3 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) with violence;

d) with the use of weapons or other objects used as weapons;

shall be punished by imprisonment for up to 6 years.

(3) Escape from a place of detention by a person whose legal grounds for detention did not exist or had expired at the moment of escape shall not constitute a crime within the context of this article.

[Art.317 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.317 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 318. Facilitation of Escape

(1) Facilitating an escape by any means shall be punished by imprisonment for 1 to 5 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) Facilitating an escape by an official shall be punished by imprisonment for 2 to 5 years with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.318 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 319. Evasion from Serving a Sentence of Imprisonment

Evasion from serving a sentence by a convict allowed to leave a place of detention for a short time shall be punished by imprisonment for up to 2 years.

Article 320. Deliberate Non-Execution of a Court Decision

(1) The deliberate non-execution or the evasion from execution of a court decision shall be punished by a fine of up to 300 conventional units or by community service for 150 to 200 hours or by imprisonment for up to 2 years.

(2) The deliberate non-execution of a court decision by an official or hindering its execution shall be punished by a fine in the amount of 250 to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years, in all cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.320 amended by Law No. 44-XVI dated 06.03.2008, in force as of 15.04.2008]

[Art.320 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 321. Violent Noncompliance with the Demands of a Penitentiary's Administration

Violent noncompliance with the legitimate demands of a penitentiary's administration committed by a person serving a sentence in the penitentiary shall be punished by imprisonment for up to 5 years.

[Art.321 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 322. Illegal Transmission of Prohibited Objects to Persons Detained in Penitentiaries

(1) The concealed transmission of or an attempt to transmit by any means to persons detained in penitentiaries alcoholic beverages, drugs, medicines, or other substances with a narcotic effect as well as other prohibited objects provided that such an action was committed systematically or on a large scale shall be punished by a fine of up to 300 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

(2) The same actions committed with the use of an official position shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for up to 3 years, in both

cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.322 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 323. Supporting a Crime

(1) Supporting a serious, especially serious, or exceptionally serious crime shall be punished by a fine in the amount of 200 to 500 conventional units or by imprisonment for up to 3 years.

(2) The husband (wife) and close relatives of the person who committed the crime shall not be subject to criminal liability.

Chapter XV CRIMES COMMITTED BY OFFICIALS

Article 324. Passive Corruption

(1) The act of an official of claiming or receiving offers, money, securities, other goods or material advantages or of accepting services, privileges or other advantages not due to him/her in order to undertake or not to undertake or to delay or to speedup an action related to his/her professional duties or to undertake an action contrary to such duties or to obtain distinctions, positions, access to markets or any other favorable decision from authorities shall be punished by imprisonment for 3 to 7 years with a fine in the amount of 1000 to 3000 conventional units and with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) with the extortion of the goods or services listed in par. (1);

d) on a large scale;

shall be punished by imprisonment for 5 to 10 years with a fine in the amount of 1000 to 3000 conventional units and with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(3) The actions set forth in par. (1) or (2) committed:

a) by a high-ranking official;

b) on an especially large scale;

c) in the interest of an organized criminal group or a criminal organization;

shall be punished by imprisonment for 7 to 15 years with a fine in the amount of 1000 to 3000 conventional units with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years.

[Art.324 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.324 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 325. Active Corruption

(1) Promising, offering, or providing an official either personally or through an intermediary the goods or services listed in art. 324, for the purposes specified in the same article shall be

punished by imprisonment for up to 5 years with a fine in amount of 1000 to 3000 conventional units.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) on a large scale;

shall be punished by imprisonment for 3 to 7 years with a fine in the amount of 1000 to 3000 conventional units.

(3) The actions set forth in par. (1) or (2) committed:

a) on an especially large scale;

b) in the interest of an organized criminal group or a criminal organization;

shall be punished by imprisonment for 6 to 12 years with a fine in the amount of 1000 to 3000 conventional units.

(4) The person who promised, offered, or provided the goods or services listed in art. 324 shall be exempt from criminal liability provided that the goods or services were extorted from him/her or if the person denounces himself/herself without knowing that criminal investigative bodies knew about the crime he/she committed.

[Art.325 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.325 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.325 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 326. Influence Peddling

(1) Receiving or extorting money, securities, other goods, or material advantages or accepting services, goods, or advantages either personally or through an intermediary for personal use or for another person committed deliberately by a person exerting influence or claiming to exert influence on a civil servant in order to make him/her undertake or not undertake actions that are part of his/her official duties irrespective of whether such actions were undertaken or not shall be punished by a fine in the amount of 500 to 1500 conventional units or by imprisonment for up to 3 years.

(2) The same actions followed by the promised influence or the achievement of the result sought and committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) with the receipt of goods or advantages on a large scale;

shall be punished by a fine in the amount of 1000 to 3000 conventional units or by imprisonment for 2 to 6 years.

(3) The actions set forth in par. (1) or (2) committed:

a) with the receipt of goods or advantages on an especially large scale;

b) in the interest of an organized criminal group or a criminal organization;

shall be punished by imprisonment for 3 to 7 years with a fine in the amount of 500 to 1500 conventional units.

[Art.326 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.326 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.326 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 327. Abuse of Power or Abuse of Official Position

(1) The deliberate use by an official of his/her official position for purposes of profit or other personal interests provided that such an action caused considerable damage to public interests or to the legally protected rights and interests of individuals or legal entities shall be punished by a fine in the amount of 150 to 400 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice a certain activity for up to 5 years.

(2) The same actions:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed by a high-ranking official;

c) causing severe consequences;

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 2 to 6 years, in both cases with the deprivation of the right to hold certain positions or to practice a certain activity for up to 5 years.

(3) Abuse of power or abuse of an official position committed in the interest of an organized criminal group or a criminal organization shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.327 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 328. Excess of Power or Excess of Official Authority

(1) Commission by an official of actions obviously exceeding the limits of the rights and authority granted him/her by law provided that such an action caused considerable damage to public interests or to the legally protected rights and interests of individuals or legal entities shall be punished by a fine in the amount of 150 to 400 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same actions involving:

a) violence;

b) the use of weapons;

c) torture or actions that humiliate the dignity of the injured party;

shall be punished by imprisonment for 2 to 6 years with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(3) The actions set forth in par. (1) or (2):

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed by a high-ranking official;

c) committed in the interest of an organized criminal group or a criminal organization;

d) causing severe consequences;

shall be punished by imprisonment for 6 to 10 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.328 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 329. Negligent Performance of Duties

(1) Failure to perform or the improper performance of professional duties by an official as a result of a negligent or careless attitude towards such duties provided that such an action caused large-scale damage to public interests or to the legally protected rights and interests of individuals or legal entities shall be punished by a fine of up to 500 conventional units or by imprisonment for up to 2 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

(2) The same actions that cause:

- a) the death of a person;
- b) other severe consequences;

shall be punished by a fine in the amount of 300 to 800 conventional units or by imprisonment for 2 to 6 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.329 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 330. Receipt of an Illegal Reward by a Civil Servant

(1) Receipt by a civil servant from a public authority, another state institution, or an enterprise or organization that is not an official of an illegal reward or of material advantages for undertaking certain actions or for providing services as part of his/her professional duties shall be punished by a fine in the amount of 200 to 400 conventional units or by imprisonment for up to 2 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) on a large scale

shall be punished by a fine in the amount of 400 to 1000 conventional units or by imprisonment for up to 4 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.330 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 330¹. Violation of Rules on Declaring Income and Property by Statesmen, Judges, Prosecutors, Public Servants, and Executives

(1) Evasion from submitting declarations on income and property or the deliberate indication of incorrect data in the declaration by persons obliged to submit such declarations shall be punished by a fine in the amount of 300 to 500 conventional units with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 1 to 5 years.

(2) The same actions committed by a high-ranking official shall be punished by a fine in the amount of 500 to 1000 conventional units with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 1 to 5 years.

(3) The deliberate disclosure or publication of information from declarations on income and property by persons to whom such information became known in the course of their official duties or supervisory activities shall be punished by a fine in the amount of 150 to 300 conventional units with (or without) the deprivation of the right to hold certain positions or to practice certain activities for 1 to 5 years.

[Art.330¹ introduced by Law No. 136-XV dated 06.05.04, in force as of 11.06.04]

[Art.331 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 332. Forgery of Public Documents

(1) Obviously false data entries in public documents or the forgery of such documents by an official or by a public servant who is not an official provided that such actions were committed for purposes of profit or for other personal interests shall be punished by a fine of up to 500 conventional units or by imprisonment for up to 2 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by a high-ranking official;

c) in the interests of an organized criminal group or a criminal organization;

shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for 1 to 6 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.332 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Chapter XVI CRIMES COMMITTED BY PERSONS ADMINISTERING COMMERCIAL, SOCIAL, OR OTHER NON-STATE ORGANIZATIONS

Article 333. Taking Bribes

(1) Taking bribes by a person administering a commercial, social, or other non-state organization in the form of money, securities, other goods, or material advantages or accepting services, privileges, or other advantages not due to him/her in order to undertake or not to undertake or to delay or to speedup an action in the interests of the briber or persons he/she is representing provided that such an action is part of the professional duties of the bribe taker shall be punished by a fine in the amount of 500 to 1500 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) with the extortion of the bribe;

d) on a large scale;

shall be punished by a fine in the amount of 1000 to 3000 conventional units or by imprisonment for 2 to 7 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(3) The actions set forth in par. (1) or (2) committed:

a) on an especially large scale;

b) in the interests of an organized criminal group or a criminal organization;

shall be punished by imprisonment for 3 to 10 years.

[Art.333 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.333 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 334. Giving Bribes

(1) Giving bribes shall be punished by a fine in the amount of 500 to 1000 conventional units or by imprisonment for up to 3 years.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons;

c) on a large scale;

shall be punished by a fine in the amount of 1000 to 2000 conventional units or by imprisonment for up to 5 years.

(3) The actions set forth in par. (1) or (2) committed:

a) on an especially large scale;

b) in the interests of an organized criminal group or a criminal organization;

shall be punished by imprisonment for 3 to 7 years.

(4) The bribe giver shall be exempt from criminal liability if the bribe was extorted from him/her or if he/she denounces himself/herself without knowing that criminal investigative bodies knew about the crime he/she committed.

[Art.334 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.334 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.334 completed by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 335. Abuse of Official Positions

(1) The deliberate use of an official position by a person administering a commercial, social, or other non-state organization of his/her job position for purposes of profit or for other personal interests provided that such an action caused considerable damage to public interests or to the legally protected rights and interests of individuals or legal entities shall be punished by a fine in the amount of 150 to 400 conventional units or by imprisonment for up to 3 years.

(2) The same action committed by a notary or an auditor shall be punished by a fine in the amount of 500 to 800 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 3 years.

(3) The actions set forth in par. (1) or (2):

a) committed in the interests of an organized criminal group or a criminal organization;
b) causing severe consequences;
shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.335 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.335 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

[Art.336 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Chapter XVII

CRIMES AGAINST PUBLIC AUTHORITIES AND STATE SECURITY

Article 337. High Treason

(1) High treason meaning a deliberate act committed by a citizen of the Republic of Moldova that prejudices the sovereignty, territorial inviolability, or state security and defense capability of the Republic of Moldova or that move the citizen to the enemy's side; espionage; the disclosure of state secrets to a foreign state, foreign organization, or to their representatives; and providing assistance to a foreign state in conducting hostile activities against the Republic of Moldova shall be punished by imprisonment for 12 to 20 years.

(2) A citizen of the Republic of Moldova recruited by a foreign espionage service for the purpose of hostile activity against the Republic of Moldova shall be exempt from criminal liability provided that he/she did not commit any actions for the achievement of the criminal task assigned to him/her and voluntarily reported to the authorities about his/her connection with the foreign espionage service.

[Art.337 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 338. Espionage

The transmission and appropriation or collection of information that constitutes state secrets for the purpose of its transfer to a foreign state, a foreign organization, or their agents and the transmission or collection upon the order of a foreign espionage service of other information to be used to prejudice the interests of the Republic of Moldova provided that such espionage is committed by a foreign citizen or a stateless person shall be punished by imprisonment for 12 to 20 years.

[Art.338 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 339. Usurpation of State Authority

(1) Actions committed for the purpose of usurping or forcefully maintaining state authority that violate the Constitution of the Republic of Moldova shall be punished by imprisonment for 10 to 15 years.

(2) The same actions that cause:

- a) a violent change in the constitutional order of the Republic of Moldova;
- b) the death of a person;
- c) other severe consequences;

shall be punished by imprisonment for 12 to 20 years.

[Art.339 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 340. Armed Rebellion

Organizing or leading an armed rebellion and participation therein for the purpose of a violent change in the constitutional order or for the purpose of violating the territorial integrity of the Republic of Moldova shall be punished by imprisonment for 12 to 20 years.

[Art.340 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 341. Calls for the Overthrow or for a Violent Change in the Constitutional Order of the Republic of Moldova

(1) Public calls for the overthrow or for a violent change in constitutional order or for violating the territorial integrity of the Republic of Moldova and the dissemination in various forms for the same purpose of materials containing such calls shall be punished by a fine in the amount of 200 to 600 conventional units or by imprisonment for up to 3 years.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons

shall be punished by a fine in the amount of 300 to 1000 conventional units or by imprisonment for 1 to 4 years.

(3) The actions set forth in par. (1) or (2) committed upon the order of a foreign organization or its representatives shall be punished by imprisonment for 3 to 7 years.

[Art.341 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.341 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 342. Attempt on the life of the President of the Republic of Moldova, the Chairperson of Parliament or the Prime Minister

An attempt on the life of the President of the Republic of Moldova, on the Chairperson of Parliament, or on the Prime Minister committed in order to cease their state or other political activities or as revenge for such activities shall be punished by imprisonment for 12 to 20 years or by life imprisonment.

[Art.342 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 343. Diversion

The commission in order to weaken the economic foundation and the defensive capacity of the country of explosions, arson, or other actions aimed at the mass extermination of people, bodily injury, or damage to health of many persons or the destruction or damage of enterprises, buildings, communication lines and means, or of other state or public goods and the commission for the same purposes of poisoning or of spreading epidemic and epizootic diseases shall be punished by imprisonment for 12 to 20 years.

[Art.343 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 344. Disclosure of State Secrets

(1) The disclosure of information that constitutes a state secret by a person to whom such information was entrusted or that became known in connection with his/her official position or professional duties provided that such an action is not construed as high treason or espionage shall be punished by a fine in the amount of 200 to 600 conventional units or by imprisonment for up to 4 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same action resulting in severe consequences shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

[Art.344 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 345. Loss of Documents Containing State Secrets

(1) The loss of documents containing state secrets or the loss of objects or data which constitute a state secret by a person to whom such documents or objects were entrusted provided that such a loss resulted from a violation of established regulations on handling the aforementioned documents or objects and caused severe consequences shall be punished by a fine in the amount of 150 to 400 conventional units or by imprisonment for up to 3 years, in both cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.345 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.345 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 346. Deliberate Actions Aimed at Inciting National, Racial, or Religious Hostility or Discord

Deliberate actions, public calls including through mass-media either printed or electronic aimed at inciting national, racial, or religious hostility or discord, the humiliation of national honor and dignity, direct or indirect limitations of rights, or that offer direct or indirect advantages to citizens based on their national, racial, or religious affiliations shall be punished by a fine of up to 250 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

[Art.346 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 347. Profanation of National and State Symbols

(1) The profanation of national and state symbols (flag, coat of arms, anthem) of the Republic of Moldova or of another state that are publicly hung, used, or performed shall be punished by a fine of up to 500 conventional units or by community service for 100 to 200 hours.

(2) The same action committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) by two or more persons

shall be punished by a fine in the amount of 200 to 700 conventional units or by community service for 150 to 220 hours or by imprisonment for up to 1 year.

(3) The actions set forth in par. (1) or (2) committed by an official responsible for compliance with procedures on the use of national and state symbols shall be punished by a fine in the amount of 500 to 800 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years, in all cases with the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

[Art.347 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.347 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.348 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.348 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 349. Threats or Violence against an Official or a Person Performing a Civic Duty

(1) The threat of murder, of bodily injury or of damage to health or of the destruction of goods belonging to an official or his/her close relatives for the purpose of ceasing his/her official duties or of changing the nature of such duties for the benefit of the person making the threat or of another person and a threat against a person performing a civic duty or against his/her close relatives due to his/her participation in the prevention or suppression of a crime or an antisocial act shall be punished by a fine in the amount of 300 to 1000 conventional units or by community service for up to 180 hours or by imprisonment for up to 2 years.

(1¹) The use of violence that does not threaten the life or health of an official or of his/her close relatives or the destruction of his/her goods for the purpose of ceasing his/her official duties or of changing the nature of such duties for the benefit of the person using violence or of another person and the same actions on a person performing a civic duty or on his/her close relatives due to his/her participation in the prevention or suppression of a crime or an antisocial act shall be punished by a fine in the amount of 500 to 1000 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

(2) The actions set forth in par. (1) or (1¹) involving:

- a) violence dangerous to the life or health of persons mentioned in par. (1);
- b) the destruction of goods through methods dangerous to the life or health of several persons;
- c) large-scale material damage;
- d) other severe consequences;

shall be punished by imprisonment for 4 to 8 years.

[Art.349 amended by Law No.277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.350 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.350 completed by Law No. 104-XVI dated 20.04.2007, in force as of 29.06.2007]

[Art.350 amended by Law No. 211-XV dated 29.05.03, in force as of 12.06.03]

Article 351. Usurpation of Official Positions

(1) The usurpation of official positions involving the commission of another crime on such grounds shall be punished by a fine of up to 600 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 3 years.

(2) The same action committed by two or more persons shall be punished by a fine in the amount of 300 to 700 conventional units or by imprisonment for up to 4 years.

[Art.351 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 352. Arbitrariness

(1) Arbitrariness meaning the exercise of one's legitimate or assumed rights in an arbitrary manner and in violation of the established order provided that such an action causes large-scale damage to public interests or to the legally protected rights and interests of individuals or legal entities shall be punished by a fine of up to 500 conventional units or by community service for 100 to 240 hours.

(2) The same action:

[Letters a), b) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- c) involving threats of death or bodily injury or damage to health;
- d) involving violence not dangerous to life or health;
- e) involving the destruction of goods,

shall be punished by a fine in the amount of 200 to 600 conventional units or by imprisonment for up to 4 years.

(3) The actions set forth in par. (1) or (2):

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) involving violence dangerous to life or health;
- c) committed with the use of weapons;
- d) causing damage on an especially large scale;
- e) causing other severe consequences;

shall be punished by imprisonment for 3 to 8 years.

[Art.352 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 352¹. False Declarations

False declarations made by a person to a competent body aimed at generating certain legal consequences for himself/herself or a third party when according to law or circumstances the declaration causes the generating of these consequences shall be punished by a fine in the amount of 600 conventional units or by imprisonment for up to 1 year.

[Art.352¹ introduced by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 353. Evading Active Duty, Reduced-Term Military Service, or Military Service as Reservists Called to Assembly or Mobilized

(1) Evading active duty, reduced-term military service, or military service as reservists called to assembly or mobilized by self-mutilation, shamming illness, the falsification of documents or any other form of deceit shall be punished by a fine of up to 300 conventional units or by community service for 100 to 150 hours.

[Art.353 in version of Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.353 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 354. Evading Mobilization

Evading during wartime of mobilization into the armed force shall be punished by imprisonment for 2 to 5 years.

[Art.354 in version of Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 355. Evasion or Refusal to Execute Alternative Service Obligations

(1) An evasion or a refusal by a person doing alternative service to execute the obligations set for such a service through self-mutilation, shamming illness, the falsification of documents or other forms of deceit shall be punished by a fine of up to 300 conventional units or by community service for 100 to 150 hours.

[Art.355 in version of Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.355 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 356. Evasion from Execution of Duties during Wartime

Evasion during wartime from mobilization to work or from the execution of other duties shall be punished by imprisonment for up to 5 years.

[Art.356 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 357. Organizing or Leading an Illegal Strike and Hindering the Activity of an Enterprise, Institution, or Organization in Conditions of Emergency, Siege, or a Military Situation

(1) Organizing or leading an illegal strike and hindering the activity of an enterprise, institution, or organization in conditions of emergency, siege, or a military situation shall be punished by a fine of up to 500 conventional units or by community service for 100 to 240 hours.

[Art.357 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.357 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

[Art.358 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.358 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 359. Sale or Purchase of Official Documents

The sale or purchase of official documents granting rights or exempting obligations shall be punished by a fine of up to 200 conventional units.

[Art.359 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 360. Taking, Misappropriating, Concealing, Damaging or Destroying Documents, Imprints, Stamps, or Seals

(1) Taking, misappropriating, concealing, damaging or destroying documents, imprints, stamps, or seals belonging to enterprises, institutions, or organizations irrespective of their type of property or of the legal form of the organization provided that such an act was committed for purposes of profit or for other malicious reasons shall be punished by a fine of

up to 400 conventional units or by community service for 150 to 200 hours or by imprisonment for up to 3 years.

(2) Taking, misappropriating, concealing, damaging, destroying or possessing identity documents or other important documents of individuals in order to restrict the freedom of the individual including the freedom of movement or to deprive him/her of these freedoms shall be punished by a fine of up to 500 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 5 years.

[Art.360 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 361. Fabrication, Possession, Sale or Use of False Official Documents, Imprints, Stamps or Seals

(1) The fabrication, possession, sale, or use of false official documents granting rights or exempting obligations and the fabrication or sale of false imprints, stamps, or seals of enterprises, institutions, or organizations irrespective of their type of property or of the legal form of the organization shall be punished by fine of up to 300 conventional units or by community service for 150 to 200 hours or by imprisonment for up to 2 years.

(2) The same actions:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed by two or more persons;

c) committed with respect to an especially important document;

d) causing large-scale damage to public interests or to the legally protected rights and interests of individuals or legal entities;

shall be punished by a fine of 200 to 600 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 5 years.

[Art.361 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.361 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 362. Illegal Crossing of State Borders

(1) Illegal crossing of the state borders of the Republic of Moldova, circumventing customs control or hiding from it shall be punished by a fine of up to 400 conventional units or by community service for 150 to 200 hours or by imprisonment for up to 2 years.

[Par..2 art.362 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

(3) The actions set forth in par. (1):

a) involving violence;

b) committed with the use of weapons;

shall be punished by imprisonment for 3 to 8 years.

(4) The action of this article does not extend to foreign citizens arriving in the Republic of Moldova without the necessary passport or without authorization in order to avail of the right to asylum granted by the Constitution of the Republic of Moldova nor to persons who are victims of trafficking in human beings.

[Art.362 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.362 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 362¹. Organization of Illegal Migration

(1) The organization in order to obtain directly or indirectly a financial or material gain from an illegal entry, stay, or transit on the state's territory or from an exit from this territory of a person who is neither a citizen, nor a resident of this state shall be punished by a fine of 300 to 500 conventional units or by imprisonment for 1 to 3 years with the deprivation of the right to hold certain positions or to practice certain activities for 1 to 3 years, whereas a legal entity shall be punished by a fine of 1000 to 2000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(2) The same actions committed:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) against two or more persons;

c) by two or more persons;

shall be punished by a fine of 500 to 800 conventional units or by imprisonment for 3 to 5 years with the deprivation of the right to hold certain positions or to practice certain activities for 1 to 3 years, whereas a legal entity shall be punished by a fine of 2000 to 3000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

(3) The actions set forth in par. (1) or (2):

a) committed by an organized criminal group or a criminal organization;

b) causing especially large damage to public interests or to the legally protected rights and interests of individuals and legal entities;

shall be punished by a fine of 800 to 1000 conventional units or by imprisonment for 5 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for 3 to 5 years, whereas a legal entity shall be punished by a fine of 3000 to 5000 conventional units with the deprivation of the right to practice certain activities or by the liquidation of the legal entity.

[Art.362¹ amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.362¹ amended by Law No. 193-XVI din 26.09.2008, in force as of 21.10.2008]

[Art.362¹ introduced by Law No. 376-XVI dated 29.12.05, in force as of 31.01.06]

Article 363. Illegal Use of Red Cross Symbols

The illegal use of Red Cross symbols and the "Red Cross" name by persons not entitled to such use as well as illegal use of symbols that may be confused with the Red Cross symbol provided that such an action causes severe consequence shall be punished by a fine of 150 conventional units or by community service for 180 to 240 hours.

[Art.363 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.363 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Chapter XVIII MILITARY CRIMES

Article 364. Deliberate Non-Execution of an Order

(1) The deliberate non-execution of an order from a superior given in a duly established manner, provided that such an action causes considerable damage to professional interests

shall be punished by community service for 60 to 240 hours or by imprisonment for up to 2 years.

(2) The same action when:

- a) committed by two or more persons;
- b) causing severe consequences;

shall be punished by imprisonment for up to 5 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) during wartime;
- b) in combat conditions;

shall be punished by imprisonment for 5 to 10 years.

(4) The non-execution of an order due to negligence or bad faith:

- a) causing severe consequences;
- b) during wartime;
- c) in combat conditions;

shall be punished by community service for 60 to 240 hours or by imprisonment for up to 3 years.

[Par.5 art.364 excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

(6) A person who commits an intentional crime in order to execute an obviously illegal order or instruction shall be subject to criminal liability under general conditions. The non-execution of the illegal order or instruction shall exclude criminal liability.

[Art.364 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.364 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.364 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 365. Resisting a Superior or Coercing a Superior to Violate Official Duties

(1) Resisting a superior or another person performing duties related to military service or violently coercing them to violate such duties shall be punished by imprisonment for up to 5 years.

(2) The same actions:

- a) committed by two or more persons;
- b) committed with the use of weapons;
- c) causing severe consequences;

shall be punished by imprisonment for 3 to 8 years.

(3) The actions set forth in par. (1) or (2):

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

- b) committed during wartime;
- c) committed in combat conditions;

shall be punished by imprisonment for 7 to 13 years.

[Art.365 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.365 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 366. Insulting a Serviceperson

(1) Insulting a superior by a subordinate and insulting a subordinate by a superior in the course of the performance of duties related to military service shall be punished by community service for 60 to 240 hours or by imprisonment for up to 6 months.

[Art.366 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.366 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.366 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 367. Threatening a Serviceperson

(1) Threatening a serviceperson with death, bodily injury, damage to health or beating by a superior or a subordinate in the course of the performance of duties related to military service shall be punished by community service for 60 to 240 hours or by imprisonment for up to 2 years.

(2) The same action committed:

- a) during wartime;
- b) in combat conditions;

shall be punished by imprisonment for 3 to 8 years.

[Art.367 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.367 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.367 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 368. Acts of Violence against a Serviceperson

(1) Deliberate light bodily injury, damage to health, or beating of a subordinate by a superior and of a superior by a subordinate in the course of the performance of their duties related to military service shall be punished by imprisonment for up to 5 years.

(2) The same actions:

- a) committed by two or more persons;
- b) committed with the use of weapons;
- c) causing severe consequences;
- d) committed during wartime;
- e) committed in combat conditions;

shall be punished by imprisonment for 3 to 12 years.

[Art.368 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.368 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 369. Violation of Statutory Regulations on Relations among Servicepersons if They Are Not Subordinates

(1) Violation of statutory regulations on relations among servicepersons in the course of military service if they are not subordinates and if the violation involved acts of violence shall be punished by community service for 60 to 240 hours or by imprisonment for up to 3 years.

(2) The same action:

[Letter a) excluded by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

b) committed against two or more persons;
c) causing slight or less severe bodily injury or damage to health,
shall be punished by imprisonment for up to 5 years.

(3) The actions set forth in par. (1) or (2):
a) committed by two or more persons;
b) committed with the use of weapons;
c) causing severe consequences;
shall be punished by imprisonment for 4 to 8 years.

[Art.369 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.369 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.369 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 370. Abuse of Power, Excess of Power or Failure to Exercise Authority

(1) The abuse of power or of an official position, the use of power exceeding official prerogatives by a superior or an official and the failure to exercise authority provided that such actions cause considerable damages to the victim or to official interests shall be punished by a fine of 500 conventional units or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to hold certain positions or to practice certain activities for up to 5 years.

(2) The same actions that cause severe consequences shall be punished by imprisonment for 3 to 7 years with the deprivation of the right to hold certain positions or to practice certain activities for 2 to 5 years.

(3) The actions set forth in par. (1) or (2) committed:
a) during wartime;
b) in combat conditions;
shall be punished by imprisonment for 7 to 12 years.

[Art.370 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.370 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 371. Desertion

(1) Desertion meaning the abandonment of the military unit, training center, or place of service in order to evade military service, assembly, or mobilization or the failure to appear for the same reason to the service or assembly or mobilization after leave from the military unit or training center, an assignment, a transfer, or the return from a mission or from vacation or from a treatment institution committed by a serviceperson or a reservist shall be punished by a fine of 500 conventional units or by imprisonment for up to 5 years.

(2) The same action committed:
a) with a weapon;
b) by two or more persons;
shall be punished by imprisonment for 3 to 7 years.

(3) The actions set forth in par. (1) or (2) committed:
a) during wartime;

b) in combat conditions;
shall be punished by imprisonment for 6 to 12 years.

[Par.4 art.371 excluded by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

(5) A serviceperson who deserts for the first time under conditions set in par. (1), shall be exempt from criminal liability provided that the desertion was committed under a cumulation of difficult circumstances.

[Art.371 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.371 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 372. Evasion from Military Service

(1) Evasion by a serviceperson or reservist from executing the obligations of military service, assembly, or mobilization through self-mutilation, shamming an illness, the falsification of documents or any other form of deceit shall be punished by community service for 60 to 240 hours.

(2) The same action committed:

- a) during wartime;
- b) in combat conditions;

shall be punished by imprisonment for up to 5 years.

[Art.372 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 373. Violation of Rules on Handling of Weapons, Substances and Objects Posing High Danger to People Around

(1) Violations of rules on handling weapons, ammunition, explosives, radioactive materials, and other substances and objects posing a high danger to people in the vicinity provided that such an action caused slight or less severe bodily injuries or damage to health shall be punished by community service for 60 to 240 hours or by imprisonment for up to 3 years.

(2) The same action that causes by imprudence:

- a) severe bodily injury or damage to health;
- b) the death of a person;
- c) other severe consequences;

shall be punished by imprisonment for 2 to 7 years.

(3) The same action that causes by imprudence the death of two or more persons shall be punished by imprisonment for 3 to 8 years.

[Art.373 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.373 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 374. Violation of Statutory Regulations on Guard Service

(1) Violations of statutory regulations on guard service and of orders and instructions issued for the amendment or completion of such regulations provided that such an action caused considerable damage

shall be punished by community service for 60 to 240 hours.

(2) The same action that causes severe consequences shall be punished by imprisonment for up to 5 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) during wartime;
- b) in combat conditions;

shall be punished by imprisonment for 4 to 10 years.

[Art.374 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.374 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 375. Violation of Regulations on Sounding the Alarm (Combat) for Military Troops

(1) Violations of regulations on sounding the alarm (combat) for the timely discovery and repulse of a sudden attack against the Republic of Moldova or for defending and ensuring the security of the Republic of Moldova provided that such an action caused or could have caused damage to state security interests shall be punished by community service for 60 to 240 hours or by imprisonment for up to 5 years.

(2) The same action that caused severe consequences shall be punished by imprisonment for 3 to 7 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) during wartime;
- b) in combat conditions;

shall be punished by imprisonment for 7 to 12 years.

[Art.375 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.375 amended by Law No. 53-XVI din 13.03.2008, in force as of 13.05.2008]

[Art.375 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 376. Violation of Statutory Regulations on Internal Service

(1) Violations of statutory regulations on internal service by a person who is a member of the day staff of the military unit except for the persons on guard and on watch provided that such an action caused considerable damage shall be punished by community service for 60 to 240 hours.

(2) The same action that caused considerable damage the prevention of which is a duty of the person specified in par. (1) shall be punished by imprisonment for 6 months to 2 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) during wartime;
- b) in combat conditions,

shall be punished by imprisonment for 1 to 5 years.

[Art.376 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.376 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 377. Violation of Regulations on Maintaining Public Order and Public Security

(1) Violations of rules on maintaining public order by a person who is a member of the military unit for maintenance of public order and public security that involve violations of human rights and freedoms or violence shall be punished by community service for 60 to 240 hours or by imprisonment for up to 2 years.

(2) The same action that causes severe consequence shall be punished by imprisonment for up to 5 years.

[Art.377 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

[Art.377 amended by Law No. 184-XVI dated 29.06.2006, in force as of 11.08.2006]

Article 378. Negligent Attitude toward Military Service

(1) The negligent attitude of a superior or of another official toward military service provided that such an action caused large-scale damage shall be punished by imprisonment for up to 3 years.

(2) The same action that caused severe consequences shall be punished by imprisonment for up to 5 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) during wartime;
- b) in combat conditions;

shall be punished by imprisonment for 3 to 7 years.

[Art.378 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 379. Deliberate Destruction or Damage of Military Property

(1) The deliberate destruction or damage of weapons, ammunition, vehicles, military equipment, or other military property shall be punished by community service for 60 to 240 hours or by imprisonment for up to 2 years.

(2) The same action that caused severe consequences shall be punished by imprisonment for 3 to 7 years.

(3) The actions set forth in par. (1) or (2) committed:

- a) during wartime;
- b) in combat conditions;

shall be punished by imprisonment for 6 to 12 years.

[Art.379 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.379 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 380. Destruction or Damage of Military Property by Imprudence

(1) The destruction or damage of military property by imprudence committed on a large scale shall be punished by community service for 60 to 240 hours or by imprisonment for up to 2 years.

- (2) The same actions committed:
- a) during wartime;
 - b) in combat conditions;
- shall be punished by imprisonment for 3 to 8 years.

[Art.380 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 381. Waste or Loss of Military Property

(1) Marketing, pledging, or transferring for use by a serviceperson of equipment provided for personal use and the loss or damage of such objects as a result of violations of their maintenance rules shall be punished by community service for 60 to 240 hours.

- (2) The same actions committed:
- a) during wartime;
 - b) in combat conditions,
- shall be punished by imprisonment for up to 3 years.

(3) Loss or damage resulting from violations of the rules on maintenance of weapons, ammunition, vehicles, technical supplies or other military property entrusted for use during military service shall be punished by community service for 60 to 240 hours or by imprisonment for up to 3 years.

- (4) The same actions committed:
- a) during wartime;
 - b) in combat conditions;
- shall be punished by imprisonment for 2 to 7 years.

[Art.381 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 382. Violation of Driving or Operating Rules for Machines

(1) Violations of driving or operating combat, special, or transport machines provided such actions caused less severe bodily injuries or damage to health or large-scale damage shall be punished by community service for 60 to 240 hours or by imprisonment for up to 3 years, in both cases with (or without) the deprivation of the right to operate the means of transport for up to 2 years.

- (2) The same action that causes:
- a) severe bodily injury or damage to health;
 - b) the death of a person,
- shall be punished by imprisonment for 3 to 7 years with (or without) the deprivation of the right to operate the means of transport for up to 5 years.

(3) The same action that causes the death of more persons shall be punished by imprisonment for 5 to 10 years with the deprivation of the right to operate the means of transport for up to 5 years.

[Art.382 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

[Art.382 amended by Law No. 53-XVI dated 13.03.2008, in force as of 13.05.2008]

Article 383. Violation of Flight Rules or Flight Preparation Rules

Violations of flight rules or of flight preparation rules provided such actions caused a catastrophe or other severe consequences shall be punished by imprisonment for 5 to 10 years.

[Art.383 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 384. Violation of Navigation Rules

Violations of navigation rules provided that such actions caused:

- a) the sinking of or serious damage to the vessel;
- b) the death of a person;
- c) other severe consequences;

shall be punished by imprisonment for 5 to 10 years.

[Art.384 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 385. Surrender or Abandonment to the Enemy of Defense Technology

Surrender to the enemy by a superior of the military forces of fortifications, combat technology, and other defense technology entrusted to him/her and abandonment to the enemy of the same unjustified by the combat situation shall be punished by imprisonment for 10 to 15 years.

[Art.385 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 386. Arbitrary Abandonment of the Battlefield or Refusal to Use a Weapon

Arbitrary abandonment of the battlefield during combat operations or the refusal to use a weapon during battle shall be punished by imprisonment for 10 to 15 years.

[Art.386 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 387. Voluntary Surrender into Captivity

Voluntary surrender into captivity shall be punished by imprisonment for 10 to 15 years.

[Art.387 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 388. Criminal Actions of Servicepersons Held Captive

(1) The voluntary participation of a serviceperson held captive in operations of military importance or in other operations known to possibly cause damage to the Republic of Moldova or to its allies provided that such actions do not constitute high treason shall be punished by imprisonment for 3 to 8 years.

(2) Acts of violence committed against other war prisoners or cruel treatment thereof by a war prisoner in the position of a superior shall be punished by imprisonment for 10 to 15 years.

(3) Commission by a serviceperson held captive of actions to the prejudice of other war prisoners for purposes of profit or in order to gain the indulgent attitude of the enemy shall be punished by imprisonment for 5 to 10 years.

[Art.388 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 389. Marauding on the Battlefield

Marauding of persons fallen on the battlefield shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

[Art.389 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 390. Acts of Violence against the Population in an Area of Military Operations

Burglaries, acts of violence, or the illegal destruction or seizure of goods under the pretext of war needs committed against the population in an area of military operations shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

[Art.390 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 391. Severe Violation of International Humanitarian Laws during Military Conflicts

Severe violations of international humanitarian laws during international or domestic military conflicts that cause severe consequences shall be punished by imprisonment for 16 to 20 years or by life imprisonment.

[Art.391 amended by Law No. 277-XVI dated 18.12.2008, in force as of 24.05.2009]

Article 392. Perfidious Use of the Red Cross Emblem as a Protective Element during an Armed Conflict

Perfidious use of the Red Cross emblem or of distinctive signs as protective elements during an armed conflict provided that it caused:

- a) severe bodily injury or damage to health;
- b) the death of a person;

shall be punished by imprisonment for 5 to 10 years.

Article 393. Crimes Committed by Civilians

Civilians shall also be criminally liable for the commission of crimes set forth in art. 389 - 391.

CHAIRPERSON OF THE PARLIAMENT

Eugenia OSTAPCIUC

Chisinau, April 18, 2002

Nr. 985-XV.