

Criminal Code

Warning: this is not an official translation. Under all circumstances the original text in Dutch language of the Criminal Code (Wetboek van Strafrecht) prevails. The State accepts no liability for damage of any kind resulting from the use of this translation.

Criminal Code

(Text valid on: 01-10-2012)

Act of 3 March 1881

We WILLEM III, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg etc. etc. etc.

Greetings to all who shall see or hear these presents! Be it known:
Whereas We have considered that it is necessary to enact a new Criminal Code;

We therefore, having heard the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree, to establish the following provisions which shall constitute the Criminal Code:

Book One. General Provisions

Part I. Scope of Application of Criminal Law

Section 1

1. No act or omission which did not constitute a criminal offence under the law at the time of its commission shall be punishable by law.
2. Where the statutory provisions in force at the time when the criminal offence was committed are later amended, the provisions most favourable to the suspect or the defendant shall apply.

Section 2

The criminal law of the Netherlands shall apply to any person who commits a criminal offence in the Netherlands.

Section 3

The criminal law of the Netherlands shall apply to any person who commits a criminal offence on board a Dutch vessel or aircraft outside the territory of the Netherlands.

Section 4

The criminal law of the Netherlands shall apply to any person who commits outside the territory of the Netherlands:

- 1°. any of the serious offences defined in sections 92-96, 97a, 98-98c, 105 and 108-110;

- 2°. any of the serious offences defined in sections 131 to 134 inclusive and 189, if the criminal offence or the serious offence referred to in these sections is a serious offence as defined in 1°;
- 3°. any serious offence relating to coinage, government-issued coin vouchers or bank notes, government-issued stamps, seals or marks;
- 4°. the forgery or falsification of debt instruments or certificates of indebtedness issued by the State of the Netherlands or a Dutch province, municipality or public institution, including the accompanying talons, dividend coupons and interest coupons, and the instruments, certificates or coupons issued in substitution of these documents, or the intentional use of any such forged or falsified document as if it were genuine and unfalsified;
- 5°. any of the serious offences defined in sections 216(2), 381-385, 409 and 410 or the minor offence defined in section 446a;
- 6°. the serious offence defined in section 207a;
- 7°.
 - a. the serious offence defined in section 168, committed against an aircraft in service, if this is a Dutch aircraft or the suspect is in the territory of the Netherlands;
 - b. the serious offence defined in section 385a, committed on board an aircraft in flight, if the suspect is in the territory of the Netherlands;
 - c. the serious offence defined in section 385b, if the aircraft referred to in that section is a Dutch aircraft or if the suspect is in the territory of the Netherlands;
 - d. the serious offence defined in section 385c, if it has been committed, either against a Dutch aircraft, or on board an aircraft that subsequently lands in the Netherlands with the suspect on board;
 - e. any of the serious offences defined in sections 162, 162a, 166 and 385d, if the suspect is in the territory of the Netherlands.
- 8°.
 - a. the serious offences defined in sections 140, 157, 161quater, 166, 168, 173a, 189, 285, 287, 288, 289, 302, 303, 350, 352, 354, 385a(4), 385b(2), 385c and 413, of this law, in sections 79 and 80 of the Nuclear Energy Act [*Kernenergiwet*], in sections 2(1) and (3), 3 and 4 of the Biological Weapons Convention (Implementation) Act [*Uitvoeringswet Verdrag Biologische Wapens*] in conjunction with section 1 of the Economic Offences Act [*Wet op de Economische Delicten*], and in sections 2 and 3(1) of the Chemical Weapons Convention (Implementation) Act [*Uitvoeringswet Verdrag Chemische Wapens*] in conjunction with section 1 of the Economic Offences Act, if the offence is committed against a Dutch seagoing vessel, or against or on board any other seagoing vessel and the suspect is in the territory of the Netherlands;
 - b. any of the serious offences defined in sections 161quater, 173a, 285, 287, 288, 289, 302, 303, 350, 352, 354, 385a(4) and 385b(2), committed on or against an installation at sea, if the suspect is in the territory of the Netherlands.
- 9°. any of the serious offences defined in sections 177 and 177a, insofar as the offence is committed against a Dutch national or a Dutch civil servant and is punishable under the law of the country where it was committed;
- 10°. any of the serious offences defined in sections 177, 177a, 225, 227b and 323a, insofar as the offence is committed by a Dutch civil servant or by a person in the public service of an organisation under international law based in the Netherlands, and is punishable under the law of the country where it was committed.
- 11°. the serious offence, defined in section 282a, where either the offence is committed with the intention of compelling a Dutch authority to act or to refrain from certain acts, or the suspect is in the territory of the Netherlands;
- 12°.
 - a. any of the serious offences, defined in sections 117, 117a, 117b and 285, insofar as the offence is committed against an internationally protected person in the service of the Netherlands, or against a person belonging to his family, as referred to in Section 87b(1), or against his protected property;
 - b. any of the serious offences, defined in sections 117, 117a, 117b, 282a and 285, insofar as the offence is committed against an internationally protected person as referred to in section 87b(2), who is a Dutch national, or against his protected property;

- c. any of the serious offences, defined in sections 117, 117a, 117b and 285, insofar as the offence is committed against an internationally protected person as referred to in section 87b(1) or (2) or against his protected property, if the suspect is in the territory of the Netherlands;
- 13°. a terrorist offence or any of the serious offences, defined in sections 115, 117, 117b, 121 to 123 inclusive, 157, 161, 161bis, 161quater, 161sexies, 162, 162a, 164, 166, 168, 170, 172, 173a, 285, 287, 288, 289, 350, 350a, 351, 352, 354, 385b and 385d, insofar as the offence falls within the definitions of article 2 of the International Convention for the Suppression of Terrorist Bombings concluded in New York on 15 December 1997 (Treaty Series [Tractatenblad] 1998, 84) and either the offence is committed against a Dutch national, or the suspect is in the territory of the Netherlands;
- 14°. a terrorist offence or any of the serious offences, defined in sections 115, 117, 117b, 121 to 123 inclusive, 140, 157, 161, 161bis, 161quater, 161sexies, 162, 162a, 164, 166, 168, 170, 172, 173a, 285, 287, 288, 289, 350, 350a, 351, 352, 354, 385a, 385b and 385d, insofar as the offence falls within the definitions of article 2 of the International Convention for the Suppression of Financing of Terrorism concluded in New York on 9 December 1999 (Treaty Series 2000, 12) and either the offence is committed against a Dutch national, or the suspect is in the territory of the Netherlands;
- 15°. a terrorist offence, if the terrorist offence is committed with the intention of causing fear in the Dutch population or part of the Dutch population, unlawfully compelling a Dutch public authority or an institution or organisation of the European Union based in the Netherlands to act or to refrain from certain acts or to tolerate certain acts, or seriously disrupting or destroying the fundamental political, constitutional, economic or social structures of the Netherlands or an institution or an organisation of the European Union based in the Netherlands;
- 16°. a serious offence for the preparation or facilitation of a terrorist offence, if the serious offence is committed with the intention of preparing or facilitating a terrorist offence as defined in subsection 15°.
- 17°. any of the serious offences, defined in sections 157, 161quater, 284(1), 284a, 285, 310 to 312 inclusive, 317, 318, 321, 322, 326, and in sections 79 and 80 of the Nuclear Energy Act, insofar as the offence falls within the definitions of article 7 of the Convention on the Physical Protection of Nuclear Material concluded in Vienna/New York on 3 March 1980 (Treaty Series 1980, 166), if the suspect is in the territory of the Netherlands;
- 18°. any of the serious offences, defined in sections 161quater, 173a, 284(1), 284a, 285, 310 to 312 inclusive, 317 and 318, and in sections 15, 21, 29(1), 32(1), 34(1), 67(1), 73, 76(3), and 76a of the Nuclear Energy Act in conjunction with section 1a of the Economic Offences Act, and in sections 79 and 80 of the Nuclear Energy Act, insofar as the offence falls within the definitions of article 2 of the International Convention for the Suppression of Nuclear Terrorism concluded in New York on 13 April 2005 (Treaty Series 2005, 290) and either the offence is committed against a Dutch national, or the suspect is in the territory of the Netherlands.

Section 4a

1. The criminal law of the Netherlands shall apply to any person whose prosecution is transferred to the Netherlands by a foreign state on the basis of a treaty which confers jurisdiction to prosecute on the Netherlands.
2. The criminal law of the Netherlands shall also apply to any person whose extradition or surrender for a terrorist offence or a serious offence committed with the intention of preparing or facilitating a terrorist offence is declared impermissible or is rejected or refused.
3. The criminal law of the Netherlands shall apply to any person whose prosecution is transferred to the Dutch Public Prosecution Service on the basis of such application from the Public Prosecution Service of Bonaire, St. Eustatius and Saba.
4. The criminal law of the Netherlands shall also apply to any person whose prosecution is transferred to the Netherlands by an international court established pursuant to a treaty or a

decision of an organisation under international law.

Section 5

1. The criminal law of the Netherlands shall apply to any Dutch national who commits outside the territory of the Netherlands:
 - 1°. any of the serious offences defined in Parts I and II of Book Two, and in sections 192a, 192b, 192c, 197a, 197b, 197c, 206, 237, 272 and 273 and – insofar as the serious offence is an offence against the administration of justice of the International Criminal Court, as referred to in article 70(1) of the Rome Statute of the International Criminal Court concluded in Rome on 17 July 1998 (Treaty Series 2000, 120) – in sections 177, 177a, 178, 179, 180, 189, 200, 207a, 285a and 361;
 - 2°. an offence that is regarded as a serious offence under the criminal law of the Netherlands and is punishable under the law of the country where it was committed.
 - 3°. any of the serious offences defined in sections 240b, 242 to 250 inclusive and 273f, insofar as the offence is committed against a person who has not yet reached the age of eighteen years or any of the serious offences defined in sections 300 to 303 inclusive, insofar as the offence constitutes genital mutilation of a person of the female sex who has not yet reached the age of eighteen years;
 - 4°. any of the serious offences defined in sections 138ab, 138b, 139c, 139d, 161sexies, 225, 226, 227, 240a, 240b, 326, 326c, 350, 350a and 351, insofar as the offence falls within the definition of sections 2 to 10 inclusive of the International Convention on Cybercrime concluded in Budapest on 23 November 2001 (Treaty Series 2002, 18, and 2004, 290), and any of the serious offences defined in sections 137c to 137e inclusive, 261, 262, 266, 284 and 285, insofar as the offence falls within the definition of articles 3 to 6 inclusive of the Additional Protocol to the Convention on Cybercrime concluded in Strasbourg on 28 January 2003, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems;
 - 5°. any of the serious offences defined in section 273f, insofar as the offence is committed against a person who has reached the age of eighteen years, and in sections 231, 321, 350 and 416 to 417bis inclusive, insofar as the offence falls within the definitions of article 20 of the Convention on Action against Trafficking in Human Beings concluded in Warsaw on 16 May 2005, if the offence is committed outside the jurisdiction of any state.
2. In the cases defined in subsection (1)(2°) and (3°), the suspect who only acquires Dutch nationality subsequent to commission of the offence may also be prosecuted.

Section 5a

1. The criminal law of the Netherlands shall apply to the foreign national who has his permanent place of residence or abode in the Netherlands and commits any of the serious offences defined in sections 240b, 242 to 250 inclusive and 273f outside the territory of the Netherlands, insofar as the offence is committed against a person who has not yet reached the age of eighteen years or any of the serious offences defined in sections 300 to 303 inclusive, insofar as the offence constitutes genital mutilation of a person of the female sex who has not yet reached the age of eighteen years, a terrorist offence, or any of the serious offences defined in sections 225(3), 311(1)(6°), 312(2)(5°), and 317(3) in conjunction with 312(2)(5°).
2. The criminal law of the Netherlands shall apply to the foreign national who has his permanent place of residence or abode in the Netherlands and commits any of the serious offences defined in section 273f outside the territory of the Netherlands, insofar as the offence is committed against a person who has reached the age of eighteen years, and in sections 231, 321, 350 and 416 to 417bis inclusive, and the offence is punishable under the law of the country where it was committed.

3. The criminal law of the Netherlands shall apply to the foreign national who has his permanent place of residence or abode in the Netherlands and commits any of the serious offences defined in section 273f outside the territory of the Netherlands, insofar as the offence is committed against a person who has reached the age of eighteen years, and in sections 231, 321, 350 and 416 to 417bis inclusive, insofar as the offence falls within the definitions of article 20 of the Convention on Action against Trafficking in Human Beings concluded in Warsaw on 16 May 2005, if the offence is committed outside the jurisdiction of any state.
4. Any suspect who only acquires his permanent place of residence or abode in the Netherlands subsequent to commission of the offence may also be prosecuted.

Section 5b

The criminal law of the Netherlands shall apply to any person who commits:

- 1°. any of the serious offences defined in section 273f, and in sections 231, 321, 350 and 416 to 417bis inclusive, insofar as the offence falls within the definitions of article 20 of the Convention on Action against Trafficking in Human Beings concluded in Warsaw on 16 May 2005, if the offence is committed against a Dutch national.
- 2°. any of the serious offences defined in sections 240b, 242 to 250 inclusive and 273f, if the offence is committed against a Dutch national or a foreign national who has his permanent place of residence or abode in the Netherlands and has not yet reached the age of eighteen years.

Section 6

The criminal law of the Netherlands shall apply to:

- 1°. A Dutch civil servant who commits any of the serious offences defined in Part XXVIII of Book Two outside the territory of the Netherlands;
- 2°. A person in the public service of an organisation under international law based in the Netherlands who commits any of the serious offences defined in sections 362 to 364a inclusive outside the territory of the Netherlands.

Section 7

The criminal law of the Netherlands shall apply to the master of a Dutch vessel and all other persons on board the vessel who commit, on board or elsewhere, any of the criminal offences defined in Part XXIX of Book Two and Part IX of Book Three outside the territory of the Netherlands.

Section 8

The applicability of sections 2-7 shall be limited by the exceptions recognised in international law.

Part II. Punishments

Section 9

1. The punishments are:
 - a. Principal punishments:
 - 1°. imprisonment;
 - 2°. detention;
 - 3°. community service;
 - 4°. fine;
 - b. Additional punishments:

- 1°. disqualification from certain rights;
 - 2°. confiscation;
 - 3°. publication of the judgment
2. With regard to serious offences that carry a custodial sentence or a fine or with regard to minor offences that carry a custodial sentence, community service may be imposed as an alternative to these punishments, save in cases specified by the law.
 3. In cases where imprisonment, detention, other than default detention, or community service is imposed, the court may, in addition, impose a fine.
 4. In the case of a sentence of imprisonment or detention, other than default detention, of which the unconditional part to be enforced does not exceed six months, the court may impose community service.
 5. In cases where the imposition of an additional punishment is permitted by law, this punishment may be imposed both separately and in concurrence with the principal punishments and other additional punishments.

Section 9a

The court may determine in the judgment that no punishment or measure shall be imposed, where it deems this advisable, by reason of the lack of gravity of the offence, the character of the offender, or the circumstances attendant upon the commission of the offence or thereafter.

Section 10

1. Imprisonment shall be for life or for a determinate term.
2. A determinate term of imprisonment is a minimum of one day and a maximum of fifteen consecutive years.
3. It may be imposed for a maximum of thirty consecutive years in cases where the court may impose, at its discretion, either a life sentence or a determinate term of imprisonment for a specific serious offence, and where an increase in sentence due to a concurrence of serious offences, terrorist offences, repeated serious offences or the provisions of section 44, exceeds fifteen years.
4. A determinate term of imprisonment may in no instance exceed thirty years.

Section 11

Rules on the enforcement of custodial sentences and measures involving deprivation of liberty shall be laid down by or pursuant to the law. These rules shall include in any case:

- a. the designation and the purpose of the institutions intended for this enforcement;
- b. the manner in which the persons, against whom the aforementioned sentences and measures are enforced, are selected for the institutions;
- c. the management and supervision of the institutions;
- d. the regime in the institutions;
- e. the cases and the way in which the fundamental rights of the persons referred to in b. of this section may be restricted;
- f. the judicial process for the persons referred to in b. of this section with regard to decisions concerning the regime of the institution that affect them and decisions concerning their admission and transfer.

Section 12 [Repealed as of 01-01-1999]

Section 12a [Repealed as of 01-06-1953]

Section 13

1. A convicted offender sentenced to imprisonment may be admitted to a custodial institution for the treatment of persons detained under an entrustment order, if he is eligible for such admission by reason of mental disease or defect; in that case sections 37c, 37d and 37e shall apply *mutatis mutandis*.
2. If a convicted offender has been sentenced to imprisonment in combination with detention under an entrustment order with compulsory treatment, a review of whether the convicted offender should be placed in a custodial institution for the treatment of persons detained under an entrustment order shall be conducted regularly. Further rules pertaining to this review shall be set by or pursuant to Governmental Decree. These rules shall relate to and include in any case the frequency of the reviews, the procedure to be followed, including the consultation of behavioural experts, and the way in which the reviews should be conducted.
3. Admission under subsection (1) and discharge shall be governed by rules to be set by Governmental Decree by order of the Minister of Justice, issued after at least two behavioural experts of different disciplines - one being a psychiatrist - who have examined the person in question have issued a reasoned, dated and signed opinion. Such opinion shall be given jointly by the behavioural experts or by each of them separately.
4. A convicted offender may file an appeal against the decision pertaining to admission, the decision pertaining to discharge and the decision denying admission contrary to the recommendation of the court given in accordance with the provisions of section 37b(2) with the Council for the Administration of Justice and the Protection of Juveniles within four weeks after the decision has been notified to him. The provisions of Chapter XVI of the Treatment of Persons detained under an Entrustment Order (Framework) Act [*Beginselenwet Verpleging ter Beschikking Gestelden*] shall apply *mutatis mutandis*.
5. Transfer and appeal shall be made in accordance with the rules applicable to the transfer and appeal of persons detained under an entrustment order who are subject to a compulsory treatment order as referred to in Section 37b or Section 38c.

Section 13a [Repealed as of 17-02-1999]

Section 13b [Repealed as of 01-06-1999]

Section 13c [Repealed as of 01-06-1999]

Section 13d [Repealed as of 24-12-1975]

Section 14 [Repealed as of 01-01-1999]

Section 14a

1. In cases where a term of imprisonment not exceeding two years, detention other than default detention, community service or a fine is imposed, the court may order that the punishment shall not be enforced in whole or in part.
2. If a term of imprisonment of at least two years and not exceeding four years is imposed, the court may order that a part of the punishment, not exceeding two years, shall not be enforced.
3. The court may also order that additional punishments imposed shall not be enforced in whole or in

part.

Section 14b

1. The court, which orders non-enforcement in whole or in part of the punishment imposed by it, shall at the same time set a probation period.
2. The probation period may not exceed a period of three years. The probation period may amount to a maximum of ten years if it should be taken seriously into account that the convicted offender will again commit a serious offence against the physical integrity and endangering the physical integrity of one or more persons.
3. The probation period may also amount to a maximum of ten years if it should be taken seriously into account that the convicted offender will again commit a serious offence which harms the health or welfare of one or more animals. In the application of this section, the harming of the health or welfare of an animal shall also include the serious offence referred to in sections 254 and 254a.
4. The probation period shall commence:
 - a. on the fifteenth day after pronouncement of the final judgment, if notice as referred to in section 366a(1) and (2) of the Code of Criminal Procedure is given or sent, unless the judgment or appeal judgment has not become final because of the timely filing of a legal remedy;
 - b. on the fifteenth day after service of notice, if service of notice as referred to in section 366a(3) of the Code of Criminal Procedure is required, unless the judgment or appeal judgment has not become final because of the timely filing of a legal remedy.
 - c. on the day of pronouncement of the final judgment, if the court has given an order as referred to in section 14e(1).
5. The probation period shall not run during such time that the convicted offender is deprived of his liberty by law.

Section 14c

1. Section 14a shall apply subject to the general condition that:
 - a. the convicted offender does not commit a criminal offence before expiration of the probation period, and
 - b. the convicted offender, insofar as special conditions as referred to in subsection (2) have been set for the application of section 14a:
 - 1°. cooperates with fingerprinting for the purpose of establishing his identity or provides an identity document, as referred to in section 1 of the Compulsory Identification Act [*Wet op de Identificatieplicht*], for inspection; and
 - 2°. cooperates with the probation service supervision, referred to in section 14d (2), including cooperation with house visits.
2. In the application of 14a the court may also set the following special conditions with which the convicted offender must comply during the probation period, or a part thereof to be set in the sentence, or within a period to be set by the court that may not exceed the probation period:
 - 1°. full or partial compensation of the damage or loss caused by the criminal offence;
 - 2°. full or partial repair of the damage or loss caused by the criminal offence;
 - 3°. payment of a sum of money by way of security, to be set by the court, which shall be at least equal to the difference between the fine prescribed by law for the offence and the imposed fine;
 - 4°. payment of a sum of money, to be set by the court, to the Criminal Injuries Compensation Fund [*Schadefonds Geweldsmisdrijven*] or to an organisation that aims to represent and

advocate the interests of victims of criminal offences. The amount may not exceed the maximum fine prescribed by law for the criminal offence;

- 5°. a prohibition on contacting directly or through a third party specific persons or organisations;
- 6°. a prohibition on being at or in the immediate surroundings of a specific location;
- 7°. an obligation to be present at specific times at a specific location or during a specific period;
- 8°. an obligation to report at specific times to a specific agency;
- 9°. a prohibition on the use of drugs or alcohol and the obligation to cooperate with a blood or urine test for the purpose of verifying compliance with this prohibition;
- 10°. admission of the convicted offender to a healthcare institution;
- 11°. an obligation to receive treatment from a professional or healthcare institution;
- 12°. residence in an institution for supervised accommodation or social shelter;
- 13°. the participation in a behavioural intervention;
- 14°. other conditions pertaining to the convicted offender's conduct.

3. A special condition may include the use of electronic monitoring.

4. In the setting of one of the special conditions referred to in subsection (2)(3°) and (4°), sections 23(1) and (2) and 24 shall apply *mutatis mutandis*.

Section 14d

1. The Public Prosecution Service shall be charged with supervising compliance with the conditions.

2. The court may appoint a probation service designated by Governmental Decree to supervise compliance with the conditions and to assist and support the convicted offender in complying with the conditions. In the supervision of compliance with the conditions, the probation service shall establish the convicted offender's identity in the manner referred to in section 27a(1, first sentence) and (2), of the Code of Criminal Procedure. In the event of failure to comply with a condition, the probation service shall promptly notify the Public Prosecution Service.

3. Further rules pertaining to the supervision to be exercised may be set by or pursuant to Governmental Decree.

Section 14e

1. The court may order, ex officio or on application of the Public Prosecution Service, the immediate enforcement of the conditions set under section 14c or the supervision to be exercised under section 14d in its judgment, if it should be taken seriously into account that the convicted offender will again commit a serious offence against the physical integrity and endangering the physical integrity of one or more persons.

2. The court hearing the appeal may revoke, ex officio or on application of the convicted offender or the Public Prosecution Service, the order referred to in subsection (1).

Section 14f

1. The court which sets the condition may, either upon receipt of an application from the Public Prosecution Service or from the convicted offender, reduce the probation period or extend it one time. The extension may not exceed two years.

2. Similarly, during the probation period or during its suspension the court referred to in subsection (1) may amend the special conditions set or change the term of operation of these conditions during the probation period, revoke these conditions, set special conditions and give, amend or revoke an appointment as referred to in section 14d.

Section 14fa

1. In the cases where the court has imposed a custodial sentence but has ordered suspension of its enforcement in whole or in part, the Public Prosecution Service may order the arrest of the convicted offender, if there are serious reasons to suspect non-compliance with any condition set. If the order of the Public Prosecution Service cannot be awaited, the assistant public prosecutor may order the arrest of the convicted offender. The assistant public prosecutor shall promptly notify the arrest, in writing or verbally, to the Public Prosecution Service.
2. If the Public Prosecution Service still considers the arrest to be necessary, it shall promptly submit an application for provisional enforcement to the examining magistrate and an application as referred to in section 14g(1) to the court.
3. The examining magistrate shall give a decision within a period of three times twenty-four hours after arrest. Pending the decision of the examining magistrate, the convicted offender shall not be released.
4. The convicted offender shall be heard by the examining magistrate. Sections 40 and 191 of the Code of Criminal Procedure shall apply *mutatis mutandis*. The defence counsel of the convicted offender shall have the right to be present when the convicted offender is being heard and to inspect the documents relevant to this application.
5. If the examining magistrate grants the application of the Public Prosecution Service, he shall order the provisional enforcement of the suspended custodial sentence. If he rejects the application, he shall order the release of the convicted offender.
6. The Public Prosecution Service shall forthwith give the convicted offender written notice of the decision of the examining magistrate.
7. The term of the provisional enforcement shall expire by operation of law with effect from the date on which the length of the deprivation of liberty is equal to the length of the sentence to be enforced.
8. The court competent to hear the application for enforcement may, *ex officio* or on application of the convicted offender or the Public Prosecution Service, revoke the order for provisional enforcement.

Section 14g

1. In cases of non-compliance with any condition set, the court may, upon receipt of an application from the Public Prosecution Service and without prejudice to the provisions of section 14f,
 - 1°. order enforcement of the suspended sentence;
 - 2°. order enforcement of a part of the suspended sentence, subject to either the original conditions imposed or to amended conditions.
2. The court may, as an alternative to ordering enforcement of a custodial sentence, impose community service as referred to in section 9(1a)(3°). Sections 22b to 22k shall apply *mutatis mutandis*.
3. The court which imposed the sentence is competent to hear the application. If the convicted offender is prosecuted for a criminal offence committed before expiration of the probation period, the following courts shall have competence to hear the application:
 - a. the District Court, if this court is competent at first instance to hear the application,
 - b. the single-judge division of the Sub-District Court Sector, if it is competent to try that offence and offences, for which the offender was convicted and to which the application pertains.

In that case the application shall be made by the Public Prosecution Service charged with the

prosecution of the offence and may only be granted if there has been a conviction for that offence. If the application requests enforcement of a term of imprisonment exceeding one year, it shall not be heard by a single-judge division of the District Court.

4. In those cases where a sum of money has been paid by way of security in accordance with section 14c(2)(3°), the court may also determine which part shall fall, in whole or in part, to the State.
5. The application, referred to in subsections (1) and (2), shall be deemed to have been made on the date of its receipt at the District Court Registry. An application made by the Public Prosecution Service later than three months after expiration of the probation period shall be inadmissible.
6. In the application of subsections (1) or (2), the court shall order that the period of deprivation of liberty served under section 14fa shall be fully deducted from the sentence to be enforced. If the court gives this order with regard to community service, it shall set the criteria for deduction in its judgment.

Section 14h

1. In the cases referred to in sections 14f and 14g, the Public Prosecution Service shall institute proceedings by submitting a reasoned application. In the case of non-compliance with any condition set, the Public Prosecution Service shall not submit an application as referred to in section 14g(1), if in the opinion of the Public Prosecution Service an application as referred to in section 14f or a warning is sufficient. If the convicted offender has applied to the court requesting application of section 14f, the Public Prosecution Service shall submit a reasoned opinion promptly upon receipt of the application.
2. Immediately after submission of the application or the opinion, the court shall set a day for the hearing of the case unless, after a summary examination of the documents, the court decides not to hear the application of the Public Prosecution Service or of the convicted offender, one day before the hearing of the case. In the case, referred to in section 14g(3, second sentence), the hearing of the application shall be held concurrently with the trying of the offence for which the convicted offender is being prosecuted. In other cases the case shall be heard within thirty days after the examining magistrate has ordered the provisional enforcement under section 14fa.
3. The Public Prosecution Service shall have notice of the hearing sent to the convicted offender and the person charged with probation supervision. The application or the opinion shall be served on the convicted offender.
4. Both the Public Prosecution Service and the convicted offender may have witnesses and expert witnesses summoned or called in writing to appear at the hearing. Sections 260 and 263 of the Code of Criminal Procedure shall apply mutatis mutandis.
5. The convicted offender and the person charged with probation supervision may inspect the documents before the start of hearing. The same applies for the convicted offender's defence counsel or, if the case is to be heard by the single-judge division of the Sub-District Court Sector, for a person specially authorised for that purpose by the convicted offender. The provisions laid down by and pursuant to section 34 of the Code of Criminal Procedure shall apply mutatis mutandis.

Section 14i

1. The hearing shall be held in open court.
2. The Public Prosecution Service shall be present at the hearing and shall be heard in the matter.

3. The convicted offender and the person charged with probation supervision may be present at the hearing and shall be heard. The convicted offender may have the legal representation of a defence counsel or, if the matter is to be heard by the single-judge division of the Sub-District Court Sector, by a person specially authorised for that purpose by the convicted offender.
4. In cases where the hearing of the case is not held concurrently with the trying of an offence for which the convicted offender is being prosecuted, sections 260(1), 268(2), 269 to 277 inclusive, 278(2), 281, 284(1), 286, 287(2) and (3), 288, 289(1), (2) and (3), 290 to 297 inclusive, 299, 300, 301, 309, 310, 311, 315, 316, 318, 319, 320 (1) and (2), 322, 324, 326 to 329 inclusive, 331, 345(1) and (3), and 346 of the Code of Criminal Procedure shall apply *mutatis mutandis*.
5. The sections referred to in subsection (4) shall not apply insofar as they relate to a witness whose identity has not been revealed or has only been partly revealed.
6. The Public Prosecution Service may amend its application or opinion and the convicted offender may amend his application during the hearing.

Section 14j

1. Judicial decisions on applications of the Public Prosecution Service or of the convicted offender must be reasoned and shall be pronounced in open court. Insofar as they do not form part of judgments on other criminal offences, they are not open to appeal.
2. The content of the decisions referred to in subsection (1) shall be promptly conveyed in writing to the convicted offender and the person charged with probation supervision, and to the person thus relieved of probation supervision by the Public Prosecution Service. In cases where the decisions contain any amendment to the special conditions or the setting of special conditions, the notification shall be served personally on the convicted offender.

Section 14k

1. In those cases where, in accordance with section 14c(2)(3°), a sum of money has been paid by way of security, this sum shall be paid back to the convicted offender, insofar as this sum has not fallen to the State under a judicial decision, as referred to in section 14g(3). Repayment shall be made once it is established that such decision may no longer be rendered without prejudice to the power of the court to order full or partial repayment at an earlier date on application of the Public Prosecution Service or of the convicted offender.
2. In the case of an application, as referred to in the previous subsection, sections 14h-14j shall apply *mutatis mutandis*.
3. The claim to a refund is not transferrable.

Section 14l

In cases where an application for enforcement, as referred to in section 14g(1), is rejected or the application of the Public Prosecution Service is declared inadmissible, the court which determines questions of fact and rendered the last decision on the application, may, on application of the convicted offender, grant him compensation to be paid by the State as damages for deprivation of liberty served under section 14fa. Sections 89(1, second sentence), (2), and (6), 90 and 93 of the Code of Criminal Procedure shall apply *mutatis mutandis*.

Section 15

1. The convicted offender sentenced to a custodial sentence of more than one year and not exceeding two years, shall be conditionally released when he has been deprived of his liberty for at

least one year and when one third of the then remaining term has been served.

2. The convicted offender sentenced to a determinate term of imprisonment of more than two years shall be conditionally released when he has served two thirds of that sentence.
3. Subsections (1) and (2) shall not apply if:
 - a. the court has ordered under section 14a that a part of the custodial sentence shall not be enforced;
 - b. the court has given an order as referred to in section 14g(1);
 - c. the convicted offender is a foreign national who does not have legal residence in the Netherlands within the meaning of section 8 of the Aliens Act 2000 [*Vreemdelingenwet 2000*].
4. In the application of subsections (1) and (2), the period of time that the convicted offender has served prior to the enforcement of the sentence, either in police custody, pre-trial detention or in detention abroad in response to an application for extradition from the Netherlands, shall be considered part of that term, unless under application of section 68(1, last sentence) of the Code of Criminal Procedure that period has already been deducted from another sentence served by the convicted offender.
5. If the convicted offender has to serve more than one custodial sentence, these sentences shall run consecutively, wherever possible. In that case, fully unconditional custodial sentences to be enforced, with the exception of default detention, shall be considered one custodial sentence to which this section and sections 15a to 15l inclusive shall apply.
6. Sections 570 and 570a of the Code of Criminal Procedure shall apply.

Section 15a

1. The conditional release shall be subject to the general conditions that:
 - a. the convicted offender does not commit a criminal offence before expiration of the probation period, and
 - b. the convicted offender, insofar as special conditions as referred to in subsection (2) have been set for the conditional release:
 - 1°. cooperates with fingerprinting for the purpose of establishing his identity or provides an identity document, as referred to in section 1 of the Compulsory Identification Act for inspection; and
 - 2°. cooperates with the probation service supervision, referred to in section 14d (2), including cooperation with house visits.
2. In addition, special conditions pertaining to the conduct of the convicted offender may be set for the conditional release.
3. The special conditions may include:
 - 1°. a prohibition on contacting directly or through a third party specific persons or organisations;
 - 2°. a prohibition on being at or in the immediate surroundings of a specific location;
 - 3°. an obligation to be present at specific times at a specific location or during a specific period;
 - 4°. an obligation to report at specific times to a specific agency;
 - 5°. a prohibition on the use of drugs or alcohol and the obligation to cooperate with a blood or urine test for the purpose of verifying compliance with this prohibition;
 - 6°. admission of the convicted offender to a healthcare institution for a specific period of time at least equal to the probation period;
 - 7°. an obligation to receive treatment from a professional or healthcare institution for a specific period of time at least equal to the probation period;

- 8°. residence in an institution for supervised accommodation or social shelter for a specific period of time at least equal to the probation period;
- 9°. participation in a behavioural intervention;
- 10°. other conditions pertaining to the convicted offender's conduct, with which the convicted offender must comply during the probation period.

- 4. A special condition may include the use of electronic monitoring.
- 5. The Public Prosecution Service shall decide on whether special conditions should be set.
- 6. The director of the penal institution shall advise on the special conditions to be set. The probation service may give advice on the special conditions to be set.
- 7. The Public Prosecution Service may supplement, amend or revoke the special conditions. Such amendment shall be promptly notified in writing to the convicted offender.
- 8. Further rules pertaining to the procedure for taking the decision, referred to in subsections (5) and (7), may be laid down by or pursuant to Governmental Decree.

Section 15b

- 1. The Public Prosecution Service shall be charged with supervising compliance with the conditions.
- 2. The Public Prosecution Service may appoint a probation service designated by Governmental Decree to supervise compliance with the conditions and to assist and support the convicted offender in complying with the conditions. In the supervision of compliance with the conditions, the probation service shall establish the convicted offender's identity in the manner referred to in section 27a(1, first sentence) and (2) of the Code of Criminal Procedure. In the event of failure to comply with a condition, the probation service shall promptly notify the Public Prosecution Service.
- 3. Further rules pertaining to the supervision to be exercised may be set by or pursuant to Governmental Decree.

Section 15c

- 1. The probation period shall commence on the day of the conditional release.
- 2. The probation period of the general condition shall be equal to the period for which conditional release is granted, but shall amount to at least one year.
- 3. The probation period of a special condition shall be set by the Public Prosecution Service, but shall be at least equal to the period for which conditional release is granted.
- 4. The probation period shall not run during such time that the convicted offender is deprived of his liberty by law.

Section 15d

- 1. Conditional release may be postponed or denied in cases where:
 - a. the convicted offender has been admitted by reason of mental disease or defect to a custodial institution for the treatment of persons detained under an entrustment order and the treatment needs to be continued;
 - b. it has been shown that the convicted offender seriously misbehaved after the commencement of his sentence, which serious misbehaviour can be evidenced by:
 - 1°. serious suspicions or a conviction for a serious offence;

- 2°. behaviour that resulted several times in the imposition of a disciplinary punishment during enforcement of the sentence;
- c. after the commencement of the convicted offender's sentence, he seeks or makes an attempt to avoid serving this sentence;
 - d. the setting of conditions cannot sufficiently reduce the recidivism risk for serious offences or if the convicted offender does not state that he is prepared to comply with the conditions;
 - e. the custodial sentence which is being enforced is based on a final judgment of conviction rendered by a foreign court and enforcement of the sentence has been transferred in accordance with the applicable treaty, insofar as the possibility of postponement or denial of conditional release led the foreign authority to agree to the transfer.
2. Conditional release may also be postponed or denied if the facts or circumstances, referred to in subsection (1)(b), (c) or (d), occurred during the period to be deducted from the custodial sentence under section 27(1).
 3. If Our Minister of Justice is of the opinion that there is cause to postpone or deny the conditional release for a specific period on any of the grounds, referred to in subsection (1), he shall request the Public Prosecution Service to submit an application requesting such postponement or denial.
 4. If the Public Prosecution Service is of the opinion that there is cause to postpone or deny the conditional release for a specific period on any of the grounds referred to in subsection (1), it shall promptly submit a written application requesting such postponement or denial to the District Court, being the court of first instance that tried the criminal offence for which the sentence that is being enforced was imposed.
 5. In the cases referred to in section 15(5), the District Court, being the court of first instance that tried the offence for which the longest unconditional custodial sentence has been imposed, shall be competent to hear the application. In the case of sentences of equal length, the District Courts shall be equally competent. In the case of enforcement of a foreign judicial decision, the District Court which granted leave for enforcement, as referred to in section 31(1) of the Transfer of Enforcement of Criminal Judgments Act [*Wet Overdracht Tenuitvoerlegging Strafvonnissen*] or the District Court in the district where the enforcement was ordered under section 43(5) of this act, shall be competent to hear the application.
 6. The application, referred to in subsection (4), must be received at the District Court Registry not later than thirty days before the date of conditional release. An application submitted by the Public Prosecution Service at a later date shall be admissible, if the Public Prosecution Service shows that a circumstance as referred to in subsection(1) only occurred after this time limit.
 7. Conditional release may be postponed for a specific period time and time again or, after it has been postponed, may be denied. Subsections (3) to (6) inclusive shall apply.

Section 15e

1. The Public Prosecution Service shall enclose the relevant accompanying documents, referred to in section 15d(4), with the application and send them to the District Court. The presiding judge of the District Court shall then promptly set a date for the hearing of the case, unless he determines that the application of the Public Prosecution Service is inadmissible.
2. Pending the decision of the District Court, the convicted offender shall not be conditionally released.
3. If the convicted offender does not appear to have a defence counsel, the presiding judge, on application of the convicted offender, shall instruct the board of the Legal Aid Council [*Raad voor Rechtsbijstand*] to arrange the assignment of a defence counsel. The convicted offender and his defence counsel may inspect the documents before the start of hearing. Section 34 of the Code of

Criminal Procedure shall apply mutatis mutandis.

4. Both the Public Prosecution Service and the convicted offender may have witnesses and expert witnesses summoned or called in writing to appear at the hearing. Sections 260 and 263 of the Code of Criminal Procedure shall apply mutatis mutandis.
5. The case may be heard and decided on by a single-judge division of the District Court. The case shall be heard in open court. The convicted offender shall be given the opportunity to appear at the hearing of his case and to have the legal representation of a defence counsel. The Public Prosecution Service shall be present at the hearing and shall be heard on the matter. The Public Prosecution Service may amend its submitted application during the hearing.
6. Sections 268 (2) and (3), 269 to 277 inclusive, 278(2), 279, 281, 284(1), 286, 287(2) and (3), 288 to 311 inclusive, 315, 316, 318, 319, 320(1) and (2), 321, 322, 324, 326 to 331 inclusive, 345(1) and (3), and 346 of the Code of Criminal Procedure shall apply mutatis mutandis.
7. The sections referred to in subsection (6) shall not apply insofar as they relate to a witness whose identity has not been revealed or has only been partly revealed.

Section 15f

1. If the District Court grants the application of the Public Prosecution Service, referred to in section 15d(4), it shall order the release of the convicted offender on the date indicated in the application.
2. If the District Court rejects the application in whole or in part, it shall set the date on which the convicted offender is to be conditionally released.
3. The District Court may make recommendations regarding special conditions to be attached to the conditional release in its decision on the application.
4. The decision of the District Court on the application shall be reasoned and shall be pronounced in open court. The Public Prosecution Service shall promptly notify the decision of the District Court to the convicted offender.
5. The decision of the District Court shall not be open to appeal.

Section 15g

Conditional release may be fully or partially revoked if the convicted offender fails to comply with a condition attached to this release. If the conditional release is partially revoked, the convicted offender shall again be conditionally released after he has served the part of the sentence to be enforced.

Section 15h

1. If there are serious reasons to suspect that the behaviour of the convicted offender, who is conditionally released, will lead to revocation of the conditional release, the Public Prosecution Service may order his arrest. If the order of the Public Prosecution Service cannot be awaited, the assistant public prosecutor may order the arrest of the convicted offender. The assistant public prosecutor shall promptly notify the arrest, in writing or verbally, to the Public Prosecution Service.
2. If the Public Prosecution Service still considers the arrest to be necessary, it shall promptly submit an application for suspension of the conditional release to the examining magistrate and an application as referred to in section 15i(2) to the court.
3. The examining magistrate shall give a decision within a period of three times twenty-four hours after arrest. Pending the decision of the examining magistrate, the convicted offender shall not be

released.

4. The convicted offender shall be heard by the examining magistrate. Sections 40 and 191 of the Code of Criminal Procedure shall apply mutatis mutandis. The convicted offender's defence counsel has the right to be present when the convicted offender is being heard and to inspect the documents relevant to this application.
5. If the examining magistrate grants the application of the Public Prosecution Service, he shall order the suspension of the conditional release. If he rejects the application, he shall order resumption of the convicted offender's conditional release.
6. The Public Prosecution Service shall promptly give the convicted offender written notice of the decision of the examining magistrate.
7. The period of suspension shall expire by operation of law with effect from the date on which the length of the deprivation of liberty is equal to the length of the sentence for which conditional release is granted.
8. The District Court may revoke the order to suspend the conditional release, ex officio, or on application of the convicted offender or the Public Prosecution Service.

Section 15i

1. If Our Minister of Justice is of the opinion that the convicted offender has failed to comply with a condition and full or partial revocation of the conditional release is necessary, he shall request the Public Prosecution Service to submit an application for such revocation.
2. If the Public Prosecution Service is of the opinion that the convicted offender has failed to comply with a condition, it shall promptly submit a written application for revocation of the conditional release to the District Court. The application shall state the grounds on which it is based. The Public Prosecution Service may refrain from submitting the application only if, in the opinion of the Public Prosecution Service, an amendment of the conditions or a warning is sufficient.
3. The District Court, being the court of first instance that tried the criminal offence for which the sentence, which is being enforced, was imposed, shall be competent to hear the application. If the convicted offender is prosecuted for a criminal offence committed before the expiration of the probation period and the application requests revocation of the conditional release in connection with that criminal offence, the District Court, which is competent to try the criminal offence, shall be competent. The application shall be submitted by the Public Prosecution Service which is charged with prosecution of the criminal offence and may be granted if the offender is convicted of the criminal offence.
4. In the cases referred to in section 15(5), the District Court, being the court of first instance that tried the offence for which the longest unconditional custodial sentence has been imposed, shall be competent to hear the application. In the case of sentences of equal length, the District Courts shall have equal competence. In the case of enforcement of a foreign judicial decision, the District Court which granted leave for enforcement, as referred to in section 31(1) of the Transfer of Enforcement of Criminal Judgments Act, or the District Court in the district where the enforcement was ordered under section 43(5) of this act, shall be competent to hear the application.
5. The Public Prosecution Service shall enclose the relevant accompanying documents with the application and send them to the District Court. The presiding judge of the District Court shall then promptly set a date for the hearing of the case, unless he determines that the application of the Public Prosecution Service is inadmissible. In the case referred to in subsection (3, second sentence), the court which is trying the criminal offence, for which the convicted offender is being prosecuted, shall hear the application at the same time.

6. The Public Prosecution Service shall have notice of the hearing sent to the convicted offender and, if section 15b(2) applies, the person charged with probation supervision. The application shall be served on the convicted offender.
7. In cases where the court which is trying the criminal offence, for which the convicted offender is being prosecuted, does not hear the application at the same time, section 15e(3) to (7) inclusive shall apply mutatis mutandis.

Section 15j

1. If the application of the Public Prosecution Service referred to in section 15i(2) is granted, the District Court shall order that the part of the custodial sentence, which was not enforced as a result of the application of the conditional release regulation, must be fully or partially served. The District Court may make recommendations regarding special conditions to be attached to the conditional release in its decision on the application.
2. In cases where the conditional release is revoked after its suspension, the enforcement of the sentence shall be deemed to be resumed on the day of the arrest, referred to in section 15h(1).
3. The decision of the District Court on the application shall be reasoned and pronounced in open court. The Public Prosecution Service shall promptly notify the decision of the District Court to the convicted offender.
4. The decision of the District Court on the application for revocation of the conditional release, insofar as it does not form part of judgments on other criminal offences, shall not be open to appeal. The court which hears an application to revoke the conditional release in appeal or in appeal in cassation shall have the same competence as that conferred on the District Court in subsection (1) and in section 15h(8).

Section 15k

In cases where an application for revocation of the conditional release is rejected or the application of the Public Prosecution Service is declared inadmissible, the court which determines questions of fact and rendered the last decision on the application, may, on application of the convicted offender, grant him compensation to be paid by the State as damages for the deprivation of liberty he was subjected to under section 15h(5). Sections 89(1, second sentence), (2), and (6), 90 and 93 of the Code of Criminal Procedure shall apply mutatis mutandis.

Section 15l

1. Contrary to section 15(1) and (2), Our Minister of Justice may stipulate that for a specific period and for specific categories of inmates the conditional release may be granted at an earlier date in connection with a shortage of places in penal institutions for the enforcement of custodial sentences or measures involving deprivation of liberty.
2. If Our Minister of Justice implements the provisions of subsection(1), such implementation shall be published in the Government Gazette [*Staatscourant*]. Notice of the publication in the Government Gazette shall be promptly given to both houses of the Dutch Parliament.
3. If Our Minister of Justice implements the provisions of subsection(1), the date of conditional release may not be brought forward by more than three months.
4. The period, referred to in subsection(1), shall not exceed six months. Our Minister of Justice may terminate the implementation of the provisions of subsection(1) at all times. If Our Minister of Justice considers continuation of the implementation of the provisions of subsection(1) to be necessary, the period may be extended by six months. Subsection(2) shall apply mutatis mutandis.

Section 16

Rules for a more detailed regulation of the activities of the probation services with regard to compliance with the conditions imposed on suspects or convicted offenders by or pursuant to the law shall be set by or pursuant to Governmental Decree.

Section 17 [Repealed as of 01-01-1987]

Section 17a [Repealed as of 01-06-1953]

Section 18

1. Detention shall be for a minimum of one day and a maximum of one year.
2. Detention may be imposed for a period of maximum one year and four months in cases where the period of one year is exceeded as a result of an increase in sentence due to concurrence, a repeated serious offence or by reason of the provisions of Section 44.
3. Detention may in no instance exceed one year and four months.

Section 19

Section 13 shall apply mutatis mutandis to the offender sentenced to detention or default detention.

Section 20 [Repealed as of 01-01-1999]

Section 21

The length of a determinate term of imprisonment and of detention shall be set in terms of days, weeks, months and years, and not in parts thereof, in the judgment.

Section 22 [Repealed as of 01-01-1999]

Section 22a

In special circumstances, the Head of the Ministry of Justice may order, in the interest of state security, that custodial sentences shall be enforced outside the Kingdom in Europe.

Section 22b

1. Community service shall not be imposed in the case of conviction for:
 - a. a serious offence which carries, according to the statutory definition, a term of imprisonment of six years or more and has grossly violated the physical integrity of the victim;
 - b. any of the serious offences defined in sections 181, 240b, 248a, 248b, 248c and 250.
2. In addition, community service shall not be imposed in the case of conviction for a serious offence if:
 - 1° the convicted offender is given community service for a similar serious offence in the five years prior to the offence he has committed, and
 - 2° the convicted offender completes the community service or the enforcement of default detention is ordered under section 22g.
3. Subsections (1) and (2) may be derogated from if an unconditional custodial sentence or a measure involving deprivation of liberty is imposed alongside community service.

Section 22c

1. Community service shall consist of an unpaid work requirement. The judgment or the punishment order shall state the number of working hours to be performed for completion of the punishment. The judgment or the punishment order may state the nature of the work to be performed.
2. Community service may be imposed for a maximum of two hundred and forty hours.
3. The period of time within which community service has to be completed shall amount to one year after the judgment has become final, or six months after the punishment order has become final. The Public Prosecution Service may, ex officio or on application of the convicted offender, extend these periods one time by the same period of time. It shall notify this extension to the convicted offender as soon as possible.
4. The period within which community service has to be completed shall be extended by the period during which the convicted offender is deprived of his liberty by law or is absent without leave.

Section 22d

1. In its judgment in which community service is imposed, the court shall order the imposition of default detention in the event the convicted offender fails to satisfactorily complete the community service.
2. The term of the default detention shall be set in whole days, weeks or months.
3. The term of the default detention shall amount to a minimum of one day and a maximum of four months. A maximum of one day shall be imposed for each two hours of community service.
4. Where a part of the community service has been completed, the term of the default detention shall be reduced proportionately. If as a result of this reduction, default detention would have to be served for a part of a day, the number of days shall be rounded up to the nearest amount of whole days.

Section 22e

The Public Prosecution Service may request progress reports on the performance of the work imposed under the community service order from bodies or persons working in the field of probation under rules to be set by Governmental Decree. Section 147(1) of the Code of Criminal Procedure shall apply *mutatis mutandis*.

Section 22f

1. The Public Prosecution Service may amend the punishment imposed with regard to the nature of the work to be performed, referred to in section 22c(1, third sentence), if it is of the opinion that the convicted offender is or was unable to perform the work fully in accordance with the punishment imposed. Such amendment shall approximate, as closely as possible, the punishment imposed. The Public Prosecution Service shall give the convicted offender notice of this amendment.
2. The Public Prosecution Service shall serve this notice on the convicted offender as soon as possible. The notice shall state the number of hours of community service which, in the opinion of the Public Prosecution Service, have been performed, and the punishment as established for the remainder.
3. The convicted offender may file a notice of objection against the notice referred to in subsection (2) to the court that imposed the sentence within fourteen days after its service. The court may amend the decision of the Public Prosecution Service. Subsection (1) shall apply *mutatis mutandis*.

Section 22g

1. If the offender sentenced to community service does not commence with the performance of the work, does not cooperate with the establishment of his identity or the Public Prosecution Service is of the opinion that the convicted offender is not performing or has not performed the unpaid work satisfactorily, the default detention shall be imposed, unless on account of exceptional circumstances that occurred after imposition of community service this would result in a serious injustice. The Public Prosecution Service shall give notice of the imposition of default detention to the convicted offender.
2. The Public Prosecution Service shall serve this notice on the convicted offender as soon as possible. The notice shall state the number of hours of unpaid work which, in the opinion of the Public Prosecution Service, have been performed, and the number of days of default detention.
3. The convicted offender may file a notice of objection against the notice referred to in subsection (2) to the court that imposed the sentence within fourteen days after its service. The court may amend the decision of the Public Prosecution Service. If the court declares the notice of objection well-founded, it shall state in its decision the number of hours of work that still have to be performed and the period of time within which the community service has to be completed.

Section 22h

Sections 14h, with the exception of the first sentence of subsection (1), 14i and 14j of this Code and section 449(3) of the Code of Criminal Procedure shall apply mutatis mutandis to the hearing of the notice of objection as referred to in section 22f(3) and section 22g(3).

Section 22i

The Public Prosecution Service may only take a decision as referred to in section 22f(1) or section 22g(1) during the period within which the community service should have been completed under section 22c(3) or 22g(3), or within three months after expiration of this period.

Section 22j

If the Public Prosecution Service verifies that the unpaid work requirement has been satisfactorily completed, it shall notify the convicted offender thereof as soon as possible.

Section 22k

Further rules pertaining to the content of community service, the enforcement of community service and the rights and obligations of the offender sentenced to community service shall be set by and pursuant to Governmental Decree. In the enforcement of community service, the identity of the convicted offender shall be established in the manner referred to in section 27a(1, first sentence) and (2) of the Code of Criminal Procedure.

Section 23

1. A person who has been sentenced to pay a fine shall be required to pay the amount set to the State within the period of time to be set by the Public Prosecution Service charged with the enforcement of the punishment order or the judgment or appeal judgment.
2. The fine shall be a minimum of € 3.
3. The maximum fine that may be imposed for a criminal offence shall be equal to the amount of the category specified for that offence.

4. There are six categories:

the first category, € 335 [Note editor: As from 1 January 2012: € 390.];

the second category, € 3,350 [Note editor: As from 1 January 2012: € 3,900.];

the third category, € 6,700 [Note editor: As from 1 January 2012: € 7,800.];

the fourth category, € 16,750 [Note editor: As from 1 January 2012: € 19,500.];

the fifth category, € 67,000 [Note editor: As from 1 January 2012: € 78,000.];

the sixth category, € 670,000 [Note editor: As from 1 January 2012: € 780,000.].

5. In cases where a fine has not been set for either a minor or serious offence, a fine up to the maximum amount of the first or third category respectively may be imposed.
6. In cases where a fine has been set for either a minor or serious offence, but no category has been specified, a fine up to the maximum amount of the first or third category respectively may be imposed, if this amount is higher than the amount of the fine prescribed for the criminal offence in question.
7. In the case of conviction of a legal person, a fine up to the maximum of the next highest category may be imposed if the fine category specified for the offence does not provide for an appropriate punishment.
8. The preceding subsection shall apply mutatis mutandis in the case of conviction of an unincorporated company, a partnership, a shipping company or a special purpose fund [*doelvermogen*].
9. The amounts referred to in subsection (4) shall be adjusted by Governmental Decree every two years with effect from 1 January of each year and in line with the development of the Consumer Price Index since the previous adjustment of these amounts. In this adjustment the monetary amount of the first category shall be rounded down to a multiple of € 5 and the monetary amounts of the second to the sixth fine category inclusive shall be determined on the basis of the monetary amount of this first category and maintaining the ratio between the monetary amounts of the fine categories.

Section 24

In the determination of the fine, the offender's financial capacity shall be taken into account to the extent necessary in order to arrive at an appropriate punishment for the defendant without disproportionately affecting his income and capital assets.

Section 24a

1. If one or more fines up to an amount of at least € 225 are imposed, it may be determined in the judgment or the punishment order that the person ordered to pay the fine may pay the amount in parts. Each of these parts shall be set at a minimum of € 45.
2. In cases where section 1 applies, the terms for payment of the second – if the fine may be paid in more than two parts – and the following parts shall be set out in the judgment or the punishment order.
3. These terms shall be set at a minimum of one month and a maximum of three months. In the case of a judgment, these terms may not exceed a period of two years in total; in the case of a

punishment order, these terms may not exceed a period of one year.

Section 24b

1. If an amount to be paid for an enforceable fine has not been paid in full within the set term for payment, the Public Prosecution Service shall send a written demand for payment to the convicted offender. In that case the amount shall be increased by € 15 by operation of law if the judgment or the punishment order has become final. The Public Prosecution Service shall inform the convicted offender of the provisions of subsection 2.
2. If the amount, increased in accordance with subsection 1, has remained unpaid in whole or in part after expiration of the term set in the reminder, the amount, or the remainder thereof due, shall be further increased by one fifth by operation of law, but subject to a minimum increase of € 30.
3. A fine that may be paid in parts in accordance with section 24a, or for which the Public Prosecution Service has permitted payment in instalments, shall be immediately due and payable in full when an increase has become effective under subsection 1.
4. In cases where the Public Prosecution Service has granted an extension of payment or permitted payment in instalments, when the convicted offender was already in default, the preceding subsections of this section shall not apply as long as the convicted offender complies with his obligations under the further arrangement made.
5. Payments made by the convicted offender shall first serve to pay the increases due under subsections (1) and (2).

Section 24c

1. If a fine has been imposed in a judgment and full payment or full recovery of the amount due does not follow, the court shall order enforcement of the default detention. This order shall not be issued if the convicted offender is a legal person. The last subsection of section 51 shall apply mutatis mutandis.
2. The term of the default detention shall be set in whole days, weeks or months.
3. The term of the default detention shall be a minimum of one day and a maximum of one year. A maximum of one day shall be imposed for each full € 25 of the fine.
4. When payment of a part of the amount due is made, the term of the default detention shall be reduced proportionately. If as a result of this reduction, default detention would have to be served for a part of a day, the number of days shall be rounded up to the nearest amount of whole days.
5. The preceding section shall also apply in cases where payment is made after a part of the default detention has already been enforced.
6. In cases where detention for failure to comply with a judicial order has also been imposed with regard to the criminal offence for which default detention has been set or enforced, this time spent in imprisonment shall be deducted from the term of the default detention.

Section 24d [Repealed as of 01-09-2003]

Section 24e [Repealed as of 01-07-2008]

Section 25 [Repealed as of 01-01-1999]

Section 26

The term of imprisonment and the term of detention shall start to run, as far as each of these punishments is concerned:

- a. in the case of convicted offenders held in pre-trial detention for the offence of which they have been convicted, from the day on which the judgment becomes final;
- b. in the case of other convicted offenders, from the day of enforcement of the judgment.

Section 27

1. In cases where the convicted offender has spent time in police custody, pre-trial detention or has been detained for failure to comply with a judicial order under section 578b of the Code of Criminal Procedure or has spent time in a psychiatric hospital or an institution intended for clinical observation under an observation order or in detention abroad in response to an application for extradition or surrender from the Netherlands, the court, when imposing a determinate term of imprisonment, detention or community service, shall order deduction of this total period of time already served, prior to enforcement of the judgment, from this sentence to be enforced. If the court issues this order with regard to community service, it shall set the criteria for deduction in its judgment. The foregoing shall not apply insofar as this period of time has already been deducted from the term of another custodial sentence served by the convicted offender under section 68(1, last sentence) of the Code of Criminal Procedure.
2. In the calculation of the period of time to be deducted, the first day of police custody shall count as a whole day and the day of its termination shall not be taken into account.
3. In the imposition of a fine, the court may issue a similar order. If the court issues such an order, it shall establish the criteria for deduction in its judgment.
4. The preceding subsections of this section shall also apply in cases where, in the case of the concurrent prosecution of two or more offences, the sentence is imposed for an offence other than the offence for which police custody, pre-trial detention or detention for failure to comply with a judicial order under section 578b of the Code of Criminal Procedure is ordered.

Section 27a

The time the convicted offender sentenced to imprisonment or detention has spent in detention abroad in response to an application for extradition from the Netherlands for the purpose of enforcement or continued enforcement of this punishment, shall be deducted from the term of this punishment.

Section 27bis [Repealed as of 01-07-1965]

Section 27ter [Repealed as of 01-07-1965]

Section 27quater [Repealed as of 01-07-1965]

Section 28

1. The rights, from which the offender may be disqualified by judgment, in the cases prescribed by law, are:
 - 1°. holding offices or certain offices;
 - 2°. serving in the armed services;
 - 3°. electing the members of general representative bodies and standing for election to these bodies;
 - 4°. serving as a defence counsel or court-appointed administrator;
 - 5°. practising certain professions.

2. Members of the judiciary who have been appointed either for life or for a definite term, or other civil servants who have been appointed for life, shall be disqualified from holding the office for which they are thus appointed, only in the cases and in the manner prescribed by law.
3. Disqualification from the right referred to in subsection (1)(3°) may be imposed only in the case of a sentence of at least one year's imprisonment.

Section 29

Disqualification from holding offices or certain offices and from serving in the armed forces, except for the cases defined in Book Two, may be imposed upon conviction of a serious offence involving official misconduct or of any serious offence in the commission of which the offender violated a specific duty of his office or whereby he made use of the power, opportunity or means afforded him by virtue of his office.

Section 30 [Repealed as of 01-12-1905]

Section 31

1. In cases where disqualification from certain rights is imposed, the court shall determine the period of such disqualification as follows:
 - 1°. in the case of a lifelong sentence, disqualification for life;
 - 2°. in the case of a determinate term of imprisonment or of detention, disqualification for a period of time that exceeds the principal punishment by a minimum of two years and a maximum of five years;
 - 3°. in the case of a fine, disqualification for a minimum period of two years and a maximum period of five years;
 - 4°. where disqualification is not imposed concurrently, for a minimum period of two years and a maximum period of five years.
2. Disqualification from the right referred to in section 28(1)(3°) shall become effective on the day the sentence becomes final. Disqualification from any of the other rights referred to in section 28(1) shall become effective on the day the judgment becomes enforceable.

Section 32

The court may appoint a probation service designated by Governmental Decree to supervise the convicted offender's compliance with disqualification from the right to hold offices or certain offices and the right to practise certain professions. The convicted offender shall be obliged to cooperate with the probation service supervision, including cooperation with home visits. If the convicted offender fails to comply with the disqualification order, the probation service shall promptly notify the Public Prosecution Service.

Section 33

1. A confiscation order may be issued upon conviction of any criminal offence.
2. Section 24 shall apply mutatis mutandis.

Section 33a

1. The following shall be liable to confiscation:
 - a. objects belonging to the convicted offender or objects he can use in whole or in part for his own benefit and obtained entirely or largely by means of or from the proceeds of the criminal

- offence;
 - b. objects in relation to which the offence was committed;
 - c. objects used for the commission or preparation of the offence;
 - d. objects used for the obstruction of the investigation into the serious offence;
 - e. objects manufactured or intended for the commission of the serious offence;
 - f. rights *in rem* and rights *in personam* pertaining to the objects specified in a. to e. inclusive.
2. Objects referred to in subsection(1.a) to (1.e) inclusive that do not belong to the convicted offender may be declared confiscated only if:
 - a. the person to whom they belong knew that they had been obtained by means of the criminal offence or knew of their use or purpose in connection with the offence, or could have reasonably suspected such provenance, use or purpose; or
 - b. the identity of the person to whom they belong could not be ascertained.
 3. Rights as referred to in subsection (1.f), which do not belong to the convicted offender, may be declared confiscated only when the person to whom they belong knew that the objects, on which and with regard to which these rights are established, had been obtained by means of the criminal offence or knew of their use or purpose in connection with the offence, or could have reasonably suspected such provenance, use or purpose.
 4. Objects shall mean all property of any description, whether corporeal or incorporeal.

Section 33b

Confiscation of objects shall include any materials in which the objects are packaged, unless the court determines otherwise.

Section 33c

1. Upon confiscation of objects, the court may order that in cases where the proceeds of the confiscated objects exceed the amount set in the judgment, the difference shall be reimbursed.
2. The court shall grant a reimbursement, as referred to in section 1, or monetary compensation, where this is necessary to ensure that the defendant or another person to whom the objects belong is not disproportionately affected by the confiscation.
3. The court shall decide to whom the amount of the reimbursement or monetary compensation shall be paid, without prejudice to the right of any other person to this amount.

Section 34

1. Objects which have not been seized shall, upon confiscation, be assessed at a specific amount of money in the judgment.
2. In such cases, the objects must be surrendered or their assessed value paid.
3. Sections 24b, 24c and 25 shall apply mutatis mutandis.

Section 35

1. The costs of imprisonment and detention shall be borne by the State, insofar as not otherwise provided for by or pursuant to any law.
2. All fine and confiscation proceeds shall go to the State.

Section 36

1. In cases where the court orders, by virtue of the law, publication of its judgment, it shall also determine the manner of publication.
2. The costs of publication shall be assessed at a specific amount of money in the judgment.
3. Sections 24b, 24c and 25 shall apply mutatis mutandis.

Part IIA. Measures

Chapter One. Withdrawal from Circulation, Special Confiscation of Unlawfully Obtained Gains and Compensation

Section 36a

All costs for the enforcement of the measures referred to in this Chapter - with the exception of the costs for recovery, including the collection costs - shall be for the account of the State, and all proceeds of such enforcement shall go to the State, with the exception of the sums paid through enforcement of the order as referred to in section 36f.

Section 36b

1. The withdrawal of seized objects from circulation may be ordered:
 - 1°. by a judgment whereby a person is convicted of a criminal offence;
 - 2°. by a judgment whereby it is decided, in accordance with section 9a, that no punishment is to be imposed;
 - 3°. by a judgment whereby, acquittal or dismissal of the criminal charge(s) notwithstanding, it is established that a criminal offence has been committed;
 - 4°. by a separate decision given in chambers, on application of the Public Prosecution Service;
 - 5°. by a punishment order.
2. Sections 33b and 33c(2) and (3) and section 446 of the Code of Criminal Procedure shall apply mutatis mutandis.
3. The measure may be imposed in conjunction with punishments and other measures.

Section 36c

All of the following objects shall be liable to withdrawal from circulation:

- 1°. objects obtained entirely or largely by means of or from the proceeds of the criminal offence;
- 2°. objects in relation to which the offence was committed;
- 3°. objects used for the commission or preparation of the offence;
- 4°. objects used for the obstruction of an investigation into the serious offence;
- 5°. objects manufactured or intended for the commission of the serious offence;

insofar as these objects are of such nature that their uncontrolled possession is in violation of the law or contrary to the public interest.

Section 36d

The following shall also be liable to withdrawal from circulation: those objects belonging to the offender or the defendant which are of such nature that their uncontrolled possession is in violation of the law or contrary to the public interest, and which have been found in the course of the investigation of the

offence committed by him, or of the offence of which he is suspected, but only if these objects may be used for the commission or preparation of similar offences or for the obstruction of their investigation.

Section 36e

1. On application of the Public Prosecution Service, a person who is convicted of a criminal offence may be ordered in a separate judicial decision to pay a sum of money to the State in order to deprive him of unlawfully obtained gains.
2. This obligation may be imposed on the person referred to in subsection (1) who obtained gains by means of or from the proceeds of the criminal offence referred to in that subsection or from other criminal offences with regard to which there are sufficient indications that these offences were committed by the convicted offender.
3. On application of the Public Prosecution Service, any person who is convicted of a serious offence for which, according to the statutory definition, a fine of the fifth category may imposed, may be ordered in a separate judicial decision to pay a sum of money to the State in order to deprive him of unlawfully obtained gains, if it is shown that either said serious offence or other serious offences resulted in one way or another in the convicted offender obtaining unlawful gains. In that case it may also be presumed that:
 - a. any expenditure incurred by the convicted offender in a period of six years prior to the commission of that serious offence was met from the unlawfully obtained gains, unless it is shown that this expenditure was met from a legal source of income, or;
 - b. objects which became the property of the convicted offender in a period of six years prior to the commission of that serious offence involved gains as referred to in subsection (1), unless it is shown that the objects were obtained from a legal source of origin.
4. The court may, ex officio or on application of the Public Prosecution Service or of the convicted offender, derogate from the period of six years referred to in subsection (3) and take a shorter period into account.
5. The court shall set the estimated amount of the unlawfully obtained gains. Such gains shall include the saving of costs. The value of the objects which constitute, in the opinion of the court, the unlawfully obtained gains, may be estimated at their market value at the time of the decision, or by reference to the proceeds the objects would fetch at a public sale, if recovery action has to be taken. The court may set the sum of money at an amount that is lower than the estimated gains. In the determination of the amount to be paid, the court may, on reasoned application of the defendant or of the convicted offender, take into account the fact that the current and the reasonably to be expected future financial capacity of the defendant or of the convicted offender shall be insufficient to pay the amount due. In the absence of such application, the court may exercise this power ex officio or on application of the Public Prosecution Service.
6. Objects shall mean all property of any description, whether corporeal or incorporeal.
7. In the determination of the amount of the unlawfully obtained gains under subsections (1) and (2) with regard to criminal offences committed by two or more persons, the court may determine that these persons shall be liable, jointly and severally or for a part to be determined by the court, for the total payment obligation.
8. In the determination of the amount at which the unlawfully obtained gains may be set, claims awarded by the court to injured third parties shall be deducted.
9. In the imposition of the measure, the court shall take into account previous decisions in which the defendant or the convicted offender was ordered to pay a sum of money in order to deprive him of unlawfully obtained gains.

10. Under application of section 577c of the Code of Criminal Procedure, detention for failure to comply with a judgment may be imposed by the court for a maximum of three years and shall be deemed to be a measure.

Section 36f

1. A person who is convicted of a criminal offence by judgment or where in the imposition of the punishment the court takes into account a criminal offence which, as is stated in the summons, the defendant admitted and is brought to the knowledge of the court, or against whom a punishment order is issued, may be ordered to pay the State a sum of money for the benefit of the victim or his surviving relatives within the meaning of section 51f(2) of the Code of Criminal Procedure. The State shall promptly pay the amount received to the victim or his surviving relatives within the meaning of section 51f(2) of the Code of Criminal Procedure.
2. The court may impose the measure if and insofar as the defendant is liable to the victim under civil law for the damage or loss caused by the criminal offence.
3. The measure may be imposed in conjunction with punishments and other measures.
4. Sections 24a and 24b(1) to (4) inclusive shall apply mutatis mutandis, on the understanding that the increase in the amount due under the measure shall be payable to the State.
5. Payments made by the convicted offender to the State shall first serve to pay the amount due under the measure and subsequently to pay the increases due under subsection (4).
6. If the offender convicted of a serious offence has not complied in full or in part with his obligation within eight months after the day on which the judgment or appeal judgment, in which the measure referred to in subsection (1) was imposed, becomes final, the State shall pay the remaining amount to the victim not being a legal person. It may be stipulated by Governmental Decree that only victims of violent and sexual offences shall be eligible for this payment for a period of time to be set in this Governmental Decree. It may also be stipulated by Governmental Decree that the amounts to be paid out shall be subject to an upper limit of € 5,000 or more, on the understanding that this upper limit shall not apply to payments made to victims of violent or sexual offences. The State shall recover the amount paid out and the increases due under subsection (4) from the convicted offender.
7. Sections 24c and 77l (2) to (6) inclusive shall apply mutatis mutandis, on the understanding that enforcement of the default detention or default juvenile detention shall not cancel the obligation to pay compensation to the victim under the compensation measure.

Chapter Two. Admission to a Psychiatric Hospital and Detention under an Entrustment Order

Section 37

1. The court may order the admission of a person, who cannot be held responsible for committing a criminal offence by reason of mental disease or defect, to a psychiatric hospital for a term of one year, but only if he poses a danger to himself, to others, or to the general safety of persons or property.
2. The court may only issue the order referred to in subsection (1) after a reasoned, dated and signed opinion issued by no fewer than two behavioural experts of different disciplines - one being a psychiatrist - who have examined the person in question, has been submitted to it. Such opinion shall be given jointly by the behavioural experts or by each of them separately. Where the date of this opinion precedes the commencement of the trial by more than one year, the court may only rely upon it with the consent of the Public Prosecution Service and of the defendant.

3. Subsection (2) shall not apply if the person in question refuses to cooperate with the examination required for submission of the opinion. Where possible, the behavioural experts shall prepare, either jointly or each of them separately, a report on the reason for the refusal. The court shall make every effort to secure the submission of another opinion or report advising it on the desirability or necessity of a measure as referred to in subsection (1), with which the person in question is willing to cooperate.

Section 37a

1. The court may order the detention under an entrustment order of a defendant who at the time of the commission of the offence suffered from mental disease or defect, if:
 - 1°. the act committed by him is a serious offence which, according to the statutory definition, carries a term of imprisonment of four years or more, or which constitutes any of the serious offences defined in sections 132, 285(1), 285b, and 395 of the Criminal Code, 175(2.b) or (3) in conjunction with subsection (1.b) of the Road Traffic Act 1994 [*Wegenverkeerswet 1994*], and 11(2) of the Opium Act [*Opiumwet*], and
 - 2°. such measure is necessary in the interest of the safety of others, or the general safety of persons or property.
2. In application of the preceding section, the court may refrain from imposing a punishment, even if it finds that the defendant can be held responsible for the criminal offence.
3. Subsections (2) and (3) of section 37 shall apply *mutatis mutandis*.
4. In the issue of an order as referred to in subsection (1), the court shall take into account both the content of other opinions and reports prepared on the character of the defendant, as well as the gravity of the offence committed and the frequency of previous convictions for serious offences.

Section 37b

1. The court may order that the person detained under an entrustment order shall receive compulsory treatment if this treatment is necessary in the interest of the safety of others or the general safety of persons or property.
2. If the court has imposed a term of imprisonment in addition to the measure of an entrustment order with compulsory treatment, the court may include a recommendation for the date on which the entrustment order with compulsory treatment should commence in its judgment.

Section 37c

1. Rules pertaining to the compulsory treatment and the legal position of persons detained under an entrustment order shall be laid down by or pursuant to the law.
2. The Minister of Justice shall ensure that the person detained under an entrustment order with compulsory treatment receives the necessary treatment. In the interest of the safety of others or the general safety of persons or property, he may give special instructions to the head of the institution with regard to specific persons under treatment.

Section 37d

1. Persons detained under an entrustment order may be treated in the following institutions designated by the Minister of Justice:
 - a. private institutions managed by a legal person established in the Netherlands;
 - b. state institutions.

2. The treatment shall preferably take place in a private institution.

Section 37e

The costs of care and treatment of persons detained under an entrustment order shall be borne by the State, insofar as not otherwise provided for by or pursuant to any law.

Section 37f [Repealed as of 01-09-1988]

Section 37g [Repealed as of 01-09-1988]

Section 37h [Repealed as of 01-09-1988]

Section 37i [Repealed as of 01-09-1988]

Section 37j [Repealed as of 01-09-1988]

Section 38

1. If the court does not issue an order as referred to in section 37b, it shall set conditions pertaining to the conduct of the person detained under an entrustment order for the protection of the safety of others or the general safety of persons or property. The general condition is that the person detained under an entrustment order cooperates with fingerprinting for the purpose of establishing his identity or provides an identity document, as referred to in section 1 of the Compulsory Identification Act for inspection.
2. The court shall also appoint an institution designated in the judgment, which meets specific requirements to be set by or pursuant to Governmental Decree, to assist and support the person detained under an entrustment order in complying with the conditions. In the provision of assistance and support in complying with the conditions, the identity of the person detained under an entrustment order shall be established in the manner referred to in section 27a(1, first sentence) and (2) of the Code of Criminal Procedure.
3. If a custodial sentence is also imposed in the judgment, this sentence may not exceed five years in the case referred to in subsection (1) of this section.
4. If a custodial sentence of more than three years is also imposed in the judgment, the court shall specify the nature of the care to be provided, which has been set as a condition, in the judgment.
5. In the case referred to in subsection (3), the court shall again set, if required, the conditions pertaining to the conduct of the person detained under an entrustment order prior to discharge from detention. The Public Prosecution Service may submit a reasoned application for this purpose six months prior to discharge at the latest.
5. The court may set a condition as referred to in subsections (1) and (4) only if the person detained under an entrustment order has stated that he is prepared to comply with the condition.
6. The court may order, ex officio or on application of the public prosecutor, the immediate enforceability of the conditional detention under an entrustment order.
7. An order as referred to in subsection (6) shall start to run at the time of the defendant's arrest for the purpose of enforcement of this order, or upon expiration of the enforcement of another order involving deprivation of liberty, issued in the same case.
8. Further rules pertaining to the procedure of conditional detention under an entrustment order may

be set by Governmental Decree.

Section 38a

1. Under the conditions referred to in subsection (1) of section 38, the person detained under an entrustment order may have to allow himself to be admitted to an institution designated by the court, submit to treatment provided by a professional designated in the judgment or take medicine prescribed by the attending doctor or permit this medicine to be administered to him by the attending doctor.
2. Regulations pertaining to the requirements which an institution to be designated must meet, may be laid down by or pursuant to Governmental Decree.
3. The Public Prosecution Service shall supervise compliance with the conditions set in accordance with rules to be laid down by Governmental Decree.

Section 38b

The court may, on application of the Public Prosecution Service or of the person detained under an entrustment order or his defence counsel, subject to the provisions of the preceding sections of this Chapter:

- 1°. supplement, amend or revoke the conditions;
- 2°. appoint an institution, other than the one previously appointed, to provide assistance and support in complying with the conditions.

Section 38c

On application of the Public Prosecution Service, the court may order that the person detained under an entrustment order receive compulsory treatment in the event of non-compliance with a condition set or if otherwise such treatment is required in the interest of the safety of others or the general safety of persons or of property.

Section 38d

1. The term of the detention under an entrustment order shall be two years, counting from the day on which the judgment imposing it becomes final.
2. On application of the Public Prosecution Service, the court may extend the term of the entrustment order for a period of either one year or two years at a time, if the safety of others or the general safety of persons or property requires such extension, without prejudice to the provisions of section 38e or section 38j.

Section 38e

1. The total term of the measure of detention under an entrustment order with compulsory treatment shall not exceed a period of four years, unless this order has been imposed for a serious offence against or endangering the physical integrity of one or more persons.
2. Except for the cases in which an order as referred to in section 37b or section 38c has been issued, the total term of the entrustment order shall not exceed nine years.
3. If the total term of the entrustment order is for an indeterminate period, the term of the detention under an entrustment order may be extended each time if the safety of others or the general safety of persons requires such extension.

Section 38f

1. The term of the detention under an entrustment order shall not run:
 - a. during the period that the person detained under an entrustment order with compulsory treatment is deprived of his liberty by law for other reasons and when he is absent without leave during such period of deprivation of liberty;
 - b. during the period that the person detained under a conditional entrustment order, referred to in section 38(1), is deprived of his liberty by law and when he is absent without leave during such period of deprivation of liberty;
 - c. during the period that the person detained under an entrustment order with compulsory treatment is absent without leave from the institution for the treatment of persons detained under an entrustment order for more than one consecutive week;
 - d. during the period that the person detained under a conditional entrustment order is absent without leave from the institution to which he has been admitted under the condition for more than one consecutive week.
2. In derogation of subsection (1a), the term of the detention under an entrustment order shall run if the person detained under an entrustment order:
 - a. is admitted to an institution for the treatment of persons detained under an entrustment order or another psychiatric hospital by an order as referred in section 13 or by virtue of the provisions laid down by or pursuant to the Custodial Institutions (Framework) Act [*Penitentiaire Beginnselenwet*], unless he is absent without leave from that institution or hospital for more than one week;
 - b. is admitted to a psychiatric hospital after the term of the detention under an entrustment order has started to run, unless he is absent without leave from that institution or hospital for more than one week.

Section 38g

1. The compulsory treatment may be conditionally terminated for the period of one year or for the period of two years in the decision extending the detention under an entrustment order by the court ex officio, or on application of the Public Prosecution Service or of the person detained under an entrustment order or his defence counsel.
2. If the court terminates the compulsory treatment under subsection (1), it shall set conditions pertaining to the conduct of the person detained under an entrustment order for the safety of others or the general safety of persons and property. Sections 38(1, last sentence), (2) and (4) and 38a shall apply mutatis mutandis.
3. Further rules pertaining to the procedure for conditional termination of the compulsory treatment order may be set by Governmental Decree.

Section 38h

1. Without prejudice to the provisions of section 38g(1), if the probationary leave of a person detained under an entrustment order has lasted for a consecutive period of at least twelve months, without extension of the detention under an entrustment order during this period, the court may conditionally terminate the compulsory treatment on application of the Public Prosecution Service or of the person detained under an entrustment order or his defence counsel. Section 38g(2) shall apply mutatis mutandis.
2. In such case the court shall conditionally terminate the compulsory treatment for the term for which the entrustment order has been issued.

3. Sections 509p, 509r, 509s, 509t(1) and (5), and 509u bis of the Code of Criminal Procedure shall apply *mutatis mutandis*.

Section 38i

The court may, *ex officio* or on application of the Public Prosecution Service or of the person detained under an entrustment order or his defence counsel, subject to the provisions of the preceding sections of this Chapter:

- 1°. supplement, amend or revoke the conditions;
- 2°. appoint an institution, other than the one previously appointed, to provide assistance and support in complying with the conditions.

Section 38j

1. In the case of conditional termination of the compulsory treatment, the entrustment order may be extended for a period of one year or two years at each time.
2. The total duration of the conditional termination of the treatment shall amount to a maximum of nine years.
3. If the term referred to in subsection (2) expires and an order for resumption of the compulsory treatment, as referred to in section 38k, has not been issued, the entrustment order shall be terminated by operation of law.

Section 38k

The court may, on application of the Public Prosecution Service, issue an order for resumption of the compulsory treatment, if:

- 1°. a condition set is not complied with or
- 2°. such order is required in the interest of the safety of others or the general safety of persons or property, or
- 3°. in the application of section 38e, such order is required in the interest of the safety of others or the general safety of persons.

Section 38l

1. The entrustment order under which a person is detained shall be terminated when a judgment, in which the same person is again detained under an entrustment order, becomes final.
2. An order for admission to a psychiatric hospital shall be terminated when a judgment, in which an order for admission of the same person to a psychiatric hospital is again issued, becomes final.
3. An order for admission to a psychiatric hospital shall be terminated by operation of law when a judgment, in which detention under an entrustment order with compulsory treatment or an order for continuation of such order is issued for the same person, becomes final.

Section 38la

1. Our Minister may terminate the detention under an entrustment order with compulsory treatment with regard to the foreign national who does not have legal residence in the Netherlands within the meaning of section 8 of the Aliens Act 2000.
2. Subsection (1) may only be applied with regard to a foreign national for whom Our Minister has arranged a suitable facility in the country of origin, which facility is aimed at alleviating, in any case,

the disorder and reducing the related risk of recidivism, and who has actually been removed from the Netherlands.

3. Such termination shall be subject to the condition that the foreign national does not return to the Netherlands.
4. If Our Minister intends to implement the provisions of subsection (1), he shall notify the convicted offender of this intention. Our Minister may request the advice of the Public Prosecution Service on the intention to implement subsection (1). In that case the recommendation shall be enclosed with the notification of the intention to be sent to the convicted offender.
5. The convicted offender may file a notice of objection against the intention of Our Minister to the court, which as highest court determining questions of fact imposed the sanction involving deprivation of liberty, within fourteen days after receipt of the notification. The court shall examine whether, in weighing up the interests involved, Our Minister could have reasonably arrived at the intended decision, as soon as possible after receipt of a timely submitted notice of objection. The convicted offender shall be heard during the examination, and at any rate shall be notified to appear at the hearing. If the convicted offender has not already been assigned a defence counsel, the presiding judge shall instruct the Legal Aid Council to arrange the assignment of a defence counsel. Sections 21 to 25 inclusive of the Code of Criminal Procedure shall apply *mutatis mutandis*. The court shall give Our Minister and the convicted offender written notice of its decision.
6. The entrustment order shall come into effect again if the foreign national fails to comply with the condition referred to in subsection (3). In that case, on application of the Public Prosecution Service, the court may issue an order for resumption of the compulsory treatment. The term of the detention under an entrustment order shall start to run from the date of the foreign national's arrest. If the period of time between the date of the foreign national's removal and the date of submission of the application of the Public Prosecution Service amounts to three years or more, section 37(2) shall apply *mutatis mutandis*.
7. The entrustment order, which has again come into effect under subsection (6), shall be terminated by operation of law, if the public prosecutor has submitted an application as referred to in subsection (6) and the court has rejected this application.

Section 38lb

The court may, *ex officio* or on application of the Public Prosecution Service, terminate detention under an entrustment order with compulsory treatment with regard to a foreign national who does not have legal residence in the Netherlands within the meaning of section 8 of the Aliens Act 2000, subject to the condition that the foreign national does not return to the Netherlands. Section 38la(6) and (7) shall apply *mutatis mutandis*.

Chapter Three. Detention in an Institution for Persistent Offenders

Section 38m

1. The court may, *ex officio* or on application of the Public Prosecution Service, order the detention of the defendant in an institution for persistent offenders, if:
 - 1°. the offence committed by the defendant is a serious offence for which pre-trial detention may be imposed;
 - 2°. in the five years prior to the offence committed by the defendant, he has been convicted of a serious offence at least three times in a final judgment and sentenced to a punishment or measure involving deprivation of liberty, to a measure involving restriction of liberty or to community service or community service has been imposed on him by an irrevocable

punishment order, the offence was committed after enforcement of these punishments or measures and moreover, it should be taken seriously into account that the defendant will again commit a serious offence, and

3°. the safety of persons or property requires imposition of the measure.

2. The measure shall serve to protect society and to stop the recidivism of the defendant.
3. If the defendant suffers from addiction problems or has other specific problems relating to the commission of criminal offences, the measure shall also contribute to solving his addiction problem or these other problems.
4. The court shall impose the measure only after it has received a reasoned, dated and signed opinion on the desirability and necessity of the measure. If this opinion is dated more than one year before the start of the hearing, the court may only use it with the consent of the Public Prosecution Service and the defendant.
5. Subsection (4) shall not apply if the defendant refuses to cooperate with the examination required for submission of the opinion. Where possible, a report on the reason for the refusal shall be prepared. The court shall make every effort to secure the submission of another opinion or report advising it on the desirability or necessity of the measure with which the person in question is willing to cooperate.
6. In the imposition of the measure the court shall take into account the content of the other recommendations and reports prepared on the defendant as well as the frequency of previous convictions for serious offences.
7. A conviction as referred to in subsection (1)(2°) shall also mean an irrevocable conviction for similar offences rendered by a criminal court in another member state of the European Union.

Section 38n

1. The measure shall be in force for the maximum period of two years, counting from the day on which the judgment by which it was imposed becomes final.
2. In the determination of the term of the measure, the court may take into account the period of time the convicted offender has spent in police custody, pre-trial detention, in a psychiatric hospital or an institution intended for clinical observation under an observation order prior to enforcement of the judgment.

Section 38o

1. Detention shall take place in an institution for persistent offenders designated by Our Minister of Justice.
2. Rules pertaining to enforcement of the measure inside and outside the institution and the legal position of the person on whom the measure has been imposed shall be laid down by or pursuant to the law.
3. The costs of enforcement of the measure shall be borne by the State. The costs of enforcement of the last stage of the measure shall be borne by the municipalities that participate in its enforcement in accordance with rules laid down by or pursuant to Governmental Decree.

Section 38p

1. The court may order that the measure shall not be enforced.

2. The court, which orders suspension of the measure imposed, shall also set a probation period of maximum three years.
3. Subsection (1) shall apply subject to the general condition that:
 - a. the convicted offender does not commit a criminal offence before expiration of the probation period;
 - b. the convicted offender, in compliance with the conditions referred to in subsection (4), cooperates with fingerprinting for the purpose of establishing his identity or provides an identity document, as referred to in section 1 of the Compulsory Identification Act for inspection.
4. The court shall set conditions pertaining to the conduct of the convicted offender for the protection of the safety of persons or property. The court may appoint an institution designated pursuant to Governmental Decree to assist and support the convicted offender in complying with the conditions. In the provision of assistance and support in complying with the conditions, the identity of the convicted offender shall be established in the manner referred to in section 27a(1, first sentence) and (2) of the Code of Criminal Procedure.
5. Under a condition as referred to in subsection (4), the convicted offender may have to submit to extramural or intramural treatment. Detention in an institution in this context shall be for a term of maximum two years to be determined by the court. This condition shall be set only if the convicted offender has declared that he is prepared to undergo the treatment.
6. Rules pertaining to the requirements, which an institution and treatment as referred to in subsection (5) must meet, may be laid down by or pursuant to Governmental Decree.
7. The Public Prosecution Service shall supervise compliance with the conditions set.

Section 38q

The court may, ex officio or on application of the Public Prosecution Service or of the convicted offender or his defence counsel, subject to sections 38m to 38p inclusive:

- 1°. supplement, amend or revoke the conditions;
- 2°. appoint a probation service, other than the one previously appointed, to provide assistance and support in complying with the conditions.

Section 38r

In cases of non-compliance with any condition set, the court may, on application of the Public Prosecution Service, order enforcement of the measure.

Section 38s

1. In or after imposition of the measure, the court may decide, ex officio or on application of the Public Prosecution Service or of the defendant or his defence counsel, to conduct an interim review on the necessity of continued enforcement of the measure. The Public Prosecution Service shall provide the court with the information required for its review within a period of time to be set by it. A statement from the director of the institution concerning the stage of implementation of the convicted offender's action plan shall be enclosed with this information.
2. If in the imposition of the measure the court decides not to conduct an interim review but does decide to conduct a review one year after the start of enforcement of the measure, an application as referred to in subsection (1) may be made within six months after the start of enforcement of the measure. In the other cases an application may be made six months after the decision not to conduct an interim review or the decision that continued enforcement is required becomes final.

3. If the court decides on the basis of the information referred to in subsection (1) that continued enforcement of the measure is no longer required, it shall terminate this measure with effect from a date to be set by it.

Section 38t

The term of the measure shall not run:

- a. during the period that the person on whom this measure has been imposed is deprived of his liberty for other reasons and during the period he is absent without leave;
- b. as soon as the person detained in an institution is absent without leave for more than one day.

Section 38u

Our Minister of Justice may terminate the measure at any time.

Chapter Four. Imposition of a Measure involving Restriction of Liberty

Section 38v

1. For the protection of society or the prevention of criminal offences, a measure involving restriction of liberty may be imposed by the judgment:
 - 1°. whereby a person is convicted of a criminal offence;
 - 2°. whereby no punishment is to be imposed in accordance with section 9a.
2. Under the measure the defendant may be ordered to:
 - a. stay away from a specific area,
 - b. refrain from contact with a specific person or persons,
 - c. report at specific times to the investigating officer designated for that purpose.
3. The measure may be imposed for a maximum period of two years.
4. In its judgment, the court may order, ex officio or on application of the public prosecutor, the immediate enforceability of the measure if it should be taken seriously into account that the defendant will again commit a criminal offence or engage in behaviour which will cause harassment, alarm or distress to a specific person or persons.
5. The order, referred to in subsection (4), may be revoked by the court hearing the appeal, ex officio or on application of the convicted offender or of the Public Prosecution Service.
6. The measure may be imposed together with punishments and other measures.

Section 38w

1. In the judgment whereby the measure as referred to in section 38v is imposed, the court shall order the imposition of default detention in the case of non-compliance with the measure.
2. In its judgment, the court shall determine the maximum term of default detention to be enforced for each case of non-compliance with the measure. The term of this default detention shall be set in whole days, weeks or months and shall amount to at least three days.
3. The total term of the enforced default detention shall amount to maximum six months.
4. The imposition of default detention shall not cancel the obligations under the measure referred to in

section 38v(2).

Section 38x

1. If there are serious reasons to suspect that the convicted offender is not complying or has not complied with the measure, the Public Prosecution Service may order his arrest. If the order of the Public Prosecution Service cannot be awaited, the assistant public prosecutor may order the arrest of the convicted offender. The assistant public prosecutor shall promptly notify the arrest, in writing or verbally, to the Public Prosecution Service.
2. The Public Prosecution Service shall promptly submit an application for enforcement of the default detention to the examining magistrate.
3. The examining magistrate shall give a decision within a period of three times twenty-four hours after submission of the application. Pending the decision of the examining magistrate, the arrested convicted offender shall not be released.
4. The convicted offender shall be heard by the examining magistrate. Sections 40 and 191 of the Code of Criminal Procedure shall apply *mutatis mutandis*. The convicted offender's defence counsel has the right to be present when the convicted offender is being heard and to inspect the documents relevant to this application.
5. If the examining magistrate grants the application of the Public Prosecution Service, he shall order the enforcement, in whole or in part, of the default detention set in the judgment. The period of deprivation of liberty served, as referred to under subsection (3), shall be fully deducted from the term of the default detention to be enforced. If he rejects the application, he shall order the release of the convicted offender.
6. The Public Prosecution Service shall promptly give the convicted offender written notice of the decision of the examining magistrate. The notice shall include the examining magistrate's decision on non-compliance with the measure and the number of days of default detention.
7. The convicted offender and the Public Prosecution Service may file an appeal against the decision of the examining magistrate with the court that imposed the measure within fourteen days. The Public Prosecution Service shall enclose with its appeal the documents relevant to the application and send them to the court. The court shall promptly set a day for a hearing of the case, unless it determines that the convicted offender's appeal is inadmissible. The Public Prosecution Service shall summon the convicted offender to appear at the hearing and the application shall be served on him. Sections 14i and 14j shall apply *mutatis mutandis*.

Section 38ij

In cases where an application for enforcement, as referred to in section 38x(2), is rejected, or the application of the Public Prosecution Service is declared inadmissible, or the court annuls the examining magistrate's decision for enforcement as referred to in section 38x(5), or if the case ends without the imposition of the measure referred to in section 38v, the court which determines questions of fact and rendered the last decision on the measure involving the restriction of liberty, may, on application of the convicted offender, grant him compensation to be paid by the State as damages for deprivation of liberty served under section 38x. Sections 89(1, second sentence), (2), and (6), 90 and 93 of the Code of Criminal Procedure shall apply *mutatis mutandis*.

Part III. Exclusion and Increase of Criminal Liability

Section 39

Any person who commits an offence for which he cannot be held responsible by reason of mental

disease or defect shall not be criminally liable.

Section 39bis a [Repealed as of 01-07-1965]

Section 39ter [Repealed as of 01-07-1965]

Section 39quater [Repealed as of 01-07-1965]

Section 39quinquies [Repealed as of 01-07-1965]

Section 39sexies [Repealed as of 01-07-1965]

Section 39septies [Repealed as of 01-07-1965]

Section 39octies [Repealed as of 01-07-1965]

Section 39novies [Repealed as of 01-07-1965]

Section 39decies [Repealed as of 01-07-1965]

Section 40

Any person who commits an offence under the compulsion of an irresistible force shall not be criminally liable.

Section 41

1. Any person who commits an offence where this is necessary in the defence of his or another person's physical or sexual integrity or property against an immediate, unlawful attack shall not be criminally liable.
2. Any person who exceeds the bounds of necessary defence, if the excess force is the direct result of a violent emotion caused by the attack, shall not be criminally liable.

Section 42

Any person who commits an offence in carrying out a statutory requirement shall not be criminally liable.

Section 43

1. Any person who commits an offence in carrying out an official order issued by the proper authority shall not be criminally liable.
2. Any person who carries out an official order issued without proper authority shall not be exempted from criminal liability, unless, acting as a subordinate, he believed in good faith that the order was issued by the proper authority and he complied with it in his capacity as subordinate.

Section 43a

The determinate term of imprisonment or detention imposed on a serious offence may, without prejudice to section 10, be increased by one third if during the commission of the serious offence five years have not yet expired since a previous conviction of the offender, in which he was sentenced to a term of imprisonment for a serious offence similar to this offence, became final. The term of five years shall be extended by the period in which the convicted offender has been deprived of his liberty by law.

Section 43b

As serious offences which are similar to one another shall be deemed in any case:

- 1°. the serious offences defined in sections 105, 174, 208 to 210 inclusive, 213, 214, 216 to 222bis inclusive, 225 to 232 inclusive, 310, 311, 312, 315, 317, 318, 321 to 323a inclusive, 326 to 332 inclusive, 341, 343, 344, 359, 361, 366, 373 (last subsection), 402, 416, 417, 420bis and 420ter;
- 2°. the serious offences defined in sections 92, 108, 109, 110, 115, 116, 117 to 117b inclusive, 141, 181, 182, 287 to 291 inclusive, 293(1), 296, 300 to 303 inclusive, 381, 382, 395 and 396;
- 3°. the serious offences defined in sections 111 to 113 inclusive, 118, 119, 261 to 271 inclusive, 418 and 419;
- 4°. the serious offences defined in the Opium Act;
- 5°. the serious offences defined in the Weapons and Ammunition Act [*Wet Wapens en Munitie*].

Section 43c [Repealed as of 01-07-2010]

Section 44

If a civil servant in the commission of a criminal offence violates a specific duty of his office or, for the purpose of commission of a criminal offence, uses the power, opportunity or means afforded him by such office, the sentence prescribed by law for that offence may be increased, except in the case of a fine, by one third.

Part IIIa. Grounds for Sentence Reduction

Section 44a

1. On application of the public prosecutor, the court may, on the basis of the agreement made under section 226h(3) of the Code of Criminal Procedure, reduce the sentence it considered imposing in the manner set out in subsection (2). In the sentence reduction, the court shall take into account the fact that by giving testimony as a witness an important contribution is or can be made to the investigation or prosecution of serious offences.
2. In the application of subsection (1), the sentence reduction may consist of:
 - a. maximum one half in the case of an unconditional determinate custodial sentence, community service or fine, or
 - b. conversion of maximum one half of the unconditional part of a custodial sentence, community service or a fine into a suspended part, or
 - c. replacement of maximum one third part of a custodial sentence with community service or an unconditional fine.
3. In the application of subsection (2)(b), section 14a(1) and (2) shall not apply.

Part IV. Attempt and Preparation

Section 45

1. An attempt to commit a serious offence shall be punishable if the intention of the offender has revealed itself by a commencement of the performance of the criminal act.
2. In the case of an attempt, the maximum of the principal punishments set for the serious offence shall be reduced by one third.

3. In the case of a serious offence punishable by life imprisonment, a term of imprisonment not exceeding twenty years shall be imposed.
4. The additional punishments for attempt shall be the same as for the completed serious offence.

Section 46

1. Preparation to commit a serious offence which, by statutory definition, carries a term of imprisonment of eight years or more, shall be punishable, if the offender intentionally obtains, manufactures, imports, conveys in transit, exports or has possession of objects, substances, information carriers, spaces or means of transport intended for the commission of that serious offence.
2. In the case of preparation, the maximum principal punishments prescribed for the serious offence shall be reduced by one half.
3. In the case of a serious offence carrying a sentence of life imprisonment, a term of imprisonment not exceeding fifteen years shall be imposed.
4. The additional punishments for preparation shall be the same as for the completed serious offence.
5. Objects shall mean all property of any description, whether corporeal or incorporeal.

Section 46a

An attempt to induce another person to commit a serious offence by employing any of the means listed in section 47(1)(2°) shall be punishable, on the understanding that the punishment imposed shall not be more severe than that which may be imposed for an attempt to commit the serious offence, or, if such attempt is not punishable, for committing the serious offence.

Section 46b

Neither preparation nor an attempt shall exist if the serious offence has not been completed due to circumstances dependent on the will of the offender.

Part V. Participation in Criminal Offences

Section 47

1. The following persons shall be criminally liable as offenders of a criminal offence:
 - 1°. any persons who commit the offence, either personally or jointly, or who cause an innocent person to commit the offence;
 - 2°. any persons who, by means of gifts, promises, abuse of authority, use of force, threat or deception or by providing opportunity, means or information, intentionally solicit the commission of the offence.
2. With regard to the last category, only those acts they intentionally solicited, and their consequences, shall be taken into account.

Section 48

1. The following persons shall be criminally liable as accomplices to a criminal offence:
 - 1°. any persons who intentionally aid and abet the commission of the serious offence;
 - 2°. any persons who intentionally provide opportunity, means or information for the commission of

the serious offence.

Section 49

1. In the case of complicity, the maximum of the principal punishments prescribed for the serious offence shall be reduced by one third.
2. In the case of a serious offence carrying a sentence of life imprisonment, a term of imprisonment not exceeding twenty years shall be imposed.
3. The additional punishments for complicity shall be the same as for the serious offence.
4. In the determination of the punishment, only those acts that were intentionally facilitated or promoted by the accomplice and their consequences shall be taken into account.

Section 50

In the application of the criminal law, the personal circumstances excluding, reducing or increasing criminal liability shall be limited to those circumstances that relate to that offender or accomplice personally.

Section 50a [Repealed as of 01-09-1976]

Section 51

1. Criminal offences can be committed by natural persons and legal persons.
2. If a criminal offence is committed by a legal person, criminal proceedings may be instituted and such punishments and measures as prescribed by law, where applicable, may be imposed:
 - 1°. on the legal person; or
 - 2°. on those persons who have ordered the commission of the criminal offence, and on those persons who actually directed the unlawful acts; or
 - 3° on the persons referred to in 1° and 2° jointly.
3. In the application of the preceding subsections, the following shall be considered as equivalent to the legal person: the unincorporated company, the partnership, the shipping company and the special purpose fund.

Section 52

Complicity in minor offences shall not be punishable.

Section 53

1. In the case of serious offences committed by means of a printing press, the publisher shall not be prosecuted in his capacity as publisher if his name and address appear on the printed matter and the identity of the offender is known or if, upon first notice, after institution of a preliminary inquiry, the publisher has disclosed the identity of the offender.
2. This provision shall not apply if, at the time of publication of the printed matter, the offender could not be prosecuted or was resident or established outside the Kingdom in Europe.

Section 54

1. In the case of serious offences committed by means of a printing press, the printer shall not be

prosecuted in his capacity as printer if his name and address appear on the printed matter and if the identity of the offender is known or if, upon first notice, after institution of a preliminary inquiry, the printer has disclosed the identity of the offender.

2. This provision shall not apply if the natural or legal person, who/which commissioned the printing of the item, could not be prosecuted or was resident or established outside the Kingdom in Europe.

Section 54a

An intermediary which provides a telecommunication service that consists of the transfer or storage of data from a third party, shall not be prosecuted in its capacity as intermediary telecommunication provider if it complies with an order from the public prosecutor to take all measures that may be reasonably required of it in order to disable this data, which order shall be issued by the public prosecutor after he has applied for and received a written authorisation from the examining magistrate.

Part VI Concurrence of Criminal Offences

Section 55

1. If an offence is punishable under more than one criminal provision, only one of these provisions shall apply. Where these provisions differ, the one which carries the severest punishment shall apply.
2. If there is a special criminal provision for an offence which is punishable under a general criminal provision, the special criminal provision shall exclusively apply.

Section 56

1. If several offences are related in such a way that they have to be considered as one continuous act, notwithstanding the fact that each in itself constitutes a serious offence or a minor offence, only one criminal provision shall apply. Where these provisions differ, the one which carries the severest punishment shall apply.
2. Similarly, only one criminal provision shall apply if an offender is convicted for counterfeiting or clipping of coins and for use of the item resulting from such counterfeiting or clipping.

Section 57

1. In the case of the concurrence of offences that must be considered as separate, unrelated acts and which constitute more than one serious offence carrying similar principal punishments, one punishment shall be imposed.
2. The maximum term of this punishment shall be the total of the highest punishments prescribed for the offences, however - in the case of imprisonment or detention - not exceeding the maximum term of the highest punishment by more than one third.

Section 58

In the case of the concurrence of offences that must be considered separate, unrelated acts and which constitute more than one serious offence carrying dissimilar principal punishments, each of these punishments may be imposed. However - in the case of imprisonment or detention - the total term of these punishments may not exceed the maximum term of the highest punishment by more than one third.

Section 59

In cases where life imprisonment has been imposed, no punishments other than disqualification from certain rights, confiscation of objects seized and publication of the judgment may be imposed in conjunction therewith.

Section 60

In the cases defined in sections 57 and 58, the following provisions shall apply with respect to additional punishments:

- 1°. the punishments involving disqualification from the same rights shall be combined into one punishment, whose term shall exceed the principal punishment or principal punishments imposed by a minimum of two and a maximum of five years, or if only a fine is imposed as principal punishment, into one punishment for a term of a minimum of two and a maximum of five years;
- 2°. the punishments involving disqualification from different rights shall be imposed for each serious offence separately and without reduction;
- 3°. the punishments involving confiscation of specific objects shall be imposed for each serious offence separately and without reduction; the total of the default custodial sentences may not jointly exceed the maximum prescribed in section 24c(3).

Section 60a

In the case of concurrence in the manner referred to in sections 57 and 58, the total of the default custodial sentences may not exceed the maximum set in section 24c(3) with regard to the measure referred to in section 36f.

Section 61

1. The relative severity of dissimilar principal punishments shall be determined in the order in which they are set out in section 9.
2. In cases where the court may, at its discretion, choose between two principal punishments, only the more severe of these two punishments shall serve as a criterion for this comparison.
3. The relative severity of similar principal punishments shall be determined by the maximum term of each of these punishments.
4. The relative length of both dissimilar and similar principal punishments shall also be determined by the maximum term of each of these punishments.

Section 62

1. In the case of concurrence in the manner referred to in sections 57 and 58, either of minor offences in combination with serious offences or of several minor offences, a punishment shall be imposed for each minor offence without reduction.
2. The default custodial sentences for the serious offence and minor offences or for the total of minor offences may not exceed the maximum prescribed in section 24c(3).

Section 63

If a person, after a punishment has been imposed on him, is again found guilty of a serious offence or of a minor offence committed prior to said imposition of punishment, the provisions of this Part pertaining to the imposition of punishments to run concurrently shall apply.

Section 63a [Repealed as of 01-02-2001]

Part VII. Filing and Withdrawal of a Complaint in the Case of Serious Offences only subject to Criminal Prosecution on Complaint

Section 64

In the case of a serious offence only subject to criminal prosecution on complaint, the person against whom the serious offence has been committed shall be entitled to file the complaint.

Section 65

1. If the person designated in section 64 has not yet reached the age of sixteen years or has been placed under guardianship for reasons other than prodigality, or is suffering from mental disease or defect to such an extent as to be incapable of deciding for himself whether it is in his interest to file a complaint, his legal representative in civil matters shall file the complaint.
2. If the person designated in section 64 has died, his parents, his children and his surviving spouse may file the complaint, unless there is evidence that the deceased did not wish prosecution of the matter.
3. In the case of a complaint of the person designated in section 64 against the legal representative in civil matters: the spouse and a relative by consanguinity in the direct line of descent or, if all these persons do not exist, a brother and a sister, may file such complaint.
4. If a person designated in subsections (2) and (3) has not yet reached the age of sixteen years or has been placed under guardianship for reasons other than prodigality, or is suffering from mental disease or defect to such an extent as to be incapable of deciding for himself whether it is in his interest to file a complaint, criminal proceedings may be instituted upon the filing of a complaint by his legal representative in civil matters.

Section 66

1. The complaint may be filed by the person so entitled up to three months following the day on which that person learned of the offence committed.
2. If the person against whom the offence was committed has died after the start of this period, or has lost or acquired or regained the right to file the complaint, this period of time shall run without being extended.

Section 67

The person entitled to file a complaint may withdraw the complaint up to eight days following the day of the filing of the complaint.

Section 67a [Repealed as of 26-04-1978]

Part VIII. Preclusion of the Right to institute Criminal Proceedings and enforce Punishment

Section 68

1. Except for cases in which judgments are eligible for review, no person may be prosecuted twice for an offence for which a final judgment has been rendered against him by a court in the Netherlands, Aruba, Curaçao, St. Martin or the public bodies Bonaire, St. Eustatius and Saba.
2. If the final judgment was rendered by another court, the same person may not be prosecuted for the same offence in the case of

- 1°. acquittal or dismissal of the charge(s);
 - 2°. conviction, if a punishment is imposed, followed by complete enforcement, remission or commutation or immunity from punishment by reason of lapse of the period of limitation.
3. A person may not be prosecuted for an offence that has been finally settled in his case in a foreign country through his fulfilment of a condition set by the competent authorities in order to avoid criminal proceedings.

Section 69

The right to institute criminal proceedings shall be precluded by the death of the suspect.

Section 70

1. The right to institute criminal proceedings shall be precluded upon lapse of the period of limitation of:
 - 1°. three years for all minor offences;
 - 2°. six years for serious offences punishable by a fine, detention or imprisonment not exceeding three years;
 - 3°. twelve years for serious offences punishable by a determinate term of imprisonment of more than three years;
 - 4°. twenty years for serious offences punishable by a term of imprisonment of more than ten years.
2. Contrary to subsection (1), the right to institute criminal proceedings shall not be precluded upon lapse of the period of limitation in the case of serious offences punishable by life imprisonment.

Section 71

The period of limitation shall start to run on the day following the day on which the offence was committed, except in the following cases:

- 1°. in the case of the serious offences defined in sections 172(1), 173(1), 173a and 173b, the period shall start to run on the day following the day on which the serious offence came to the knowledge of an officer charged with investigating criminal offences;
- 2°. in the case of counterfeiting, on the day following the day on which the counterfeit item was used;
- 3°. in the case of the serious offences defined in sections 240b, 242 to 250 inclusive and 273f, or 300 to 303 inclusive, insofar as the offence constitutes genital mutilation of a person of the female sex and was committed against a person who has not yet reached the age of eighteen years, on the day following the day on which this person has become eighteen years of age;
- 4°. in the case of the serious offences defined in sections 278, 279, 282 and 282a, on the day following the day of liberation or rescue or death of the person against whom the serious offence was directly committed;
- 5°. in the case of the minor offences defined in sections 465, 466 and 467, on the day following the day on which, in accordance with the rules given in and for the implementation of section 1:18c of the Civil Code [*Burgerlijk Wetboek*], the records that evidence such a minor offence, as referred to in said section are transferred to the central repository, referred to in Section 8 of Chapter One of the Civil Registry Decree 1994 [*Besluit Burgerlijke Stand 1994*].

Section 72

1. Any act of prosecution shall interrupt the period of limitation, also with regard to persons other than the person being prosecuted.

2. After interruption, a new period of limitation shall start to run. The right to institute criminal proceedings shall nevertheless be precluded in regard of minor offences after ten years and in regard of serious offences if a period has elapsed that is equal to two times the period of limitation applicable to the serious offence as from the day on which the original period of limitation started to run.

Section 73

The suspension of prosecution for resolution of a preliminary issue shall suspend the period of limitation.

Section 74

1. Prior to the trial, the Public Prosecutor may set one or more conditions, which must be complied with in order to avoid criminal proceedings, for serious offences, excluding serious offences for which the law prescribes sentences of imprisonment of more than six years, and for minor offences. Compliance with these conditions shall preclude the right to institute criminal proceedings.
2. The following conditions may be set:
 - a. payment of a sum of money to the State, to be set at minimum € 3 and maximum the fine that may be imposed for the offence;
 - b. relinquishment of ownership to objects that have been seized and are liable to confiscation or withdrawal from circulation;
 - c. surrender of objects liable to confiscation or payment of their assessed value to the State;
 - d. payment in full to the State of a sum of money or transfer of objects seized for the purpose of deprivation, in whole or in part, of unlawfully obtained gains which are liable to special confiscation pursuant to section 36e;
 - e. full or partial compensation of the damage or loss caused by the criminal offence;
 - f. performance of unpaid work or participation in a training project for a maximum of one hundred and twenty hours.
3. In the case of a serious offence, the Public Prosecutor shall promptly send notice indicating the date on which he set said conditions to the directly interested party, at that party's request.
4. The provisions pertaining to community service orders set out by or pursuant to sections 22b, 22c(1) and (4), 22e and 22k shall apply mutatis mutandis to the condition referred to in subsection (2)(f). The unpaid work or the training project shall be completed within a period of six months after the person in question has agreed to the condition. The Public Prosecution Service may extend this period once by six months. It shall notify the person in question of this extension as soon as possible.
5. Rules pertaining to compliance with the condition, referred to in subsection (2)(a), shall be issued by or pursuant to Governmental Decree. These rules shall include in any case the place and manner of payment of the sum of money, the period within which that payment must be made and the accountability for the sums of money received. Rules pertaining to compliance with the other conditions referred to in subsection (2) may be issued by or pursuant to Governmental Decree.

Section 74a

If no principal punishment other than a fine is prescribed by law for the criminal offence and the suspect offers to pay the maximum fine within a period of time to be set by the Public Prosecutor, and offers to comply with all other conditions to be set in accordance with section 74(2), the Public Prosecutor may not refuse to set conditions, as referred to in section 74.

Section 74b

1. An order as referred to in section 12k of the Code of Criminal Procedure shall revive the right to institute criminal proceedings as though that right had never been precluded after fulfilment of the conditions set in accordance with section 74.
2. After issuance of an order, as referred to in the preceding subsection, sums of money paid in the application of section 74(2)(a), (c) and (d) shall be promptly refunded to the person who paid them.
3. If a conviction follows after issuance of an order as referred to in subsection(1), the court shall take into account the relinquishment of ownership or the surrender of objects by the convicted offender under section 74(2)(b) and (c), the compensation of damage or loss under section 74(2)(e) and the performance of unpaid work or the participation in the training project under section 74(2)(f).
4. If after issuance of an order as referred to in subsection(1), the case, in which a condition has been set as referred to in section 74(2)(f), is concluded without imposition of a punishment or measure, the court may, on application of the former defendant, award him compensation to be paid by the State for the damages he has incurred as a result of performance of unpaid work or participation in a training project under section 74(2)(f). These damages shall include loss other than pecuniary loss. Sections 89(3) to (6) inclusive, 90, 91 and 93 of the Code of Criminal Procedure shall apply *mutatis mutandis*.

Section 74c

1. The authority vested in the public prosecutor under section 74(1) may be granted, until further notice, to investigating officers, to be designated by Governmental Decree for that purpose, in matters pertaining to minor offences committed by persons who have reached the age of twelve years designated in said order.
2. The condition to be set shall require payment of a specific sum of money. Rules pertaining to the place and manner of payment and the period within which the payment has to be made shall be set out by or pursuant to Governmental Decree.
3. Subsections (1) and (2) shall apply *mutatis mutandis* in cases concerning serious offences, as referred to in section 74(1), of a non-complex nature, which offences have been committed by persons who have reached the age of eighteen years, on the understanding that the sum of money to be paid does not exceed € 350.
4. The officers in whom the authority referred to in subsection (1) is vested shall exercise that authority in accordance with guidelines to be set by the Board of Procurators General.
5. Rules pertaining to the designation of the investigating officers referred to in subsection (1), supervision of the way in which they exercise the authority vested in them and withdrawal of the designation of an investigating officer shall be set by Governmental Decree.
6. Rules pertaining to accountability for sums of money paid under subsections (2) and (3) shall be set by Governmental Decree.
7. Sections 74(3) and 74b shall apply *mutatis mutandis* to the setting of conditions by investigating officers.

Section 75

The right to enforce the punishment or measure shall be precluded by the death of the convicted offender, except for the measure of special confiscation of unlawfully obtained gains.

Section 76

1. The right to enforce a punishment or measure shall be precluded upon lapse of the period of limitation.
2. Such period of limitation shall exceed the period of limitation imposed on the right to institute criminal proceedings by one third. The term of the period of limitation shall in no instance be shorter than that of the punishment imposed.

Section 76a

1. The period of limitation shall start to run on the day following the day on which the judgment or the punishment order may be enforced.
2. If a convicted offender who is serving his sentence in an institution is absent without leave, a new period of limitation shall start to run on the day following the day on which the convicted offender was absent without leave. In the case of revocation of a conditional release, a new period of limitation shall start to run on the day after this revocation.
3. The period of limitation shall not run in the period during which suspension of enforcement has been ordered by law, nor during the period in which the convicted offender is held in police custody, albeit for a conviction for another criminal offence.
4. In cases where a fine has been imposed for a minor offence and payment in parts is permitted in the judgment or the punishment order, or the Public Prosecution Service, on application of the convicted offender, has granted him an extension of payment or payment in instalments, the period of limitation shall be extended by two years.
5. The period of limitation shall not run during the period that the enforcement has been transferred to a foreign State until such time as a decision on the transfer of enforcement has been notified to the Minister of Justice by the authorities of that State.
6. If, after enforcement has been taken over by a foreign State, that State waives its right to enforcement on behalf of the Netherlands, a new period of limitation shall start to run on the day on which the Minister of Justice is notified of such waiver by the authorities of that State.
7. The period shall not run with regard to convictions to pay a sum of money as referred to in section 358(4)(a) to (c) inclusive of the Bankruptcy Act [*Failissementswet*] during the period that the Debt Repayment Scheme for Natural Persons [*Schuldsaneringsregeling Natuurlijke Personen*] applies with regard to the convicted offender.

Section 77

1. The right to institute criminal proceedings and the right to enforce punishment shall be precluded by the transfer of the criminal proceedings to a foreign state in accordance with the provisions of Chapter Three of Part X of Book Four of the Code of Criminal Procedure.
2. In the case referred to in the preceding subsection, the right to institute criminal proceedings and the right to enforce punishment shall revive, if the authorities of the State which had taken over the prosecution reconsider that decision or state that no prosecution will be instituted or discontinue a prosecution already instituted.

Section 77bis [Repealed as of 01-09-1995]

Part VIII A. Special Provisions for Juveniles

Section 77a

Sections 9(1), 10 to 22a inclusive, 24c, 37 to 38i inclusive, 44 and 57 to 62 inclusive shall not apply to a person who had reached the age of twelve years but not yet the age of eighteen years at the time of commission of the criminal offence. The special provisions of sections 77d to 77gg inclusive shall apply in lieu thereof.

Section 77b

1. In the case of a person who had reached the age of sixteen years but not yet the age of eighteen years at the time of commission of the criminal offence, the court may decide that this person shall be tried under the provisions of the preceding parts in lieu of sections 77g to 77gg inclusive, if it finds grounds to do so by reason of the gravity of the offence committed, the character of the offender or the circumstances attendant upon the commission of the offence.
2. In the application of subsection (1), a sentence of life imprisonment may not be imposed.

Section 77c

In the case of a person who had reached the age of eighteen years but not yet the age of twenty-one years at the time of commission of the criminal offence, the court may decide that this person shall be tried under sections 77g to 77gg inclusive, if it finds grounds to do so by reason of the character of the offender or the circumstances attendant upon the commission of the offence. In that case the measure of detention in an institution for juveniles shall be enforced in accordance with section 37a.

Section 77d

1. The period of limitation of the right to institute criminal proceedings, referred to in section 70, shall be reduced for serious offences by one half of the term referred to in that section.
2. Subsection (1) shall not apply to serious offences defined in sections 240b, 242 to 250 inclusive and 273f, committed against a person who had not yet reached the age of eighteen years by a person who had reached the age of sixteen years at the time of the commission of the criminal offence.
3. The right to institute criminal proceedings for serious offences carrying a term of life imprisonment shall be precluded upon lapse of a period of limitation of twenty years.

Section 77e

1. The investigating officer who has been assigned for that purpose by the public prosecutor may, after obtaining the permission of the public prosecutor, propose to the suspect that he participate in a project in order to prevent the official report from being forwarded to the public prosecutor. The criminal offences which may be settled in this manner shall be designated by Governmental Decree.
2. In the case of a proposal as referred to in subsection (1), the investigating officer shall inform the suspect that he is not obliged to participate in the project and he shall inform him of the possible consequences of not participating. The suspect shall also be handed a written copy of the proposal, the communication and the information regarding the possible consequences.
3. The public prosecutor shall issue general instructions pertaining to the manner of settlement under subsection (1). These instructions shall include in any case:
 - a. the projects and the categories of criminal offences which, taking into account the nature of these projects, shall be eligible for this manner of settlement;
 - b. the length of the participation period, depending on the nature of the criminal offence and the

- project and
- c. the manner in which the public prosecutor's permission can be obtained.

4. The length of the participation period may not exceed twenty hours.
5. If the investigating officer, referred to in subsection (1), is of the opinion that the suspect has satisfactorily participated in a project, he shall notify the public prosecutor and the suspect thereof in writing. The right to institute criminal proceedings shall be precluded as a result of the notification, except if an order as referred to in section 12i of the Code of Criminal Procedure is issued. In that case, if the court imposes a punishment, it shall take into account the suspect's completion of participation in the project.

Section 77f

1. The public prosecutor may also instruct the person subject to a punishment order to follow and comply with the instructions of a foundation, as referred to in section 1 of the Youth Care Act [*Wet op de Jeugdzorg*], for a period to be set in this instruction of maximum six months in a punishment order.
2. Contrary to section 257a(2)(a) of the Code of Criminal Procedure, the public prosecutor may impose community service for maximum sixty hours, to be performed within a period of maximum three months, in a punishment order. Section 77m(9) shall apply *mutatis mutandis*.
3. In the assistance and support of compliance with the instructions, referred to in subsection (1)(a), and the performance of community service, referred to in subsection (1)(b), the identity of the person subject to a punishment order shall be established in the manner referred to in section 27a(1, first sentence) and (2), of the Code of Criminal Procedure. To that end, the public prosecutor shall set the condition that the person subject to a punishment order must cooperate with fingerprinting or provide an identity document, as referred to in section 1 of the Compulsory Identification Act, for inspection.

Section 77g

1. The punishments and measures provided for under this Part shall be imposed in lieu of the punishments prescribed for an offence.
2. A principal punishment may be imposed both separately and in conjunction with other principal punishments or additional punishments.
3. A measure may be imposed both separately and in conjunction with principal punishments, with additional punishments and with other measures.

Section 77g bis [Repealed as of 01-09-1995]

Section 77h

1. The principal punishments are:
- a. for serious offences: juvenile detention, community service or a fine;
 - b. for minor offences: community service or a fine.
2. Community service may consist of:
- a. a work order, i.e. the performance of unpaid work or the performance of work for repair of damage or loss caused by the criminal offence, or
 - b. a training order, i.e. participation in a training project, or
 - c. a combination of work order and training order.

3. The additional punishments are:
 - a. confiscation;
 - b. disqualification from driving motor vehicles.
4. The measures are:
 - a. detention in an institution for juveniles;
 - b. measure pertaining to the conduct of the juvenile;
 - c. withdrawal from circulation;
 - d. special confiscation of unlawfully obtained gains;
 - e. compensation;
 - f. measure involving restriction of liberty.

Section 77h bis [Repealed as of 01-09-1995]

Section 77i

1. The term of juvenile detention shall be:
 - a. for a minimum of one day and a maximum of twelve months in the case of a person who had not yet reached the age of sixteen years at the time of commission of the serious offence, and
 - b. for a maximum of twenty-four months in all other cases.
2. The term of juvenile detention shall be set in days, weeks or months in the judgment.
3. Sections 26 and 27 shall apply mutatis mutandis in the case of a juvenile sentenced to juvenile detention.

Section 77j

1. In special cases Our Minister of Justice may order interruption of the enforcement of juvenile detention for a maximum period of three months.
2. Our Minister of Justice may set further rules pertaining to the interruption of the enforcement referred to in subsection (1). These rules shall include, in any case, the criteria the person in question must meet in order to be eligible for interruption of sentence, the authority to grant such interruption of sentence, the manner in which it is to be granted and the conditions that may be set when it is granted.
3. Chapter XV of the Correctional Institutions for Young Offenders (Framework) Act [*Beginnelsenwet Justitiële Jeugdinrichtingen*] shall apply to the decisions on interruption of the enforcement as referred to in subsection (1).
4. The court that has imposed the punishment may at all times conditionally release the juvenile who has been sentenced to juvenile detention.
5. In the case of conditional release, a probation period of maximum two years shall be set. The term of the probation period and the conditions set shall be served on the convicted offender in person. Sections 77y(3), 77z, 77aa and 77cc to 77ee inclusive shall apply mutatis mutandis.

Section 77k

The court may, on application of the Public Prosecution Service or of the convicted offender, replace, in whole or in part, the punishment of juvenile detention with any of the punishments referred to in

section 9(1), if the punishment imposed would have to be enforced, in whole or in part, after the convicted offender had reached the age of eighteen years and the court is of the opinion that such punishment is no longer appropriate for him.

Section 77I

1. The amount of the fine shall be at least the amount referred to in section 23(2) and shall not exceed the maximum fine of the second category. Section 24a shall apply *mutatis mutandis* on the understanding that the court or the public prosecutor may determine for each fine that the amount may be paid in parts and shall set the amount of each of these parts.
2. In its judgment imposing a fine, the court may order the imposition of default juvenile detention in the event that neither full payment nor full recovery of the amount due follows.
3. If full or partial payment of the amount of the fine has not been made and full or partial recovery is not possible, the court which imposed the punishment may, on application of the Public Prosecution Service, replace the amount outstanding with juvenile detention or, on application of the convicted offender, with community service. If the court exercises the power provided for in subsection (2), it may also amend the term of the default juvenile detention previously imposed, unless it has already started to run.
4. The community service, referred to in subsection (3), shall be imposed proportionately to the amount outstanding. Sections 77m to 77q inclusive and 77ff(4) shall apply *mutatis mutandis*. The punishment may only be imposed where the convicted offender has not reached the age of eighteen years.
5. If at the start of enforcement of the default juvenile detention the convicted offender has reached the age of eighteen years, the default juvenile detention shall be enforced as default detention, unless it is stipulated in the judgment or the decision taken under subsection (3) that default juvenile detention is appropriate for the convicted offender even if he has reached the age of eighteen years.
6. The term of default juvenile detention or default detention shall be a minimum of one day and a maximum of three months. A maximum of one day shall be imposed for each full € 15 of the remainder of the fine. Payment of the remainder of the fine shall cancel the default juvenile detention or the default detention. Section 24c(4) shall apply *mutatis mutandis*.
7. If a fine is imposed, section 27(3) and (4) shall apply *mutatis mutandis*.

Section 77m

1. The judgment or the punishment order shall specify whether community service consists of a work order, a training order or a combination of both and also the number of working or training hours of the punishment. The judgment or the punishment order may state the nature and content of the work to be performed or the training project to be participated in.
2. The court may impose an unpaid work requirement or a work requirement for restitution of the damage or loss caused by the criminal offence for a maximum of two hundred hours.
3. The period of time within which the work has to be performed shall not exceed six months, if not more than one hundred hours is imposed, and one year in all other cases. However, in the application of section 77o(2) the Public Prosecution Service may extend this period.
4. The duration of a training project shall not exceed two hundred hours.
5. A training project shall take place within a period of not more than six months.

6. If more than one community service order is imposed, the total amount of hours shall not exceed two hundred and forty.
7. If the court imposes community service, Section 27(1) and (4) shall apply mutatis mutandis.
8. The Public Prosecution Service may, ex officio or on application of the convicted offender, extend the period, referred to in subsections (3) and (5), one time by the same period of time. The Public Prosecution Service shall notify the convicted offender of this extension as soon as possible.
9. The periods, referred to in subsections (3) and (5), shall be extended by the time that the convicted offender is deprived of his liberty by law for other reasons and by the time that he is absent without leave.

Section 77n

1. In its judgment in which community service is imposed, the court shall order the imposition of default juvenile detention in the event the convicted offender fails to satisfactorily complete the community service.
2. The term of default juvenile detention shall be set in whole days, weeks or months.
3. The term of default juvenile detention shall amount to a minimum of one day and a maximum of four months. A maximum of one day shall be imposed for each two hours of community service.
4. Where a part of the community service has been completed, the term of default juvenile detention shall be reduced proportionately. If as a result of this reduction, default juvenile detention would have to be served for a part of a day, the number of days shall be rounded up to the nearest amount of whole days.

Section 77o

1. The Child Protection Board [*Raad voor de Kinderbescherming*] shall be charged with preparing and supporting the enforcement of community service orders. The Public Prosecution Service may request progress reports on the convicted offender's performance of community service from the Child Protection Board. The Public Prosecution Service may request its assistance and give it the necessary assignments. The Child Protection Board shall have the authority to give instructions to the foundation, referred to in section 1(1) of the Youth Care Act, when the foundation, referred to in section 1(1) of the Youth Care Act, is charged with the enforcement of community service.
2. In the enforcement of community service, the identity of the convicted offender shall be established in the manner referred to in section 27a(1, first sentence) and (2) of the Code of Criminal Procedure.
3. The Public Prosecution Service may, after having consulted the Child Protection Board and the convicted offender, amend the punishment imposed, except for the number of hours imposed, if it is of the opinion that the convicted offender is or was unable to perform the work fully in accordance with the judgment or the punishment order. Such amendment shall approximate, as closely as possible, the community service imposed. The Public Prosecution Service shall give the convicted offender and the Child Protection Board notice of this amendment.
4. The Public Prosecution Service shall serve this notice on the convicted offender as soon as possible. The notice shall state the number of hours of community service which, in the opinion of the Public Prosecution Service, have been performed, and the punishment as established for the remainder.
5. The convicted offender may file a notice of objection against the notice referred to in subsection (3)

to the court that imposed the sentence within fourteen days after its service. The court may amend the decision of the Public Prosecution Service. Subsection (2) shall apply mutatis mutandis.

Section 77p

1. If the offender sentenced to community service does not commence with the performance of community service, does not cooperate with the establishment of his identity or the Public Prosecution Service is of the opinion that the convicted offender is not performing or has not performed the community service imposed satisfactorily, the Public Prosecution Service shall order enforcement of the default juvenile detention. The Public Prosecution Service shall give notice of the imposition of default juvenile detention to the convicted offender and the Child Protection Board.
2. The Public Prosecution Service shall serve this notice on the convicted offender as soon as possible. The notice shall state the number of hours of community service which, in the opinion of the Public Prosecution Service, have been performed, and the number of days of default juvenile detention.
3. The convicted offender may file a notice of objection against the notice referred to in subsection (2) to the court that imposed the sentence within fourteen days after its service. The court may amend the decision of the Public Prosecution Service.
4. If at the start of the enforcement the convicted offender has reached the age of eighteen years, the default juvenile detention shall be enforced as default detention, unless it is stipulated in the judgment that default juvenile detention is appropriate for the convicted offender even if he has reached the age of eighteen years.

Section 77q

1. The Public Prosecution Service may only take a decision or issue an order under section 77o(2) or section 77p(1) within three months after expiration of the period within which the work should have been performed or the training project should have been participated in under section 77m.
2. If the Public Prosecution Service verifies that the community service imposed has been satisfactorily completed, it shall notify the convicted offender thereof as soon as possible.

Section 77r

Disqualification from driving a motor vehicle may be imposed only in the cases listed in sections 179, 179a and 180 of the Road Traffic Act 1994 [*Wegenverkeerswet 1994*] and in section 30(6) of the Motor Insurance Liability Act [*Wet Aansprakelijkheidsverzekering Motorrijtuigen*] (Bulletin of Acts and Decrees [*Staatsblad*]1963, 228). In that case these sections shall apply mutatis mutandis.

Section 77s

1. The measure of detention in an institution for juveniles may only be imposed if
 - a. the offence is a serious offence for which pre-trial detention may be imposed;
 - b. the safety of others or the general safety of persons or property requires imposition of the measure, and
 - c. the measure is in the interest of the best possible development of the defendant in the future.
2. The court shall impose the measure only after a reasoned, dated and signed opinion issued by no fewer than two behavioural experts of different disciplines has been submitted to it. Such opinion shall be given jointly by the behavioural experts or by each of them separately. Where the date of this opinion precedes the commencement of the trial by more than one year, the court may only

rely upon it with the consent of the Public Prosecution Service and of the defendant.

3. The measure may also be imposed if the defendant is not criminally liable because of the fact that he cannot be held responsible for committing a criminal offence by reason of mental disease or defect. If the defendant suffered from mental disease or defect at the time of the offence, then, in the application of subsection (1), one of the behavioural experts must be a psychiatrist.
4. Subsection (2) shall not apply if the person in question refuses to cooperate with the examination required for submission of the opinion. Where possible, the behavioural experts shall prepare, either jointly or each of them separately, an opinion or a report on the reason for the refusal. The court shall make every effort to secure the submission of another opinion or report advising it on the desirability or necessity of imposition of the measure, with which the person in question is willing to cooperate.
5. If the measure is imposed, Our Minister of Justice shall charge an institution, as referred to in section 1(b) of the Correctional Institutions for Young Offenders (Framework) Act, with the enforcement or shall have the convicted offender detained in another facility.
6. The measure shall be in effect for three years. The measure shall be conditionally terminated after two years, unless the measure is extended in the manner referred to in section 77t. The term shall start to run after the judgment has become final. The measure shall lapse when a judgment, in which the measure is again imposed on the person in question, becomes final.
7. The term of the measure shall not run:
 - a. during the period that the convicted offender is deprived of his liberty by law for other reasons and when he is absent without leave during such period of deprivation of liberty;
 - b. during the period that the convicted offender is absent without leave from the place designated for enforcement of the measure for more than one week;
 - c. when the measure is conditionally terminated as referred to in subsection (6) and section 77t(2).
8. Without prejudice to the provisions of subsection (7), Our Minister may at all times, after having consulted the Child Protection Board, conditionally or unconditionally terminate the measure.

Section 77s bis [Repealed as of 01-09-1995]

Section 77t

1. The court of first instance that tried the serious offence for which the measure has been imposed may, on application of the Public Prosecution Service, extend the term, referred to in section 77s(6, first sentence), for a maximum of two years each time. The Public Prosecution Service may submit an application for extension of the measure no earlier than two months and no later than one month before the date on which the measure is conditionally terminated. Sections 509oa and 509q of the Code of Criminal Procedure shall apply *mutatis mutandis*.
2. The term of the measure may be extended only insofar as the duration of the measure does not exceed five years as a result of such extension, unless the measure is imposed on a defendant as referred to in section 77s(3, second sentence). In such a case the measure may be extended insofar as its duration does not exceed seven years. In its decision extending the measure, the court shall set the date on which the measure, except for further extension, shall be unconditionally terminated. In the case of extension of the measure, the measure shall be conditionally terminated one year before the duration of the measure set by the court expires. Section 77s(7) shall apply *mutatis mutandis*.
3. Extension shall only be possible if the measure is imposed for a serious offence against or

endangering the physical integrity of one or more persons. Section 77s(1)(b) and (c) shall apply mutatis mutandis.

4. An application for extension of the measure of detention in an institution for juveniles shall be heard by the three-judge division of the District Court.
5. The application shall be accompanied by:
 - a. a recently drawn up, reasoned and signed opinion from the head of the institution, and
 - b. a copy of the records pertaining to the physical and mental condition of the convicted offender.
6. The measure may be extended without the opinion specified in subsection (5)(a), if such cannot be given due to a lack of cooperation on the part of the convicted offender.

Section 77ta

1. If the measure is conditionally terminated as referred to in section 77s(6) and section 77t(2), such termination shall be subject to the general condition that:
 - a. the juvenile does not commit a criminal offence during the period of the conditional termination;
 - b. the juvenile follows and complies with the instructions of a foundation as referred to in section 1(1) of the Youth Care Act, or if the convicted offender has reached the age of eighteen years, a probation service or special probation officer designated by Governmental Decree, even if these instructions involve a form of intensive assistance and support;
 - c. the juvenile does not evade the supervision of compliance with the conditions.
2. The Public Prosecution Service shall be charged with supervising compliance with the conditions. The foundation, the probation service or the probation officer, as referred to in subsection (1)(b), shall submit progress reports on the convicted offender's compliance with the conditions to the Public Prosecution Service.
3. One year after conditional termination of the measure as referred to in section 77s(6) and section 77t(2), the measure shall be unconditionally terminated by operation of law, unless the conditional termination is extended in the manner referred to in section 77tb. In cases where the conditional termination is extended, the measure shall be unconditionally terminated after the maximum duration of the conditional termination has been reached.

Section 77tb

1. The court of first instance that tried the serious offence for which the measure has been imposed may, ex officio or on application of the Public Prosecution Service, extend the conditional termination. The court shall set the duration of the extension.
2. The total duration of the conditional termination of the measure shall be maximum two years. The term of the conditional termination shall not run when the juvenile evades supervision for more than one week.
3. During the conditional termination of the measure, the court referred to in subsection (1) may, ex officio or on application of the Public Prosecution Service or the juvenile or his defence counsel:
 - a. set special conditions pertaining to the conduct of the juvenile;
 - b. appoint an institution, other than the one previously appointed, to provide assistance and support to the juvenile;
 - c. if the juvenile fails to follow and comply with the instructions referred to in section 77ta(1)(b), order that during the conditional termination the juvenile shall return to detention in an institution as referred to in section 1(b) of the Correctional Institutions for Young Offenders

(Framework) Act, or, if the juvenile has since reached the age of eighteen years, in a penal institution as referred to in section 1(b) of the Custodial Institutions (Framework) Act or an institution as referred to in section 1(b) of the Treatment of Persons detained under an Entrustment Order (Framework) Act .

4. The court shall determine the duration of the return to detention as referred to in subsection (3)(c). This duration may not exceed the duration of the conditional termination and shall be for a maximum of one year. In the case of repeated returns to detention, the total duration of these returns may not exceed one year. A return to detention may be imposed a maximum of two times.
5. If the court sets special conditions, as referred to in subsection (3)(a), section 77z shall apply mutatis mutandis, on the understanding that the court may limit the operation of the special conditions to a period of time, to be set in the decision, during the period of extension of the conditional termination.
6. If a court order authorising the involuntary admission of the juvenile to a psychiatric hospital is issued under the Involuntary Admissions to Psychiatric Hospitals Act [*Wet Bijzondere Opnemingen in Psychiatrische Ziekenhuizen*], the measure shall be unconditionally terminated.
7. Section 77cca(1), (3) to (6) inclusive and (8) shall apply mutatis mutandis. If the Public Prosecution Service still considers the arrest to be necessary, it shall promptly submit an application for provisional enforcement to the examining magistrate and an application as referred to in subsection (3) to the court.

Section 77u

A decision under sections 77t, 77tb and 77wd shall be given in chambers, after the convicted offender and, if he is a minor, also those who have legal authority over him, have been heard or have been properly notified. Sections 14h(1, first and third sentence) and (2) to (5) inclusive, 14i(2) to (6) inclusive and 14j of this Code and section 495b of the Code of Criminal Procedure shall apply mutatis mutandis, without prejudice to sections 502 and 503 of the Code of Criminal Procedure.

Section 77v

1. If juvenile detention or detention in an institution for juveniles is imposed, the court may include in its judgment a recommendation on the place at which and the manner in which this punishment or measure should be enforced. The court may include such recommendation in a decision as referred to in section 77t.
2. Subsection (1) shall not apply if, in application of section 77x, the punishment or measure is not fully enforced. If the punishment or measure is fully or partially enforced under section 77dd, the court may include a recommendation in the enforcement order.
3. The Public Prosecution Service shall notify Our Minister of Justice of judgments as soon as they are enforceable. It shall enclose in addition, as the occasion arises, the court's recommendation with regard to the detention.
4. Our Minister may consult the Child Protection Board on the place of enforcement.

Section 77w

1. The measure pertaining to the conduct of the juvenile may only be imposed if:
 - a. the gravity of the offence committed or the frequency of the serious offences committed or previous convictions for serious offences give cause to do so, and
 - b. the measure is in the interest of the best possible development of the defendant in the future.

2. The court shall impose the measure only after a reasoned, dated and signed recommendation issued by the Child Protection Board, which is supported by at least one behavioural expert, has been submitted to it. Where the date of this recommendation precedes the commencement of the trial by more than one year, the court may only rely upon it with the consent of the Public Prosecution Service and the defendant.
3. The court shall specify the content of the measure in its judgment. The measure may entail the convicted offender's participation in a programme in an institution to be designated by the court or participation in an extramural programme under the assistance and support of an organisation to be designated by the court. In the enforcement of the measure, the convicted offender shall cooperate with fingerprinting or provide an identity document, as referred to in section 1 of the Compulsory Identification Act, for inspection.
4. For the purpose of implementation of the programme, the institutions or organisations, referred to in subsection (3), shall establish a plan, tailored to the problems of the convicted offender. Rules pertaining to the requirements that the plan and the programmes and the institutions or organisations, referred to in subsection (3), must meet, may be laid down by or pursuant to Governmental Decree. In addition, rules pertaining to the operating procedure of the institutions or organisations, referred to in subsection (3), may be laid down by or pursuant to Governmental Decree.
5. The measure shall be imposed for a minimum period of six months and a maximum period of one year. The term shall start to run after the judgment has become final.
6. The foundation, as referred to in section 1(1) of the Youth Care Act, shall be charged with preparing and supporting the enforcement of the measure. In the enforcement of the measure, the foundation shall establish the identity of the convicted offender in the manner referred to in section 27a(1, first sentence) and (2) of the Code of Criminal Procedure. The Public Prosecution Service may request progress reports on the convicted offender's compliance with the measure from the foundation. If at the time of enforcement of the measure the juvenile reaches or has reached the age of eighteen years, the court may order that a probation service, as referred to in section 14d(2), shall support the enforcement of the measure.
7. The term of the measure shall not run during the period that the convicted offender is deprived of his liberty by law for other reasons and when he is absent without leave during such period of deprivation of liberty.

Section 77wa

1. The court may stipulate that the programme referred to in section 77w(3) shall consist, in whole or in part, of a type of care as referred to in section 5(2)(a) and (b) of the Youth Care Act, if the foundation referred to in section 1(f) of this act has taken a decision to the effect that this type of care is indicated for the defendant. The decision shall be submitted together with the recommendation of the Child Protection Board.
2. Contrary to subsection (1), if the foundation referred to in section 1(1) of the Youth Care Act, does not take or does not timely take a decision to the effect that this type of care is indicated for the defendant, the court may stipulate, on the basis of a recommendation to that effect from the Child Protection Board, that the programme referred to in section 77w(3) shall consist, in whole or in part, of a type of care as referred to in subsection (1).
3. If the court applies the provisions of subsection (2), the Child Protection Board shall promptly notify the foundation, as referred to in section 1(f) of the Youth Care Act, thereof.

Section 77wb

1. If the conduct of the convicted offender gives cause to do so or amendment of the measure is in the interest of the convicted offender's development, the court may, on application of the Public Prosecution Service, decide to change the content of the measure.
2. The court shall only decide to change the content of the measure after a reasoned, dated and signed recommendation from the Child Protection Board has been submitted to it.
3. Section 77w(2, first sentence), (3), (4), (6) and (7) shall apply mutatis mutandis to the decision to amend the measure.

Section 77wc

1. In its judgment in which the measure pertaining to the conduct of the juvenile is imposed, the court shall order the imposition of default juvenile detention in the event the juvenile fails to satisfactorily cooperate with the enforcement of the measure.
2. The term of default juvenile detention shall be set in whole days, weeks or months. A maximum of one month's default juvenile detention shall be imposed for each month for which the measure is imposed.
3. Where a part of the measure has been completed, the term of default juvenile detention shall be reduced proportionately.
4. Section 77p shall apply mutatis mutandis.

Section 77wd

1. If the conduct of the convicted offender gives cause to do so and extension is in the interest of the convicted offender's development, the court may, on application of the Public Prosecution Service, extend the term of the measure one time by up to a maximum of the same period for which the measure was imposed. The Public Prosecution Service may submit an application for extension of the measure no earlier than two months and no later than one month before the date on which the measure expires by lapse of time.
2. An application as referred to in subsection (1), which is submitted later than one month before the date on which the measure expires by lapse of time, but within a reasonable period of time, shall be nevertheless admissible, if there are special circumstances which require extension of the measure in the interest of the juvenile's future development.
3. The application shall be accompanied by:
 - a. a recently drawn up and reasoned recommendation from the Child Protection Board;
 - b. a copy of the records pertaining to the conduct of the convicted offender from the institution or organisation charged with the enforcement of the measure.
4. The court shall specify the details of the extension of the measure in its judgment. The extension may entail extension of the programme in which the convicted offender participates. The extension may also entail the convicted offender's participation in a programme to be designated by the court in an institution to be designated thereby or participation in an extramural programme under the assistance and support of an organisation designated in the decision.
5. Sections 77wa, 77wb and 77wc shall apply mutatis mutandis.

Section 77we

1. In the judgment in which the measure involving restriction of liberty is imposed, the court shall

order the imposition of default juvenile detention in the event of failure to comply with the measure.

2. Sections 38v, 38w(2) to (4) inclusive and 77p(4) shall apply mutatis mutandis.

Section 77wf

1. If there are serious reasons to suspect that the convicted offender is not complying or has not complied with the measure, the Public Prosecution Service may order his arrest. If the order of the Public Prosecution Service cannot be awaited, the assistant public prosecutor may order the arrest of the convicted offender. The assistant public prosecutor shall promptly notify the arrest, in writing or verbally, to the Public Prosecution Service.
2. The Public Prosecution Service shall promptly submit an application for enforcement of the default juvenile detention to the examining magistrate after arrest. Sections 38x(3) to (6) inclusive, 38ij and 77p shall apply mutatis mutandis.
3. The convicted offender and the Public Prosecution Service may file an appeal against the decision of the examining magistrate with the court that imposed the measure within fourteen days. The Public Prosecution Service shall enclose with its appeal the documents relevant to the application and send them to the court. The court shall promptly set a day for a hearing of the case, unless it determines that the convicted offender's appeal is inadmissible. The Public Prosecution Service shall summon the convicted offender to appear at the hearing and the application shall be served on him. Sections 14i(2) to (6) inclusive, 14j and 77ee(2) of this Code and Section 495b of the Code of Criminal Procedure shall apply mutatis mutandis.

Section 77x

1. In cases where juvenile detention, other than juvenile default detention, community service, a fine or disqualification from driving a motor vehicle is imposed, the court may order that this punishment or measure shall not be enforced in whole or in part.
2. In cases where the measure of detention in an institution for juveniles is imposed, the court may order that this measure shall not be enforced.

Section 77y

1. The court, which orders non-enforcement of a punishment or measure imposed by it, shall at the same time set a probation period of maximum two years.
2. The probation period shall commence:
 - a. on the fifteenth day after pronouncement of the final judgment, if notice as referred to in section 366a(1) and (2) of the Code of Criminal Procedure is given or sent, unless the judgment or appeal judgment has not become final because of the timely filing of a legal remedy;
 - b. on the fifteenth day after service of notice, if service of notice as referred to in section 366a(3) of the Code of Criminal Procedure is required, unless the judgment or appeal judgment has not become final because of the timely filing of a legal remedy.
3. The probation period shall not run during such time that the convicted offender is deprived of his liberty by law or when he is absent without leave during such period of deprivation of liberty.

Section 77z

Section 77x shall apply subject to the general condition that the convicted offender does not commit a criminal offence before expiration of the probation period and, in the event special conditions have been set for the application of section 77x, that he cooperates with fingerprinting or provides an

identity document, as referred to in section 1 of the Compulsory Identification Act, for inspection. The special conditions pertaining to the conduct of the convicted offender which may be set shall be stipulated by Governmental Decree. The court may limit the operation of the special conditions to a period of time, to be set in the judgment, during the probation period.

Section 77za

1. In its judgment, the court may order, ex officio or on application of the Public Prosecution Service, the immediate enforceability of the conditions set under section 77z, the assistance and support to be provided under section 77aa(2) and (3) or the supervision to be exercised under section 77aa(4), if it should be taken seriously into account that the convicted offender will again commit a serious offence against the physical integrity or endangering the physical integrity of one or more persons.
2. The court hearing the appeal may revoke, ex officio or on application of the convicted offender or the Public Prosecution Service, the order referred to in subsection (1).

Section 77aa

1. The Public Prosecution Service shall be charged with supervising compliance with the conditions.
2. The court may appoint a foundation as referred to in section 1(1) of the Youth Care Act or, in special cases and after consultation with such legal person, a private person to assist and support the convicted offender in complying with the special conditions. In the provision of assistance and support in complying with the special conditions, the foundation shall establish the identity of the convicted offender in the manner referred to in section 27a(1, first sentence) and (2) of the Code of Criminal Procedure.
3. The court may, if the convicted offender has been placed under guardianship under section 1:254 of the Civil Code, appoint a foundation as referred to in section 1(1) of the Youth Care Act to assist and support the convicted offender in complying with the special conditions.
4. If the convicted offender is of the age of majority, then section 14d(2) shall apply mutatis mutandis.
5. Rules pertaining to the nature and the scope of the assistance and support referred to in subsections (2) and (3), may be set on the recommendation of our Ministers of Justice and of Health, Welfare and Sport.

Section 77bb

Section 366a of the Code of Criminal Procedure shall apply mutatis mutandis to the notification of sentence, whereby sections 77x and 77z are applied.

Section 77cc

1. The court which sets the condition may, either upon receipt of an application from the Public Prosecution Service or from the convicted offender, reduce the probation period or extend it one time. The extension may not exceed one year.
2. Similarly, during the probation period or during its suspension the court referred to in subsection (1) may amend the special conditions set or change the term of operation of these conditions during the probation period, revoke these conditions, set special conditions and give, amend or revoke an appointment as referred to in section 77aa(2).

Section 77cca

1. In cases where the court has imposed juvenile detention or the measure of detention in an institution for juveniles but has ordered suspension of its enforcement in whole or in part, the Public Prosecution Service may order the arrest of the convicted offender, if there are serious reasons to suspect non-compliance with any condition set. If the order of the Public Prosecution Service cannot be awaited, the assistant public prosecutor may order the arrest of the convicted offender. The assistant public prosecutor shall promptly notify the arrest, in writing or verbally, to the Public Prosecution Service.
2. If the Public Prosecution Service is still of the opinion that the arrest is necessary, it shall promptly submit an application for provisional enforcement to the examining magistrate and an application as referred to in section 77dd(1) to the court.
3. The examining magistrate shall give a decision within a period of three times twenty-four hours after arrest. Pending the decision of the examining magistrate, the convicted offender shall not be released.
4. The convicted offender shall be heard by the examining magistrate. Section 77ee(2) and sections 40 and 191 of the Code of Criminal Procedure shall apply *mutatis mutandis*. The convicted offender's defence counsel has the right to be present when the convicted offender is being heard and to inspect the documents relevant to this application.
5. If the examining magistrate grants the application of the Public Prosecution Service, he shall order the provisional enforcement of the suspended juvenile detention or the measure of detention in an institution for juveniles. If he rejects the application, he shall order the release of the convicted offender.
6. The Public Prosecution Service shall promptly give the convicted offender written notice of the decision of the examining magistrate.
7. The term of the provisional enforcement shall expire by operation of law with effect from the date on which the length of the deprivation of liberty is equal to the length of the juvenile detention or the measure of detention in an institution for juveniles to be enforced.
8. The court competent to hear the application for enforcement may, *ex officio* or on application of the convicted offender or the Public Prosecution Service, revoke the order for provisional enforcement.

Section 77dd

1. Without prejudice to the provisions of section 77cc, the court may, in cases of non-compliance with any condition set and if it finds cause to do so, upon receipt of an application from the Public Prosecution Service:
 - 1°. order enforcement of the suspended sentence or measure;
 - 2°. order enforcement of a part of the suspended sentence or measure, subject to either the original conditions imposed or to amended conditions.
2. Section 14g(2), (3) and (5) shall apply *mutatis mutandis*, on the understanding that if under application *mutatis mutandis* of section 14g(3)(a) the criminal offence referred to in that subsection is tried before the single-judge division of the District Court, this division shall also be competent to apply subsection (1) insofar as the punishment to be enforced is a fine, community service, juvenile detention of not more than twelve months or a behavioural intervention measure.
3. If on commencement of the enforcement the juvenile has reached the age of eighteen years, the juvenile detention, whose enforcement has been ordered by the court under subsection (1), shall be enforced as a prison sentence, unless the court is of the opinion that juvenile detention is appropriate for the convicted offender even if he has reached the age of eighteen years.

4. In the application of subsections (1) or (2), the court shall order that the period of deprivation of liberty served under section 77cca shall be fully deducted from the punishment to be enforced. If the court gives this order with regard to community service or the measure pertaining to the conduct of the offender, it shall set the criteria for deduction in its judgment.
5. In cases where the application for enforcement is rejected or the application of the Public Prosecution Service is declared inadmissible, the court which determines questions of fact and rendered the last decision on the application may, on application of the convicted offender, grant him compensation to be paid by the State as damages for deprivation of liberty served under section 77cca. Sections 89(1, second sentence), (2), and (6), 90 and 93 of the Code of Criminal Procedure shall apply *mutatis mutandis*.

Section 77ee

1. If in the context of enforcement of a sanction any decision is taken under application of sections 77k, 77l(3), 77o(4), 77p(3), 77cc or 77dd(1), sections 14h(1, first and third sentence), (2) to (5) inclusive, 14i (2) to (6) inclusive, and 14j of this Code and section 495b of the Code of Criminal Procedure shall apply *mutatis mutandis*.
2. If the convicted offender has not yet reached the age of eighteen years at the time the proceedings are instituted on his application or on application of the Public Prosecution Service, sections 496 to 498 inclusive, 504 and 505 of the Code of Criminal Procedure shall apply *mutatis mutandis* in addition to the aforementioned sections. If he has not yet reached the age of sixteen years, then section 503 shall also apply.

Section 77ff

1. The costs of juvenile detention and the measure of detention in an institution for juveniles shall be borne by the State.
2. Rules on the enforcement of custodial sentences and measures involving deprivation of liberty as referred to in section 77h and the legal position of juveniles shall be laid down by or pursuant to the law.
3. Rules pertaining to the provision by the State of a contribution to the preparation and implementation of
 - a. projects as referred to in sections 77e and 77f(1)(b),
 - b. community service orders as referred to in section 77h(2), and
 - c. measures pertaining to the conduct of the juvenile as referred to in section 77h(4)(b),may be laid down by Governmental Decree.
4. Further rules pertaining to the content of community service, the enforcement of community service and the rights and obligations of the offender sentenced to community service shall be set by and pursuant to Governmental Decree. In addition, the number of hours of a training project, referred to in section 77m(4), may be derogated from if the nature of the training project gives cause to do so.

Section 77gg

1. The punishments and the measures referred to in this Part shall be the same for attempt, preparation, participation and complicity as for the completed serious offence.
2. In the case of concurrence, several offences that must be considered as separate, unrelated acts shall be deemed one offence in the application of punishments and measures. Section 63 shall apply with regard to punishments.

Section 77hh

1. The Child Protection Board shall be responsible for the supervision of the implementation of probation service activities as referred to in section 77f(1), section 77j(4) and (5), section 77s(8), 77w(3) and (6), section 77aa(2) and (3) of the Criminal Code, and section 493 of the Code of Criminal Procedure, and shall be authorised in that context to give instructions to the foundation, referred to in section 1(1) of the Youth Care Act.
2. In cases to be designated by Our Minister of Justice, the Child Protection Board may call in the services of the foundation for voluntary assistance and support of a juvenile.

Section 77ii [Repealed as of 01-09-1995]

Section 77jj [Repealed as of 01-09-1995]

Section 77kk [Repealed as of 01-09-1995]

Part IX. Definition of Some of the Terms and Expressions used in this Code

Section 78

Whenever reference is made to serious offences in general and any serious offence in particular, this shall include complicity, attempt and preparation to commit that serious offence, insofar as the contrary does not follow from any provision.

Section 78a

1. Whenever in this Code authority is granted to hear, examine or question persons, this shall also include, except for cases to be designated by Governmental Decree, hearing, examining or questioning by way of video conferencing, whereby there is a direct video and audio link between the persons concerned.
2. The presiding judge of the court, the judge, the examining magistrate or civil servant, who is in charge of the hearing, shall decide, taking the interest of the investigation into account, whether video conferencing will be used. Before a decision is taken, the person to be heard or his defence counsel and, as the occasion arises, the public prosecutor, shall be given the opportunity to give their opinion on the use of video conferencing. Further rules pertaining to video conferencing may be set by Governmental Decree.
3. There shall be no separate legal remedy available against the decision to use video conferencing.
4. Rules pertaining to:
 - a. the requirements that the technology of video conferencing must meet with a view to, inter alia, the integrity of the observations recorded;
 - b. the verification of compliance with the requirements, referred to in (a).

shall be set by or pursuant to Governmental Decree.

Section 78b

Whenever reference is made to “a conviction”, this shall include a punishment order, insofar as the contrary does not follow from any provision.

Section 78c

Whenever reference is made to “a prior or previous conviction for a criminal offence”, this shall also be understood to mean a prior or previous irrevocable conviction for similar offences rendered by a criminal court in another member state of the European Union.

Section 79

An attack aimed at committing an offence shall exist as soon as the intention of the offender has revealed itself by a commencement of the performance of the criminal act within the meaning of section 45.

Section 80

A conspiracy shall exist as soon as two or more persons agree to commit the serious offence.

Section 80bis

“Revolution” shall be understood to mean the overthrow or unlawful alteration of the constitutional form of government or of the order of succession to the throne.

Section 80ter

“Prohibited place” shall be understood to mean any place that has been designated a prohibited place under the Protection of State Secrets Act [*Wet Bescherming Staatsgeheimen*].

Section 80quater

“Information classified in the interest of the State” shall also be understood to mean any information pertaining to or deriving from data, tools or materials, or research conducted or working methods applied through the use thereof, whose secrecy is regulated under section 68 of the Nuclear Energy Act.

Section 80quinquies

“Data” shall be understood to mean any representation of facts, concepts or instructions in an agreed-upon form suitable for transfer, interpretation or processing by human beings or by computerised devices and systems.

Section 80sexies

“Computerised devices and systems” shall be understood to mean a facility for the storage, processing and transfer of data by electronic means.

Section 81

Rendering a person unconscious or unable to resist shall be considered as equivalent to an act of violence.

Section 82

1. “Grievous bodily harm” shall include: an illness for which there is no prospect of a complete recovery, a long-term disability which prevents the exercise of office or the practice of a profession, and abortion or death of a fetus.
2. “Grievous bodily harm” shall also include a disorder of the intellectual faculties lasting for more than four weeks.

Section 82a

“Taking the life of a person or of an infant at birth or shortly afterwards” shall include: the killing of a fetus which might reasonably be expected to have the potential to survive outside the mother’s body.

Section 83

A “terrorist offence” shall be understood to mean:

- 1°. any of the serious offences defined in sections 92 to 96 inclusive, 108(2), 115(2), 117(2), 121, 122, 157(3°), 161quater(2°), 164(2), 166(3°), 168(2°), 170(3°), 174(2) and 289, as well as in section 80(2) of the Nuclear Energy Act, if the serious offence has been committed with terrorist intent;
- 2°. any of the serious offences which carry a term of imprisonment under sections 114a, 114b, 120a, 120b, 130a, 176a, 176b, 282c, 289a, 304a, 304b, 415a and 415b, as well as section 80(3) of the Nuclear Energy Act;
- 3°. any of the serious offences defined in sections 140a, 282b, 285(3) and 288a, as well as in section 55(5) of the Weapons and Ammunition Act, section 6(4) of the Economic Offences Act [*Wet op de Economische Delicten*], section 33b of the Explosives for Civil Uses Act [*Wet Explosieven voor Civiel Gebruik*] and Section 79 of the Nuclear Energy Act.

Section 83a

“Terrorist intent” shall be understood to mean the intention of causing fear in the population or a part of the population of a country, or unlawfully compelling a public authority or international organisation to act or to refrain from certain acts or to tolerate certain acts, or of seriously disrupting or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.

Section 83b

“A serious offence for the preparation or facilitation of a terrorist offence” shall be understood to mean any of the serious offences defined in sections 131(2), 132(3), 205(3), 225(3), 285(4), 311(1)(6°), 312(2)(5°), 317(3) in conjunction with 312(2)(5°), 318(2), 322a, 326(2) and 354a.

Section 83bis [Repealed as of 29-03-1971]

Section 84

1. “Civil servants” shall include members of general representative bodies.
2. “Civil servants” and “judges” shall include arbitrators; “judges” shall include those persons who exercise jurisdiction in matters pertaining to administrative law.
3. All personnel of the armed forces shall also be deemed to be civil servants.

Section 84bis

“Trader” shall be understood to mean any person who runs a business.

Section 84ter [Repealed as of 01-01-2010]

Section 85

1. “Master” shall be understood to mean any officer in command of a vessel or any person who deputises for this officer.

2. "Persons on board" shall be all persons on board a vessel, except for the master.
3. "Crew" shall be all persons on board a vessel who are either ship's officers or seamen.
4. Vessels under construction or ships under construction shall not be deemed "vessels" or "ships".

Section 86

"Dutch ships" shall exclusively be understood to mean those vessels which are deemed to be seagoing ships under the Act on the Issuance of Certificates of Registry and Licences to sail under the Flag of the Netherlands [*Wet betreffende de Afgifte van Zeebrieven en Vergunningen tot het voeren van de Nederlandse Vlag*].

Section 86a

1. "Dutch aircraft" shall be understood to mean:
 - a. aircraft registered in the aircraft registers of the Netherlands;
 - b. aircraft leased without crew to a lessee whose principal place of business, or if the lessee has no such place of business, whose permanent place of residence is in the Netherlands.
2. For the purpose of this Code, an aircraft shall be deemed to be "in flight" from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for the persons and property on board.
3. For the purpose of this Code, an aircraft shall be deemed to be "in service" from the time when pre-flight preparation of the aircraft by ground personnel or the crew thereof begins for a specific flight until twenty-four hours after the aircraft has landed. The aircraft shall in all cases be deemed to be in service for the entire period during which the aircraft is in flight as defined in subsection (2).

Section 87

1. "Enemy" shall include insurgents.
2. "War" shall include civil war.
3. "Wartime" shall include the period of threat of war. Wartime shall also be deemed to exist as soon as reservists are called up for active duty and for as long as they remain on active duty.

Section 87a

"A friendly nation" shall be understood to mean a foreign power that is not engaged in an armed conflict with the Netherlands.

Section 87b

1. "Internationally protected person" shall be understood to mean a person within the definition of article 1(1) of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents of 14 December 1973 (*Treaty Series* 1981, 69).
2. "Internationally protected person" shall also be understood to mean a person within the definition of article 1(a) or (b) of the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994 (*Treaty Series* 1996, 62), as supplemented by the Optional Protocol of 8 December 2005 (*Treaty Series* 2006, 211).

3. “Protected property” shall be understood to mean the property referred to in article 2(1)(b) of the convention referred to in subsection (1) and article 9(1)(b) of the convention referred to in subsection (2).

Section 88

“Month” shall be understood to mean a period of thirty days and “day” a period of twenty-four hours, except where the General Extension of Time Limits Act [*Algemene Termijnenwet*] applies.

Section 89

“Climbing in” shall include tunnelling under and crossing of ditches or canals intended to act as a barrier.

Section 90

“False keys” shall include all instruments that are not intended to open the lock.

Section 90bis

1. “Second-hand dealer” shall be understood to mean a person who buys up, by profession or habit, second-hand articles for the purpose of trade.
2. “To buy up” shall include all activities, of whatever designation, evidently done for such purpose.

Section 90ter

1. “Electricity infrastructure facilities” shall be understood to mean facilities designed to generate, transmit, transform or supply electricity and the related safety, structure, support and alarm installations.
2. “Electricity infrastructure facilities” shall not include telegraph and telephone installations.

Section 90quater

“Discrimination” or “to discriminate against” shall be understood to mean any distinction, exclusion, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the field of politics or economics, in social or cultural matters or any other area of social life.

Section 90quinquies

1. “Institution for the treatment of persons detained under an entrustment order” shall be understood to mean an institution as referred to in section 37d(1).
2. “Custodial institution for the treatment of persons detained under an entrustment order” shall be understood to mean an institution, as referred to in section 37d(1)(a), to which the Minister of Justice reimburses the costs of treatment on the basis of an institutional budget approved by him, or an institution as referred to in section 37d (1)(b), whose overall operating costs are borne by the Minister of Justice.

Section 90sexies

“Psychiatric hospital” shall be understood to mean:

- 1°. an institution accredited as a hospital, nursing institution or institution for the mentally disabled

under section 5 of the Healthcare Institutions Accreditation Act [*Wet Toelating Zorginstellingen*], insofar as that institution focuses on the treatment of psychiatric patients;
2°. a psychiatric ward of a teaching hospital.

Section 90septies

“Psychiatrist” shall be understood to mean a medical doctor who has the right to bear the title of psychiatrist or neuropsychiatrist.

Section 90octies

Whenever reference is made to marriage or spouse, this shall also include, except for section 449, civil registered partnership or civil registered partner.

Final Provision

Section 91

The provisions of Parts I-VIII A of this Book shall also apply to offences punishable under other laws or bylaws, unless otherwise provided by law.

Book Two. Serious Offences

Part I. Serious Offences against the Security of the State

Section 92

An attack carried out with the intention of taking the life or liberty of the King, the reigning Queen or the Regent, or of rendering any of them incapable of reigning, shall be punishable by life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 93

An attack carried out with the intention of surrendering the Kingdom, in whole or in part, to a foreign power, or of separating a part thereof, shall be punishable by life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 94

An attack carried out with the intention of overthrowing or unlawfully altering the constitutional form of government or the order of succession to the throne, shall be punishable by life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 95

Any person who by an act of violence or by threat of violence either disrupts a meeting of the Acting Council of Government, or compels it to take or to refrain from taking any decision, or removes a member from that meeting, or intentionally prevents a member from attending such meeting or from performing his duties therein without let or hindrance, shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 95a

Any person who by an act of violence or by threat of violence either disrupts a meeting of the Council of Ministers, or compels it to take or to refrain from taking any decision, or removes a member from

that meeting, or intentionally prevents a member from attending such meeting or from performing his duties therein without let or hindrance, shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 96

1. Conspiracy to commit any of the serious offences defined in sections 92-95a shall be punishable by a term of imprisonment not exceeding ten years or a fine of the fifth category.
2. Any person who, with the intention of preparing or promoting any of the serious offences defined in sections 92-95a:
 - 1°. seeks to induce another person to commit, to cause an innocent person to commit or to participate as co-offender in the commission of such serious offence, or to aid and abet its commission or to provide opportunity, means or information for its commission;
 - 2°. seeks to obtain for himself or for others the opportunity, means or information for the commission of the serious offence;
 - 3°. has in his possession objects which he knows are intended for the commission of the serious offence;
 - 4°. prepares or has in his possession plans for the commission of the serious offence, which are intended for communication to others;
 - 5°. seeks to prevent, obstruct or frustrate any measure taken by the government to prevent or suppress commission of the serious offence;

shall be liable to the same punishment.

Section 97

1. Any person who enters into communication with a foreign power with a view to inducing that power to undertake hostilities or wage war against the State, to strengthening its resolve to do so, or to promising to provide assistance for that purpose or to assisting in the preparation of such acts, shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.
2. Activities carried out in preparation of the commission of a serious offence as defined in the preceding section, shall be punishable by a term of imprisonment not exceeding ten years or a fine of the fifth category.

Section 97a

Any person who enters into communication with a person resident or a body established in a foreign country with a view to inducing such person or body to provide assistance in the preparation, promotion or starting of a revolution, to strengthening the resolve of such person or body to do so or to promising to provide assistance to or assisting such person or body in doing so, or to preparing, promoting or starting a revolution, shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 97b

Any person who:

- 1°. imports any object suitable for providing material support to the preparation, promotion or starting of a revolution, if he knows or has serious reason to suspect that the object is intended for such purpose;
- 2°. has in his possession or makes the subject of an agreement any object suitable for providing material support to the preparation, promotion or starting of a revolution, if he knows or has serious reason to suspect that the object is intended for such purpose and that the object, or

any other object it has replaced, has been either imported for that purpose, or is intended for that purpose by or on behalf of a person resident or a body established in a foreign country.

shall be liable to a term of imprisonment not exceeding ten years or a fine of the fifth category.

Section 98

1. Any person who intentionally provides or makes available any information classified in the interest of the State or of its allies, any object from which such information may be derived, or any such data, to a person or a body not authorised to receive such, if he knows or should reasonably suspect such information, object or data to be of such nature, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.
2. Any person who intentionally provides or makes available any information emanating from a prohibited place and relevant to the security of the State or of its allies, any object from which such information may be derived, or any such data, to a person or a body not authorised to receive such information, if he knows or should reasonably suspect the information, object or data to be of such nature, shall be liable to the same punishment.

Section 98a

1. Any person who intentionally discloses or intentionally provides or makes available information, an object or data as referred to in section 98, without authority, to a foreign power, a person resident or a body established in a foreign country, or to a person or body of such nature that there is a risk of the information or data becoming known to a foreign power or to a person resident or a body established in a foreign country, if he knows or should reasonably suspect the information or data to be of such nature, shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.
2. If the offender has acted in wartime, or in the employment of or on the orders of a foreign power or a person resident or a body established in a foreign country, life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category may be imposed.
3. Activities carried out in preparation of the commission of a serious offence, as defined in the preceding subsections, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 98b

Any person who through negligence is responsible for any information, object or data, as referred to in section 98, becoming public knowledge, or becoming available to a person or body not authorised to receive such information, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 98c

1. Any person who:
 - 1°. intentionally takes or has in his possession, without authority, any information, object or data as referred to in section 98;
 - 2°. carries out any activity with the intention of obtaining, without authority, any information, object or data as referred to in section 98;
 - 3°. covertly, under false pretences, by means of disguise or by a way other than the regular entrance, enters or attempts to enter a prohibited place, or is so present in such place, or leaves or attempts to leave such a place by such means or ways;

shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

2. The provisions of (3°) shall not apply if it is evident to the court that the offender did not act with the intention referred to in (2°).

Section 99

Any person who has been appointed by the government to conduct negotiations with a foreign power and who intentionally conducts such negotiations to the disadvantage of the State shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.

Section 100

Any person who:

- 1°. in the event of a war in which the Netherlands is not involved, intentionally carries out any activity bringing about the risk of involving the State in war, or who intentionally violates any special regulation issued and made public by the government to preserve its state of neutrality;
- 2°. in wartime, intentionally violates any regulation issued and made public by the government in the interest of the security of the State;

shall be liable to a term of imprisonment not exceeding ten years or a fine of the fifth category.

Section 101

The Dutch national who, in anticipation of a war with a foreign power, voluntarily enlists in the armed services of this foreign power, shall be liable, if war ensues, to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.

Section 102

Any person who intentionally assists the enemy or puts the State at a disadvantage to the enemy in wartime shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 103

Conspiracy to commit the serious offence defined in section 102 shall be punishable by a term of imprisonment not exceeding ten years or a fine of the fifth category.

Section 103a

Any person who carries out any of the acts defined in sections 102 and 103 while reasonably believing that the interests of the Netherlands are not prejudiced, shall not be criminally liable.

Section 104

Any person who, in wartime, while having no intent to assist the enemy or to put the State at a disadvantage to the enemy, intentionally:

- 1°. shelters, hides or assists an enemy spy;
- 2°. brings about or encourages the desertion of a soldier in the service of the Kingdom;

shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 105

1. Any person who, in wartime, employs any form of deception in delivering supplies for use by the armed forces shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.
2. Any person charged with supervising the delivery of the goods, who intentionally allows the commission of such deception, shall be liable to the same punishment.

Section 106

1. In the case of conviction for the serious offence defined in section 92, disqualification from the rights listed in section 28(1)(1°)-(4°) may be imposed.
2. In the case of conviction for any of the serious offences defined in sections 93-103, disqualification from the rights listed in section 28(1)(1°)-(3°) may be imposed.
3. In the case of conviction for the serious offence defined in section 105, the offender may be disqualified from practising the profession in which he committed the serious offence and from the rights listed in section 28(1)(1°)-(4°), and publication of the judgment may be ordered.

Section 107

The punishments prescribed for the offences defined in sections 102-105 shall apply if any of these offences is committed against or with respect to the allies of the State in a collective war.

Section 107a

Sections 100(2°) and 101-107 shall apply *mutatis mutandis* in the event of an armed conflict that cannot be deemed a war and in which the Netherlands is involved for reasons of either individual or collective self-defence, or for the restoration of international peace .

Part II. Serious Offences against Royal Dignity

Section 108

1. An attack on the life or liberty of the King's consort, of the King's heir apparent or his spouse, shall be punishable by a term of imprisonment not exceeding fifteen years or a fine of the fifth category.
2. If the attack on the life of any of the aforementioned persons results in death or is committed with premeditation, it shall be punishable by life imprisonment or a term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 109

Each act of physical violence against the person of the King which does not fall under a more severe penal provision shall be punishable by a term of imprisonment not exceeding seven years and six months or a fine of the fifth category.

Section 110

Each act of physical violence against the person of the King's consort, of the King's heir apparent or his spouse, or of the Regent, which does not fall under a more severe penal provision shall be punishable by a term of imprisonment not exceeding seven years and six months or a fine of the fifth category.

Section 111

Intentional defamation of the King shall be punishable by a term of imprisonment not exceeding five years or a fine of the fourth category.

Section 112

Intentional defamation of the King's consort, of the King's heir apparent or his spouse or of the Regent shall be punishable by a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 113

1. Any person who distributes, publicly displays or posts, or has in store to be distributed, publicly displayed or posted, written matter or an image defaming the King, the King's consort, the King's heir apparent or his spouse, or the Regent, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category, if he knows or has serious reason to suspect such defamatory content of the written matter or image.
2. Any person who, with the same knowledge or reason to suspect such, publicly utters the content of such written matter shall be liable to the same punishment.
3. If the offender commits any of the serious offences defined in this section in the practice of his profession and if at the time of commission of the serious offence two years have not yet expired since a previous conviction of the offender for any of these serious offences became final, he may be disqualified from the practice of that profession.

Section 114

1. In the case of conviction for any of the serious offences defined in sections 108, 109 and 110, disqualification from the rights listed in section 28(1)(1°)-(4°) may be imposed.
2. In the case of conviction for any of the serious offences defined in sections 111 and 112, disqualification from the rights listed in section 28(1)(1°)-(3°) may be imposed.

Section 114a

If a serious offence punishable under section 108(1), 109 or 110 has been committed with terrorist intent, the determinate term of imprisonment prescribed under that section shall be increased by one half and if a determinate term of imprisonment not exceeding fifteen years is prescribed for the serious offence, life imprisonment or a determinate term of imprisonment not exceeding thirty years shall be imposed.

Section 114b

1. Conspiracy to commit any of the serious offences defined in section 108 with terrorist intent shall be punishable by a term of imprisonment not exceeding ten years or a fine of the fifth category.
2. Section 96(2) shall apply mutatis mutandis.

Part III. Serious Offences against Heads of Friendly Nations and Other Internationally Protected Persons

Section 115

1. An attack on the life or liberty of a head of a friendly nation shall be punishable by a term of

imprisonment not exceeding fifteen years or a fine of the fifth category.

2. If the attack on the life of the aforementioned person results in death or is committed with premeditation, it shall be punishable by life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 116

Each act of physical violence against the person of a head of a friendly nation which does not fall under a more severe penal provision shall be punishable by a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 117

1. An attack on the life or liberty of an internationally protected person shall be punishable by a term of imprisonment not exceeding twelve years or a fine of the fifth category.
2. If the attack on the life of the aforementioned person results in death or is committed with premeditation, it shall be punishable by life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 117a

Each act of physical violence against the person of an internationally protected person which does not fall under a more severe penal provision shall be punishable by a term of imprisonment not exceeding three years or a fine of the fourth category.

Section 117b

Any person who intentionally commits an act of violence against the protected property of an internationally protected person shall, if this act is likely to endanger the safety or freedom of that person, be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

Section 118

1. Intentional defamation of a head or a member of government of a friendly nation, present in the Netherlands in his official capacity, shall be punishable by a term of imprisonment not exceeding two years or a fine of the fourth category.
2. The same punishment shall apply in the case of intentional defamation of a person in his capacity as a representative of a friendly nation accredited to the Dutch government.
3. In the case of conviction for any of the serious offences defined in this section, disqualification from the rights listed in section 28(1)(1°)-(2°) may be imposed.

Section 119

1. Any person who distributes, publicly displays or posts written matter or an image defaming a head or a member of the government of a friendly nation, present in the Netherlands in his official capacity, or who publicly utters the content of such written matter, shall be liable to a term of imprisonment not exceeding six months or a fine of the third category, if he knows or has serious reason to suspect such defamatory content of the written matter or image.
2. Any person who distributes, publicly displays or posts, or has in store to be distributed, publicly displayed or posted, written matter or an image defaming a person in his capacity as a representative of a friendly nation accredited to the Dutch government or who publicly utters the

content of such written matter, shall be liable to the same punishment, if he knows or has serious reason to suspect such defamatory content of the written matter or image.

3. If the offender commits any of the serious offences defined in this section in the practice of his profession and if at the time of commission of the serious offence two years have not yet expired since a previous conviction of the offender for any of these serious offences became final, he may be disqualified from practising that profession.

Section 120

In the case of conviction for any of the serious offences defined in sections 115 and 116, disqualification from the rights listed in section 28(1)(1°)-(4°) may be imposed.

Section 120a

If a serious offence punishable under section 115(1), 116, 117(1), 117(a) or 117(b) has been committed with terrorist intent, the determinate term of imprisonment prescribed under that section shall be increased by one half and if a determinate term of imprisonment not exceeding fifteen years is prescribed for the serious offence, life imprisonment or a determinate term of imprisonment not exceeding thirty years shall be imposed.

Section 120b

1. Conspiracy to commit the serious offences defined in sections 115 and 117 with terrorist intent shall be punishable by a term of imprisonment not exceeding ten years or a fine of the fifth category.
2. Section 96(2) shall apply mutatis mutandis.

Part IV. Serious Offences related to the performance of Constitutional Duties and the exercise of Constitutional Rights

Section 121

Any person who by an act of violence or by threat of violence either disrupts a meeting of one Chamber or both Chambers from the States General, compels it to take or to refrain from taking any decision, removes a member, being a minister or a state secretary, from that meeting, or intentionally prevents a member from attending such meeting or from performing his duties therein without let or hindrance, shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 121a

Any person who by an act of violence or by threat of violence either disrupts a meeting of a committee from one Chamber or both Chambers of the States General, compels it to take or to refrain from taking any decision, removes a member, being a minister or a state secretary, from that meeting, or intentionally prevents a member from attending such meeting or from performing his duties therein without let or hindrance, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 122

1. Conspiracy to commit the serious offences defined in section 121 shall be punishable by a term of imprisonment not exceeding ten years or a fine of the fifth category.
2. Section 96(2) shall apply mutatis mutandis.

Section 123

Any person who by an act of violence or by threat of violence either disrupts a meeting of a provincial council, compels it to take or to refrain from taking any decision, removes a member, being the chairman or a member of the provincial executive, from that meeting, or intentionally prevents a member from attending such meeting or from performing his duties therein without let or hindrance, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 123a

Any person who by an act of violence or by threat of violence either disrupts a meeting of a committee set up by the provincial council, compels it to take or to refrain from taking any decision, removes a member, being a member of the provincial executive or the royal commissioner, from that meeting, or intentionally prevents a member from attending such meeting or from performing his duties therein without let or hindrance, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 124

Any person who by an act of violence or by threat of violence either disrupts a meeting of the municipal council, compels it to take or to refrain from taking any decision, removes a member, being the chairman or a member of the municipal executive, from that meeting, or intentionally prevents a member from attending such meeting or from performing his duties therein without let or hindrance, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 124a

Any person who by an act of violence or by threat of violence either disrupts a meeting of a committee set up by the municipal council, compels it to take or to refrain from taking any decision, removes a member, being a member of the municipal executive or the mayor, from that meeting, or intentionally prevents a member from attending such meeting or from performing his duties therein without let or hindrance, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 125

Any person who, on the occasion of an election duly called in accordance with the statutory regulations, by an act of violence or by threat of violence intentionally impedes a person from exercising his or another person's right to vote without let or hindrance, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 126

1. Any person who, on the occasion of an election duly called in accordance with the statutory regulations, bribes another person by means of gifts or promises, in order to cause him either to refrain from exercising his or another person's right to vote or to cause him to exercise that right in a particular way, shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.
2. Any voter or any proxy who allows himself to be bribed to do so by gifts or promises shall be liable to the same punishment.

Section 127

Any person who, on the occasion of an election duly called in accordance with the statutory regulations, employs any form of deception resulting in invalidation of a vote cast, or in the appointment of a person other than the one for whom the vote was cast, shall be liable to a term of

imprisonment not exceeding six months or a fine of the third category.

Section 128

Any person who intentionally assumes the identity of another and participates under this assumed identity in an election duly called in accordance with the statutory regulations shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 129

Any person who, on the occasion of an election duly called in accordance with the statutory regulations, intentionally invalidates a vote that was held or employs any form of deception which results in an outcome different from the results of votes legally cast, shall be liable to a term of imprisonment not exceeding one year and six months or a fine of the fourth category.

Section 130

1. In the case of conviction for any of the serious offences defined in sections 121 and 123, disqualification from the rights listed in section 28(1)(1°)-(3°) may be imposed.
2. In the case of conviction for any of the serious offences defined in sections 122, 124 and 129, disqualification from the rights listed in section 28(1)(3°) may be imposed.

Section 130a

If a serious offence punishable under section 123 or 124 has been committed with terrorist intent, the determinate term of imprisonment prescribed under these sections shall be increased by one half.

Part V. Serious Offences against Public Order

Section 131

1. Any person who in public, either verbally or in writing or through images, incites another or others to commit any criminal offence or act of violence against the authorities, shall be liable to a term of imprisonment not exceeding five years or a fine of the fourth category.
2. If the criminal offence incited is a terrorist offence or is a serious offence for the preparation or facilitation of a terrorist offence, the term of imprisonment prescribed for the offence defined in subsection (1) shall be increased by one third.

Section 132

1. Any person who distributes, publicly displays or posts written matter or an image inciting commission of any criminal offence or any act of violence against the authorities, or who has such in store to be distributed, publicly displayed or posted, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category, if he knows or has serious reason to suspect that the written matter or image contains such incitement.
2. Any person who, with the same knowledge or reason to suspect such, publicly utters the content of such written matter shall be liable to the same punishment.
3. If the criminal offence incited by written matter or images is a terrorist offence or is a serious offence for the preparation or facilitation of a terrorist offence, the term of imprisonment prescribed for the offence defined in subsection (1) shall be increased by one third.

Section 133

Any person who publicly, either verbally or in writing or through images, offers to provide information, opportunity or means to commit any criminal offence shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

Section 134

1. Any person who distributes, publicly displays or posts written matter or an image, in which the provision of information, opportunity or means to commit any criminal offence is offered, or has such in store to be distributed, publicly displayed or posted, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category, if he knows or has serious reason to suspect that the written matter or the image contains such an offer.
2. Any person who, with the same knowledge or reason to suspect such, publicly utters the content of such written matter shall be liable to the same punishment.

Section 134a

Any person who intentionally obtains or attempts to obtain for himself or another person means or information for the commission of a terrorist offence or a serious offence for the preparation or facilitation of a terrorist offence, or gains knowledge or skills for that purpose or imparts this knowledge or these skills to another person, shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

Section 134bis [Repealed as of 01-04-1994]

Section 135

Any person who has knowledge of a criminal conspiracy, and who at a time when the commission of these serious offences could still be prevented, intentionally omits to give timely and proper notification thereof, either to judicial officers or police officers, or to the person threatened by the offence, shall be liable, if the serious offence followed, to a term of imprisonment not exceeding two months or a fine of the fourth category.

Section 136

1. Any person who has knowledge of an intention to commit any of the serious offences defined in sections 92-110, or to commit desertion in wartime, treason while a member of the armed forces, murder, kidnapping or rape or any of the offences defined in Part VII of this Book or a terrorist offence insofar as this causes danger to life and who, at a time when the commission of these serious offences could still be prevented, intentionally omits to give timely and proper notification thereof, either to judicial officers or police officers, or to the person threatened by the offence, shall be liable, if the serious offence followed, to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. Any person who has knowledge of the commission of any of the offences listed in subsection (1) resulting in danger to life, and who, at a time at which the consequences could still be averted, intentionally omits to notify such shall be liable to the same punishment.

Section 137

The provisions of sections 135 and 136 shall not apply to a person who by giving such notification might place himself, a relative by consanguinity or affinity in the direct line or in the second or third degree of the collateral line, his spouse or former spouse, or another person, in whose prosecution he may assert the right to refuse to testify by reason of his office or profession, at risk of prosecution.

Section 137a [Repealed as of 26-04-1978]

Section 137b [Repealed as of 26-04-1978]

Section 137c

1. Any person who in public, either verbally or in writing or through images, intentionally makes an insulting statement about a group of persons because of their race, religion or beliefs, their hetero- or homosexual orientation or their physical, mental or intellectual disability, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
2. If the offence is committed by a person who makes a profession or habit of it or by two or more persons in concert, a term of imprisonment not exceeding two years or a fine of the fourth category shall be imposed.

Section 137d

1. Any person who publicly, either verbally or in writing or through images, incites hatred of or discrimination against persons or violence against their person or property because of their race, religion or beliefs, their sex, their hetero- or homosexual orientation or their physical, mental or intellectual disability, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
2. If the offence is committed by a person who makes a profession or habit of it or by two or more persons in concert, a term of imprisonment not exceeding two years or a fine of the fourth category shall be imposed

Section 137e

1. Any person who, for any reason other than the provision of factual information:
 - 1°. makes public a statement which he knows or should reasonably suspect to be insulting to a group of persons because of their race, religion or beliefs, their hetero- or homosexual orientation or their physical, mental or intellectual disability, or incites hatred of or discrimination against persons or violence against their person or property because of their race, religion or beliefs, their sex, their hetero- or homosexual orientation or their physical, mental or intellectual disability;
 - 2°. sends or distributes, without request, an object which he knows or should reasonably suspect to contain such a statement to another person, or has such object in store for public disclosure or distribution;

shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

2. If the offence is committed by a person who makes a profession or habit of it or by two or more persons in concert, a term of imprisonment not exceeding one year or a fine of the fourth category shall be imposed.

Section 137f

Any person who takes part in, or who extends financial or other material support to activities, aimed at discrimination against persons because of their race, religion or beliefs, their sex, their hetero- or homosexual orientation or their physical, mental or intellectual disability, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.

Section 137g

1. Any person who, in the exercise of his office, profession or business, intentionally discriminates

against persons because of their race shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

2. If the offence is committed by a person who makes a habit of it or by two or more persons in concert, a term of imprisonment not exceeding one year or a fine of the fourth category shall be imposed.

Section 137h

If the offender commits any of the offences defined in sections 131 to 134 inclusive, 137c to 137g inclusive and 147a, in the exercise of his profession, he may be disqualified from practising that profession.

Section 138

1. Any person who unlawfully enters a dwelling or enclosed room or premises in use by another person, or who, unlawfully remaining there, does not leave immediately after having been directed to do so by or on behalf of the entitled person, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
2. Any person who has gained access by means of forcible entry or climbing in, or by false keys, a false order or a false uniform, or who, having entered without the prior knowledge of the entitled person and not by mistake, is found there in the night-time, shall be deemed to have unlawfully entered.
3. If he utters threats or employs means that could cause fear, he shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
4. The terms of imprisonment prescribed in subsections (1) and (3) may be increased by one third if two or more persons commit the serious offence in concert.

Section 138a

1. Any person who unlawfully enters a dwelling or premises, which the entitled person has ceased to use, or unlawfully remains there, shall be guilty of squatting and shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
2. If he utters threats or employs means that could cause fear, he shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
3. The terms of imprisonment prescribed in subsections (1) and (2) may be increased by one third if two or more persons commit the serious offence in concert.

Section 138ab

1. Any person who intentionally and unlawfully gains entry to a computerised device or system or a part thereof shall be guilty of computer trespass and shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category. Unlawful entry shall be deemed to have been committed if access to the computerised device or system is gained:
 - a. by breaching a security measure,
 - b. by a technical intervention,
 - c. by means of false signals or a false key, or
 - d. by assuming a false identity.
2. Computer trespass shall be punishable by a term of imprisonment not exceeding four years or a

fine of the fourth category, if the offender subsequently copies the data stored, processed or transferred by means of the computerised device or system, which he has unlawfully accessed, and copies, intercepts or records such data for his own use or that of another.

3. Computer trespass committed via a public telecommunication network shall be punishable by a term of imprisonment not exceeding four years or a fine of the fourth category, if the offender subsequently
 - a. with the intention of benefitting himself or another unlawfully, uses processing capacity of a computerised device or system;
 - b. accesses the computerised device or system of a third party via the computerised device or system to which he has unlawfully gained entry.

Section 138b

Any person who intentionally and unlawfully hinders the access to or use of a computerised device or system by offering or sending data to it shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.

Section 139

1. Any person who unlawfully enters a room or premises designated for public service, or who, unlawfully remaining there, does not leave immediately after having been directed to do so by the competent official, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.
2. Any person who has gained access by means of forcible entry or climbing in, or by false keys, a false order or a false uniform, or who, having entered without the prior knowledge of the competent official and not by mistake, is found there at night-time, shall be deemed to have unlawfully entered.
3. If he utters threats or employs means that could cause fear, he shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
4. The terms of imprisonment prescribed in subsections (1) and (3) may be increased by one third if two or more persons commit the serious offence in concert.

Section 139a

1. Any person who, by means of a technical device, intentionally:
 - 1°. eavesdrops on a conversation taking place in a dwelling or enclosed room or premises without having been instructed to do so by a participant in that conversation;
 - 2°. records that conversation without being a participant in it and without having been instructed to do so by such a participant;

shall be liable to a term of imprisonment not exceeding six months or a fine of the fourth category.

2. Subsection (1) shall not apply to the recording:
 - 1°. of data that is processed or transferred by means of telecommunication or by means of a computerised device or system;
 - 2°. by means of a technical device that is in place and is not concealed, on the authority of the person who uses the dwelling or enclosed room or premises, except in cases of obvious misuse;
 - 3°. for the purpose of implementation of the Intelligence and Security Services Act 2002 [*Wet op*

Section 139b

1. Any person who, with the intention of eavesdropping on or recording a conversation taking place elsewhere than in a dwelling or enclosed room or premises, by means of a technical device, surreptitiously:
 - 1°. eavesdrops on that conversation without having been instructed to do so by a participant in that conversation;
 - 2°. records that conversation without being a participant in it and without having been instructed to do so by such a participant;

shall be liable to a term of imprisonment not exceeding three months or a fine of the third category.

2. Section 139a(2)(1°) and (3°) shall apply *mutatis mutandis*.

Section 139c

1. Any person who intentionally and unlawfully intercepts or records by means of a technical device data which is not intended for him and is processed or transferred by means of telecommunication or by means of a computerised device or system, shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. Subsection (1) shall not apply to intercepting or recording:
 - 1°. data received via a radio receiver, unless a special effort was made or a prohibited receiver was used to enable such reception;
 - 2°. by or on the instructions of the person entitled to use the telecommunication connection, except in cases of obvious misuse;
 - 3°. for the purpose of a good operation of a public telecommunication network, for the purpose of criminal proceedings, or for the purpose of implementation of the Intelligence and Security Services Act 2002.

Section 139d

1. Any person who has a technical device installed in a particular place with the intention of unlawfully using it to eavesdrop on, intercept or record a conversation, telecommunications or other type of data transfer or data processing by a computerised device or system shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. Any person who:
 - a. manufactures, sells, obtains, imports, distributes or otherwise makes available or has in his possession a technical device that has been primarily adapted or designed for the commission of such serious offence, or
 - b. sells, obtains, distributes or otherwise makes available or has in his possession a computer password, access code or similar data that can be used for accessing a computerised device or system or a part thereof;

with the intention of using it in the commission of a serious offence, as referred to in section 138ab(1), 138b or 139c, shall be liable to the same punishment.

3. Any person who commits the offence referred to in subsection (2) with a view to the commission of a serious offence as referred to in section 138a(2) or (3), shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 139e

Any person who:

- 1°. has at his disposal an object in which, as he knows or should reasonably suspect, data has been stored that was obtained by unlawful eavesdropping on or interception or recording of a conversation, telecommunications or other type of data transfer or data processing by a computerised device or system;
- 2°. has obtained data by unlawfully eavesdropping on, intercepting or recording a conversation, telecommunications or other type of data transfer or data processing by means of a computerised device or system, or data which has come to his knowledge, as he knows or should reasonably suspect, as a result of such eavesdropping, interception or recording, and who intentionally discloses such data to another person;
- 3°. intentionally makes an object defined in (1°) available to another person;

shall be liable to a term of imprisonment not exceeding six months or a fine of the fourth category.

Section 139f

Any person who:

- 1°. intentionally and unlawfully produces an image of a person who is present in a home or another place that is not open to the public by means of a technical device which is not clearly visible or notified;
- 2°. has at his disposal an image which, as he knows or should reasonably suspect, has been obtained by means of or as a result of the activity punishable under subsection (1°);

shall be liable to a term of imprisonment not exceeding six months or a fine of the fourth category.

Section 139g

Any person who makes public an image as referred to in the preceding section under (2°), shall be liable to a term of imprisonment not exceeding six months or a fine of the fourth category.

Section 140

1. Participation in an organisation which has as its purpose the commission of serious offences, shall be punishable by a term of imprisonment not exceeding six years or a fine of the fifth category.
2. Participation in the continuation of the activities of an organisation that has been declared prohibited by final judicial decision or is prohibited by operation of law or against which an irrevocable declaratory judgment has been pronounced as referred to in Section 10:122(1) of the Civil Code, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
3. The terms of imprisonment for founders, directors or managers may be increased by one third.
4. Participation, as defined in subsection (1), shall also include the provision of financial or other material support as well as the raising of funds or the recruitment of persons on behalf of the organisation defined in said subsection.

Section 140a

1. Participation in an organisation which has as its purpose the commission of terrorist offences shall be punishable by a term of imprisonment not exceeding fifteen years or a fine of the fifth category.

2. Founders, directors or managers shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.
3. Section 140(4) shall apply mutatis mutandis.

Section 141

1. Any persons who commit public acts of violence in concert against persons or property shall be liable to a term of imprisonment not exceeding four years and six months or a fine of the fourth category.
2. The offender shall be liable to:
 - 1°. a term of imprisonment not exceeding six years or a fine of the fourth category, if he intentionally destroys property or if the violence committed by him results in any bodily harm;
 - 2°. a term of imprisonment not exceeding nine years or a fine of the fifth category, if that violence results in grievous bodily harm;
 - 3°. a term of imprisonment not exceeding twelve years or a fine of the fifth category, if that violence results in death.
3. Section 81 shall not apply.

Section 141a

Any person who intentionally provides opportunity, means or information for the commission of violence against persons or property shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.

Section 142

1. Any person who intentionally disturbs the peace by false cries of alarm or false signals shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. Any person who intentionally, without necessity, uses an emergency number for public services shall be liable to a term of imprisonment not exceeding three months or a fine of the third category.

Section 142a

1. Any person who sends an object or leaves it behind or places it in any public or private place, with a view to making another person wrongly believe that this object can cause an explosion, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.
2. Any person who gives information to another person with a view to making this person wrongly believe that there is an object present in any public or private place and that this object can cause an explosion, shall be liable to the same punishment.

Section 143

Any person who by an act of violence or by threat of violence prevents a lawful public meeting or demonstration from taking place shall be liable to a term of imprisonment not exceeding nine months or a fine of the third category.

Section 144

Any person who, by creating disorder or by making noise, intentionally disturbs a lawful public meeting, or who, by creating disorder, intentionally disturbs a lawful demonstration, shall be liable to a

term of imprisonment not exceeding two weeks or a fine of the second category.

Section 145

Any person who by an act of violence or by threat of violence prevents either a lawful public gathering to profess a religion or a belief, or a lawful ceremony to profess a religion or a belief, or a lawful funeral service from taking place, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 146

Any person who, by creating disorder or by making noise, intentionally disturbs either a lawful public gathering to profess a religion or a belief, or a lawful ceremony to profess a religion or a belief, or a lawful funeral service, shall be liable to a term of imprisonment not exceeding two months or a fine of the second category.

Section 147

Any person who:

- 1°. publicly, either verbally or in writing or through images, offends religious sensibilities by disparaging and blasphemous utterances;
- 2°. ridicules a minister of religion in the lawful performance of his duties;
- 3°. makes derogatory statements about objects used for religious celebration at a time and place at which such celebration is lawful;

shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.

Section 147a

1. Any person who distributes, publicly displays or posts written matter or an image containing statements that offend religious sensibilities by reason of their disparaging and blasphemous nature, or who has such in store to be distributed, publicly displayed or posted, shall be liable to a term of imprisonment not exceeding two months or a fine of the second category, if he knows or has serious reason to suspect that the written matter or the image contains such statements.
2. Any person who, with the same knowledge or reason to suspect such, publicly utters the content of such written matter shall be liable to the same punishment.

Section 148

Any person who intentionally prevents or obstructs lawful access to a cemetery or crematorium, or the lawful transport of a dead human body to a cemetery or a crematorium, shall be liable to a term of imprisonment not exceeding one month or a fine of the second category.

Section 149

Any person who intentionally desecrates a grave, or who intentionally and unlawfully destroys or damages any memorial erected in a cemetery shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 150

Any person who intentionally and unlawfully disinters or removes a dead human body or moves or transports a disinterred or removed dead human body shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 151

Any person, who buries, burns, destroys, conceals, carries off or disposes of a dead human body, with a view to concealing the fact or the cause of death or of a stillbirth, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 151a

Any person who, for reasons of financial gain, intentionally facilitates the placement of an infant younger than six months, who is not under the guardianship of a legal person, in a foster family without the prior written consent of the Child Protection Board, shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

Section 151b

1. Any person who, in the practice of a profession or in the conduct of a business, intentionally brings about or facilitates, either direct or indirect negotiations between a surrogate mother or a woman who wishes to be a surrogate mother and another person or arranges an appointment in order to carry out the intention referred to in subsection (3), shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. Any person who:
 - a. publicly offers services to bring about or facilitate negotiations or an appointment as referred to in subsection (1);
 - b. makes public that a woman would like to become a surrogate mother or is available as such, or that a woman is being sought who would like to become a surrogate mother or is available as such.

shall be liable to the same punishment.

3. A surrogate mother shall be deemed to be a woman who has become pregnant with the intention of bearing a child for another person who wishes to acquire parental authority over the child or otherwise wishes to assume on a permanent basis responsibility for the permanent care and raising of the child.

Section 151c

1. Any person who, in the practice of a profession or in the conduct of a business, intentionally brings about or facilitates, either direct or indirect negotiations between a woman and another person or arranges an appointment in respect of her wish to have another person assume on a permanent basis responsibility for the care and raising of her child, shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.
2. Without prejudice to the provisions of section 151b(1), subsection (1) shall not apply
 - a. if the bringing about or facilitation as referred to in that subsection is done by the Child Protection Board or a legal person appointed by the Child Protection Board;
 - b. if the bringing about or facilitation referred to in that subsection involves a referral to an organisation as referred to in (a).

Part VI [Repealed as of 01-02-2006]

Section 152 [Repealed as of 01-02-2006]

Section 153 [Repealed as of 01-02-2006]

Section 154 [Repealed as of 01-02-2006]

Section 155 [Repealed as of 01-02-2006]

Section 156 [Repealed as of 01-02-2006]

Part VII. Serious Offences Endangering the General Safety of Persons or Property

Section 157

Any person who intentionally sets a fire or intentionally causes an explosion or a flood shall be liable to:

- 1°. a term of imprisonment not exceeding twelve years or a fine of the fifth category, if such act is likely to generally endanger property;
- 2°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the life of another person or to cause a risk of grievous bodily harm to another person;
- 3°. life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category, if such act is likely to endanger the life of another person and the offence results in the death of a person.

Section 158

Any person who, through negligence, causes a fire, an explosion or a flood shall be liable to:

- 1°. a term of imprisonment not exceeding six months or a fine of the fourth category, if such act is likely to generally endanger property;
- 2°. a term of imprisonment not exceeding one year or a fine of the fourth category, if such act is likely to endanger the life of another person or to cause a risk of grievous bodily harm to another person;
- 3°. a term of imprisonment not exceeding two years or a fine of the fourth category, if the offence results in the death of a person.

Section 159

Any person who, in the event of or in anticipation of a fire, intentionally and unlawfully hides or renders unusable extinguishers or extinguishants, or in any way prevents or obstructs extinction of such fire, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 160

Any person who, in the event of or in anticipation of flooding, intentionally and unlawfully hides or renders unusable dike materials, or tools or equipment, frustrates any effort to repair dikes or other surface water and water defence infrastructure facilities, or obstructs the measures taken to prevent or halt flooding, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 161

Any person who intentionally destroys, renders unusable or damages any water defence, water disposal, gas or water pipeline or sewerage infrastructure facilities, shall be liable to:

- 1°. a term of imprisonment not exceeding six years or a fine of the fifth category, if such act is likely

- to cause a risk of flooding or generally endanger property;
- 2°. a term of imprisonment not exceeding nine years or a fine of the fifth category, if such act is likely to endanger the life of another person;
- 3°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the life of another person and the offence results in the death of a person.

Section 161bis

Any person who intentionally destroys, damages or renders unusable any electricity infrastructure facility, causes the defective functioning or operation of such facility, or frustrates a safety measure taken in respect of such facility, shall be liable to:

- 1°. a term of imprisonment not exceeding one year or a fine of the fifth category, if such act interferes with or disrupts the supply of electricity to the general public;
- 2°. a term of imprisonment not exceeding six years or a fine of the fifth category, if such act is likely to generally endanger property;
- 3°. a term of imprisonment not exceeding nine years or a fine of the fifth category, if such act is likely to endanger the life of another person;
- 4°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the life of another person and the offence results in the death of a person.

Section 161ter

Any person who, through negligence, causes any electricity infrastructure facility to be destroyed, damaged or rendered unusable, which results in the defective functioning or operation of such facility, or causes a safety measure taken in respect of such facility to be frustrated, shall be liable to:

- 1°. a term of imprisonment not exceeding six months or a fine of the fourth category, if such act interferes with or disrupts the supply of electricity to the general public or generally endangers property;
- 2°. a term of imprisonment not exceeding one year or a fine of the fourth category, if such act endangers the life of another person;
- 3°. a term of imprisonment not exceeding two years or a fine of the fourth category, if the offence results in the death of a person.

Section 161quater

Any person who intentionally exposes human beings, animals, plants or property to ionising radiation, or contaminates human beings, animals, plants, property, soil, water or air with radioactive materials, shall be liable to:

- 1°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger public health or endanger the life of another person;
- 2°. life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category, if such act is likely to endanger the life of another person and the offence results in the death of a person.

Section 161quinquies

Any person who, through negligence, causes human beings, animals, plants or property to be exposed to ionising radiation, or causes human beings, animals, plants, property, soil, water or air to be contaminated with radioactive materials, shall be liable to:

- 1°. a term of imprisonment not exceeding one year or a fine of the fourth category, if such act is likely to endanger public health or the life of another person;
- 2°. a term of imprisonment not exceeding two years or a fine of the fourth category, if such act is

likely to endanger the life of another person and the offence results in the death of a person.

Section 161sexies

1. Any person who intentionally destroys, damages or renders unusable any computerised device or system infrastructure facility or any telecommunication infrastructure facility, causes the defective functioning or operation of such facility, or frustrates a safety measure taken in respect of such facility, shall be liable to:
 - 1°. a term of imprisonment not exceeding one year or a fine of the fifth category, if such act unlawfully interferes with or disrupts the storage, processing or transfer of data for the use of the general public or causes the defective functioning of a public telecommunication network or the provision of a public telecommunication service;
 - 2°. a term of imprisonment not exceeding six years or a fine of the fifth category, if such act is likely to generally endanger property or the provision of services;
 - 3°. a term of imprisonment not exceeding nine years or a fine of the fifth category, if such act is likely to endanger the life of another person;
 - 4°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the life of another person and the offence results in the death of a person.
2. Any person who:
 - a. manufactures, sells, obtains, imports, distributes or otherwise makes available or has in his possession a technical device that has been primarily adapted or designed for the commission of such serious offence, or
 - b. sells, obtains, distributes or otherwise makes available or has in his possession a computer password, access code or similar data that can be used for accessing a computerised device or system or a part thereof;

with the intention of using it in the commission of a serious offence, as referred to in subsection (1), shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.

Section 161septies

Any person who, through negligence, causes any computerised device or system infrastructure facility or any telecommunication infrastructure facility to be destroyed, damaged or rendered unusable, which results in the defective functioning or operation of such facility, or causes a safety measure taken in respect of such facility to be frustrated, shall be liable to:

- 1°. a term of imprisonment not exceeding six months or a fine of the fourth category, if such act interferes with or disrupts the storage, processing or transfer of data for the use of the general public or causes the defective functioning of a public telecommunication network or the provision of a public telecommunication service or generally endangers property or the provision of services;
- 2°. a term of imprisonment not exceeding one year or a fine of the fourth category, if such act endangers the life of another person;
- 3°. a term of imprisonment not exceeding two years or a fine of the fourth category, if the offence results in the death of a person.

Section 162

Any person, who intentionally destroys, renders unusable or damages any public traffic infrastructure facility or any air traffic infrastructure facility, obstructs any public road or waterway or frustrates a safety measure taken in respect of such facility, road or way, shall be liable to:

- 1°. a term of imprisonment not exceeding nine years or a fine of the fifth category, if such act is

- likely to endanger traffic safety;
- 2°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger traffic safety and the offence results in the death of a person.

Section 162a

Any person, who intentionally, at an airport, destroys, renders unusable or damages any aircraft not in service or any facility, or who intentionally disrupts the services at an airport, shall be liable to:

- 1°. a term of imprisonment not exceeding nine years or a fine of the fifth category, if such act is likely to endanger air traffic safety;
- 2°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger traffic safety and the offence results in the death of a person.

Section 163

Any person who, through negligence, causes any public traffic infrastructure facility or any air traffic infrastructure facility to be destroyed, rendered unusable or damaged, or any public road or waterway to be obstructed or a safety measure taken in respect of such facility, road or way to be frustrated, shall be liable to:

- 1°. a term of imprisonment not exceeding six months or a fine of the fourth category, if such act renders the traffic unsafe;
- 2°. a term of imprisonment not exceeding two years or a fine of the fourth category, if the offence results in the death of a person.

Section 164

1. Any person who intentionally endangers mechanically propelled traffic on a railroad shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.
2. If the offence results in the death of a person, the offender shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 165

1. Any person who, through negligence, causes mechanically propelled traffic on a railroad to be endangered shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. If the offence results in the death of a person, the offender shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 166

Any person, who intentionally destroys, damages, removes or displaces a sign, signal or aid placed for the safety of shipping or of aviation, or frustrates its operation or places a false sign or signal, shall be liable to:

- 1°. a term of imprisonment not exceeding twelve years or a fine of the fifth category, if such act is likely to endanger the safety of shipping or of aviation;
- 2°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the safety of shipping or of aviation and the offence results in the sinking, running aground or wreckage of a vessel or aircraft;
- 3°. life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category, if such act is likely to endanger the safety of shipping or of aviation and the

offence results in the death of a person.

Section 167

Any person who, through negligence, causes a sign, signal or aid placed for the safety of shipping or of aviation to be destroyed, damaged, removed or displaced, or its operation to be frustrated, or causes a false sign or signal to be placed, shall be liable to:

- 1°. a term of imprisonment not exceeding six months or a fine of the fourth category, if such act renders shipping or aviation unsafe;
- 2°. a term of imprisonment not exceeding one year or a fine of the fourth category, if the offence results in the sinking, running aground or wrecking of a vessel or aircraft;
- 3°. a term of imprisonment not exceeding two years or a fine of the fourth category, if the offence results in the death of a person.

Section 168

Any person who intentionally and unlawfully causes any vessel, vehicle or aircraft to sink, run aground or be wrecked, be destroyed, rendered unusable or damaged, shall be liable to:

- 1°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the life of another person;
- 2°. life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category, if such act is likely to endanger the life of another person and the offence results in the death of a person.

Section 169

Any person who, through negligence, causes any vessel, vehicle or aircraft to sink, run aground or be wrecked, be destroyed, rendered unusable or damaged, shall be liable to:

- 1°. a term of imprisonment not exceeding one year or a fine of the fourth category, if such act endangers the life of another person;
- 2°. a term of imprisonment not exceeding two years or a fine of the fourth category, if the offence results in the death of a person.

Section 170

Any person who intentionally destroys or damages any building or structure, installation at sea or a public place, shall be liable to:

- 1°. a term of imprisonment not exceeding twelve years or a fine of the fifth category, if such act is likely to generally endanger property;
- 2°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the life of another person;
- 3°. life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category, if such act is likely to endanger the life of another person and the offence results in the death of a person.

Section 171

Any person who, through negligence, causes any building or structure, installation at sea or a public place to be destroyed or damaged shall be liable to:

- 1°. a term of imprisonment not exceeding six months or a fine of the fourth category, if such act generally endangers property;

- 2°. a term of imprisonment not exceeding one year or a fine of the fourth category, if such act endangers the life of another person;
- 3°. a term of imprisonment not exceeding two years or a fine of the fourth category, if the offence results in the death of a person.

Section 172

1. Any person who intentionally and unlawfully introduces any substance into a drinking water supply installation or a water supply pipe shared by or with others, or frustrates the production of drinking water in or the supply of drinking water from the public drinking water supply shall be liable to:
 - 1°. a term of imprisonment not exceeding twelve years or a fine of the fifth category, if such act is likely to endanger another person;
 - 2°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the life of another person or the offence results in the death of a person.
2. Any person who intentionally damages or renders unusable any public drinking water supply facility, causes the defective functioning or operation of such facility or frustrates a safety measure taken in respect of such system, shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category, if such act is likely to interfere with or disrupt the public drinking water supply.

Section 173

1. Any person who, through negligence, causes the unlawful introduction of a substance into a drinking water supply installation or a water supply pipe shared by or with others shall be liable:
 - 1°. to a term of imprisonment not exceeding one year or a fine of the fourth category, if such act is likely to endanger the life of another person;
 - 2°. to a term of imprisonment not exceeding two years or a fine of the fourth category, if such act is likely to endanger the life of another person and the offence results in the death of another person.
2. Any person who, through negligence, causes any public drinking water supply facility to be destroyed, damaged or rendered unusable, which results in the defective functioning or operation of such facility, or causes a safety measure taken in respect of such facility to be frustrated, shall be liable, if such act interferes with or disrupts the public drinking water supply, to a term of imprisonment not exceeding six months or a fine of the fourth category.

Section 173a

Any person who intentionally and unlawfully releases a substance onto or into the soil, into the air or into the surface water shall be liable to:

- 1°. a term of imprisonment not exceeding twelve years or a fine of the fifth category, if such act is likely to endanger public health or the life of another;
- 2°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category if such act is likely to endanger the life of another person and the offence results in the death of a person.

Section 173b

Any person who, through negligence, causes a substance to be unlawfully released onto or into the soil, into the air or into the surface water, shall be liable:

- 1°. to a term of imprisonment not exceeding one year or a fine of the fourth category, if such act is likely to endanger public health or the life of a person;

- 2°. to a term of imprisonment not exceeding two years or a fine of the fourth category, if such act is likely to endanger the life of another person and the offence results in the death of a person.

Section 174

1. Any person who sells, offers for sale, delivers or hands out goods, knowing that these goods are harmful to life or health, and fails to disclose their harmful nature, shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.
2. If the offence results in the death of a person, the offender shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 175

1. Any person who, through negligence, causes the sale, delivery or handing out of goods harmful to life or health, while the buyer or recipient of such goods is unaware of their harmful nature, shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. If the offence results in the death of a person, the offender shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 175a

Any person who, in the event of war, intentionally violates an order issued and notified as referred to in section 7 of the Civil Defence Act [*Wet Bescherming Bevolking*] (Bulletin of Acts and Decrees 1952, 404) or a regulation issued and notified under or pursuant to any of the Governmental Decrees, referred to in section 29 of the Civil Defence (Abolition) Act [*Intrekkingwet BB*] (Bulletin of Acts and Decrees 1986, 312), shall be liable to:

- 1°. a term of imprisonment not exceeding two years or a fine of the fifth category, if such act is likely to generally endanger property;
- 2°. a term of imprisonment not exceeding three years or a fine of the fifth category, if such act is likely to endanger the life of another person;
- 3°. a term of imprisonment not exceeding five years or a fine of the fifth category, if such act is likely to endanger the life of another person and the offence results in the death of a person.

Section 175b

Any person who, in the event of war, through negligence, causes the violation of an order issued and notified as referred to in section 7 of the Civil Defence Act or a regulation issued and notified under or pursuant to any of the Governmental Decrees, referred to in section 29 of the Civil Defence (Abolition) Act, shall be liable to:

- 1°. a term of imprisonment not exceeding six months or a fine of the fourth category, if such act generally endangers property;
- 2°. a term of imprisonment not exceeding one year or a fine of the fourth category, if such act endangers the life of another person;
- 3°. a term of imprisonment not exceeding two years or a fine of the fourth category, if the offence results in the death of a person.

Section 176

1. In the case of conviction for any of the serious offences defined in this Part, the offender may be disqualified from practising the profession in which he committed the serious offence.
2. In the case of conviction for any of the serious offences defined in sections 174 and 175, the court

may order publication of its judgment.

Section 176a

If a serious offence, punishable under section 157, 159, 160, 161, 161bis, 161quater, 161sexies, 162, 162a, 164, 166, 168, 170, 172, 173a or 174, is committed with terrorist intent, the determinate term of imprisonment prescribed in that section shall be increased by one half, and if the serious offence carries a determinate term of imprisonment not exceeding fifteen years, life imprisonment or a determinate term of imprisonment not exceeding thirty years shall be imposed.

Section 176b

1. Conspiracy to commit with terrorist intent the serious offences defined in sections 157, 161(2)^o and (3^o), 161bis(3^o) and (4^o), 161quater, 161 sexies(3^o) and (4^o), 162, 164, 166, 168, 170, 172, 173a and 174 shall be punishable by a term of imprisonment not exceeding ten years or a fine of the fifth category.
2. Section 96(2) shall apply mutatis mutandis.

Part VIII. Serious Offences against Public Authority

Section 177

1. Any person who:
 - 1^o. gives a gift or makes a promise to a civil servant or provides or offers him a service with a view to inducing him to act or to refrain from certain acts in the performance of his office, in violation of his duty;
 - 2^o. gives a gift or makes a promise to a civil servant or provides or offers him a service as a result or as a consequence of certain acts he has undertaken or has refrained from undertaking in the performance of his current or former office, in violation of his duty;

shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

2. Any person who commits an offence as defined in subsection (1)(1^o) against a person who has the prospect of an appointment as civil servant, shall be liable to the same punishment if the person concerned receives the appointment of civil servant.
3. If the offender commits any of the serious offences defined in this section in the practice of his profession, he may be disqualified from the practice of that profession.
4. Disqualification from the rights listed in section 28(1^o)(2^o) and (4^o) may be imposed.

Section 177a

1. Any person who:
 - 1^o. gives a gift or makes a promise to a civil servant or provides or offers him a service with a view to inducing him to act or to refrain from certain acts in the performance of his office, without violating his duty;
 - 2^o. gives a gift or makes a promise to a civil servant or provides or offers him a service as a result or as a consequence of certain acts he has undertaken or has refrained from undertaking in the performance of his current or former office, without violating his duty;

shall be liable to a term of imprisonment not exceeding two years or a fine of the fifth category.

2. Any person who commits an offence as defined in subsection (1)(1°) against a person who has the prospect of an appointment as civil servant, shall be liable to the same punishment if the person concerned receives the appointment of civil servant.
3. If the offender commits any of the serious offences defined in this section in the practice of his profession, he may be disqualified from the practice of that profession.
4. Disqualification from the rights listed in section 28(1°)(2°) and (4°) may be imposed.

Section 178

1. Any person who gives a gift or makes a promise to a judge or provides or offers him a service with a view to exercising influence on the decision in a case before his court, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.
2. If the gift is given or the promise is made or the service is provided or offered with a view to obtaining a conviction in a criminal case, the offender shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.
3. The offender may be disqualified from the practice of that profession if he commits any of the serious offences defined in this section in the practice of his profession.
4. Disqualification from the rights listed in section 28(1)(1°), (2°) and (4°) may be imposed.

Section 178a

1. For the purposes of sections 177 and 177a, persons in the public service of a foreign state or of an organisation under international law shall be considered as equivalent to civil servants.
2. For the purposes of sections 177(1)(2°) and 177a(1)(2°), former civil servants shall be considered as equivalent to civil servants.
3. For the purposes of section 178, the judge of a foreign state or an organisation under international law shall be considered as equivalent to a judge.

Section 179

Any person who by an act of violence or any other act or by threat of violence or threat of any other act compels a civil servant to perform an official act or to refrain from performing a lawful official act shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 180

Any person who by an act of violence or by threat of violence resists a civil servant in the lawful performance of his office or any persons who are assisting that civil servant to do so pursuant to a statutory obligation or at his request, shall be guilty of resistance and shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 181

The coercion and resistance defined in sections 179 and 180 shall be punishable by:

- 1°. a term of imprisonment not exceeding five years or a fine of the fourth category, if the serious offence or the accompanying acts result in any bodily harm;
- 2°. a term of imprisonment not exceeding seven years and six months or a fine of the fifth category, if they result in grievous bodily harm;

- 3°. a term of imprisonment not exceeding twelve years or a fine of the fifth category, if they result in death.

Section 182

1. If two or more persons jointly commit the coercion and resistance defined in sections 179 and 180, they shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
2. The offender shall be liable to:
 - 1°. a term of imprisonment not exceeding seven years and six months or a fine of the fifth category, if the serious offence committed by him or the accompanying acts committed by him result in any bodily harm;
 - 2°. a term of imprisonment not exceeding twelve years or a fine of the fifth category, if they result in grievous bodily harm;
 - 3°. a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if they result in death.

Section 183

For the purposes of sections 179 to 182 inclusive, the master of a vessel or the captain of an aircraft who exercises the authority conferred on him as such or performs an obligation imposed on him as such under a provision of the Code of Criminal Procedure shall also be considered as equivalent to a civil servant. "Master of a vessel" shall include the person in command on an installation designated in accordance with section 136a(2) of the Code of Criminal Procedure.

Section 184

1. Any person who intentionally fails to comply with an order issued or a formal request made under statutory regulation by a civil servant charged with any supervisory task or by a civil servant charged with the detection or investigation of criminal offences or who has been authorised to detect or investigate criminal offences, and any person who intentionally prevents, obstructs or frustrates any action undertaken by any of such civil servants to enforce a statutory requirement, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.
2. Any person who is permanently or temporarily charged with any public service under statutory regulation shall be considered as equivalent to the civil servant referred to in the first part of the preceding subsection.
3. A formal request or action of the master of a vessel or the captain of an aircraft who exercises an authority conferred on him as such, or who performs an obligation imposed on him as such under a provision of the Code of Criminal Procedure, shall be considered as equivalent to the formal request or action defined in subsection (1). "Master of a vessel" shall include the person in command on an installation designated in accordance with section 136a(2) of the Code of Criminal Procedure.
4. If at the time of commission of the serious offence two years have not yet expired since a previous conviction of the offender for a similar serious offence became final, the term of imprisonment may be increased by one third.

Section 184a

Any person who intentionally acts in violation of a criminal behaviour order issued under section 509hh(1b) of the Code of Criminal Procedure shall be liable to a term of imprisonment not exceeding

one year or a fine of the third category.

Section 185

Any person who, at a court session or the place where a civil servant is engaged in the lawful performance of his office in public, causes a commotion and does not leave after having been ordered to do so by or on behalf of the competent authorities, shall be liable to a term of imprisonment not exceeding two weeks or a fine of the second category.

Section 185a

For the purposes of sections 179 to 182 inclusive, 184 and 185, persons in the public service of a foreign state or of an organisation under international law who perform their office in the Netherlands in a manner permitted under international law shall be considered as equivalent to civil servants.

Section 186

Any person who intentionally fails to obey an order to immediately disperse from a tumultuous gathering given by or on behalf of the competent authorities for the third time shall be guilty of participation in an unlawful assembly and liable to a term of imprisonment not exceeding three months or a fine of the second category.

Section 187

Any person who unlawfully tears down, renders illegible, or defaces a notice publicly posted by or on behalf of the competent authorities, with a view to preventing or interfering with its communication, shall be liable to a term of imprisonment not exceeding one month or a fine of the second category.

Section 188

Any person who reports or files a complaint of a criminal offence, knowing that such offence has not been committed, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 189

1. Any person who:

- 1°. intentionally harbours a person who has committed any serious offence or is suspected of any serious offence, or who intentionally assists such person in evading detection or arrest by judicial officers or police officers;
- 2°. after the commission of any serious offence, with a view to concealing such offence or preventing or interfering with its investigation or prosecution, destroys, disposes of or conceals objects in regard of which or by means of which the serious offence has been committed or other traces of the serious offence or withholds such objects or traces from the judicial officers or police officers in their investigation;
- 3°. intentionally, with a view to preventing, obstructing or frustrating their seizure, conceals, destroys or disposes of objects which can serve to bring to light the truth or to prove unlawfully obtained gains as defined in section 36e, or withholds such objects from the judicial officers or police officers in their investigation, or, by intentionally making available data or information to third parties, prevents, obstructs or frustrates such seizure;

shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

2. If the serious offence, referred to in subsection (1), is a terrorist offence, a term of imprisonment not exceeding four years or a fine of the fifth category may be imposed.

3. These provisions shall not apply to a person who acts as defined in these provisions in order to evade or avert the risk of prosecution of any of his relatives by consanguinity or affinity in the direct line or in the second or third degree of the collateral line, or of his spouse or former spouse.
4. Persons in the public service of an international court charged with the investigation or prosecution of any serious offence, which court derives its jurisdiction from a treaty to which the Kingdom is a contracting party, shall be considered as equivalent to judicial officers or police officers.

Section 190

Any person who intentionally obstructs, interferes with or frustrates a forensic autopsy shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

Section 191

Any person who intentionally frees a person who has been deprived of his liberty by order of the authorities or pursuant to a judgment or to a decision given in chambers, or assists such person in escaping, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 192

1. Any person who has been legally summoned to appear as a witness, an expert witness or an interpreter, and who intentionally fails to perform any statutory obligation which he has to discharge in such capacity, shall be liable to:
 - 1°. a term of imprisonment not exceeding six months or a fine of the third category in criminal cases;
 - 2°. a term of imprisonment not exceeding four months or a fine of the second category in all other cases.
2. Any person who, after having concluded an agreement with the public prosecutor under section 226h(3) or section 226k(1) of the Code of Criminal Procedure, is legally summoned to appear as a witness, and intentionally fails to perform any obligation which he has to discharge in such capacity, shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.
3. The provisions of the preceding subsection of this section shall not apply to a party in civil proceedings who, when examined as a witness, refuses to answer the questions put to him.

Section 192a

Any person who intentionally fails to respond to a formal request from a parliamentary committee of inquiry to have access to or to copy documents or to inspect them in another manner shall be liable to a term of imprisonment not exceeding four months or a fine of the second category.

Section 192b

Any person who intentionally fails to respond to a formal request from a parliamentary committee of inquiry to provide written information shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.

Section 192c

Any person, who intentionally prevents, impedes or obstructs a parliamentary committee of inquiry or persons appointed by it from entering a place, shall be liable to a term of imprisonment not exceeding

three months or a fine of the second category.

Section 192d

The serious offences referred to in sections 192 to 192c inclusive shall not be prosecuted if they have been committed by a member of the States General, a minister or a state secretary.

Section 193

Any person who intentionally fails to comply with any statutory order to submit a document which is allegedly forged or falsified, or which is to serve as comparison to another document that is allegedly forged or falsified, or whose authenticity is denied or is not acknowledged shall be liable to:

- 1°. a term of imprisonment not exceeding six months or a fine of the third category;
- 2°. a term of imprisonment not exceeding four months or a fine of the second category in all other cases.

Section 194

1. Any person who has been declared bankrupt or is married in community of property to a bankrupt, or is a managing director or a supervisory director of a legal person who, after having been legally summoned to provide information, either intentionally fails to appear without a valid reason, or refuses to provide the required information, or intentionally provides false information, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
2. In regard of the offence referred to in subsection (1), any person to whom or to whose spouse, with whom he is married in community of property, the debt rescheduling arrangement for natural persons applies, shall be liable to the same punishment.
3. If the offender commits any of the criminal offences defined in subsection (1) in the practice of his profession, he may be disqualified from practising that profession.

Section 195

Any person who exercises a right, knowing that he has been disqualified from exercising that right by a judgment, shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

Section 196

Any person who intentionally wears insignia or decorations or performs an act pertaining to an office that he does not hold, or from which he has been suspended, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.

Section 197

A foreign national who resides in the Netherlands, while he knows or has serious reason to suspect that a decision declaring him an undesirable foreign national has been issued pursuant to a statutory regulation or that an entry ban has been imposed on him under application of section 66a(7) of the Foreign Nationals Act 2000 [*Vreemdelingenwet 2000*], shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

Section 197a

1. Any person who provides assistance to another person to obtain entry to the Netherlands or to transit the Netherlands, another member state of the European Union, Iceland, Norway or any

state which has acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air concluded in New York on 15 November 2000 supplementing the Convention against Transnational Organised Crime concluded in New York on 15 November 2000, or provides that person with opportunity, means or information enabling him to do so, while he knows or has serious reason to suspect that such entry or transit is unlawful, shall be guilty of the smuggling of human beings and shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

2. Any person who in pursuit of gain provides assistance to another person to acquire residence in the Netherlands or another member state of the European Union, Iceland, Norway or any state which has acceded to the Protocol referred to in subsection (1), or provides that person with opportunity, means or information enabling him to do so, while he knows or has serious reason to suspect that said residence is unlawful, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.
3. If any of the offences defined in subsections (1) and (2) is committed in the performance of any office or practice of any profession, a term of imprisonment not exceeding six years or a fine of the fifth category shall be imposed and the court may order disqualification of the person concerned from holding that office or practising that profession and publication of its judgment.
4. If any of the offences defined in subsections (1) and (2) is committed by a person who makes a profession or habit of it or by several persons in concert, a term of imprisonment not exceeding eight years or a fine of the fifth category shall be imposed.
5. If any of the offences defined in subsections (1) and (2) results in grievous bodily harm or is likely to endanger the life of another person, a term of imprisonment not exceeding twelve years or a fine of the fifth category shall be imposed.
6. If any of the offences defined in subsections (1) and (2) results in death, a term of imprisonment not exceeding fifteen years or a fine of the fifth category shall be imposed.
7. In the application of this section, the Netherlands shall also be understood to mean the public bodies Bonaire, St. Eustatius and Saba.

Section 197b

Any person who employs or appoints another person, who has gained unlawful entry to or unlawful residence in the Netherlands, to perform work, while he knows or has serious reason to suspect that the entry or that residence is unlawful, shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.

Section 197c

Any person who makes a profession or habit of the offence defined in section 197b shall be liable to a term of imprisonment not exceeding three years or a fine of the fifth category.

Section 197d

If the offender commits the offences defined in sections 197b or 197c in the performance of any office or the practice of any profession, the court may also disqualify the offender from holding office or practising the profession and order publication of its judgment.

Section 198

1. Any person who intentionally withholds any property from a seizure imposed pursuant to the law or from the custody of the courts, or who, knowing that it has been so withheld, intentionally

conceals such property, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

2. Any person who intentionally destroys, damages or renders unusable property seized pursuant to the law shall be liable to the same punishment.
3. The custodian who intentionally commits any of these offences or allows any of these offences to be committed, or assists the offender as an accomplice, shall be liable to the same punishment.

Section 199

1. Any person who intentionally breaks, removes or damages seals by which objects are sealed by or on behalf of the competent authorities, or in any other way invalidates the closure effected by such seal, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
2. The custodian who intentionally commits the offence or allows the offence to be committed, or assists the offender as an accomplice, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
3. If the offence has been committed as a consequence of the custodian's carelessness, he shall be liable to a term of detention not exceeding one month or a fine of the second category.

Section 200

1. Any person who intentionally destroys, damages, renders unusable or disposes of objects intended to serve the competent authorities as evidence or proof, instruments, documents or registers permanently or temporarily held for safekeeping by order of the authorities, or which have been handed over either to a civil servant or any other person in the interest of public service, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
2. Competent authorities shall also be understood to mean: an international court which derives its jurisdiction from a convention to which the Kingdom is a contracting party.

Section 201

Any person, who intentionally prevents from reaching their destination, opens, or damages letters or other matter delivered to a post or telegraph office or put into a mailbox shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 202

If the offender committing any of the offences defined in sections 198-201 gains access to the scene of the serious offence or obtains the property by means of forcible entry, breaking into or climbing in, by means of false keys, a false order or a false uniform, the punishment may be increased by a term of imprisonment not exceeding one year.

Section 203

Any person who, in peacetime, intentionally encourages the desertion of a soldier in the service of the Kingdom by any of the means listed in section 47(1) (2°), or promotes such desertion in any way listed in section 48, shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

Section 204

Any person who, in peacetime, intentionally solicits a riot or a mutiny of soldiers in the service of the Kingdom by any of the means listed in section 47(1)(2°), or promotes such in any way listed in section 48, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.

Section 205

1. Any person who, without leave of the King, recruits another person for foreign military service or armed combat shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.
2. If the offender commits any of the criminal offences defined in subsection (1) in the practice of his profession, he may be disqualified from the practice of that profession.
3. If the armed combat for which persons are recruited involves the commission of a terrorist offence, the term of imprisonment prescribed for the offence defined in subsection (1) shall be increased by one third.

Section 206

1. Any person who:
 - 1°. intentionally renders himself unfit or has himself rendered unfit for military service or for any civil defence;
 - 2°. at another person's request, intentionally renders that person unfit for such service or activity.shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category
2. If in the case referred to in the last subsection the offence results in death, a term of imprisonment not exceeding six years or a fine of the fourth category shall be imposed.

Part IX. Perjury

Section 207

1. Any person who, in cases where a statement under oath is required pursuant to a statutory regulation or legal consequences are attached to such statement pursuant to a statutory regulation, intentionally makes a false statement under oath, either verbally or in writing, either in person or through a person specially authorised for that purpose, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
2. If the false statement is made to the detriment of the defendant or the suspect in a criminal case, the offender shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.
3. A promise or an affirmation authorised by law as a substitute for an oath shall be considered as equivalent to an oath.
4. Disqualification from the rights listed in section 28(1)(1°), (2°) and (4°) may be imposed.

Section 207a

1. Any person who, in cases where a statement under oath or an affirmation or a promise as a substitute for such oath is required by or pursuant to a treaty to which the Kingdom is a contracting party, intentionally makes a false statement in such form before an international court, either verbally or in writing, either in person or through a person specially authorised for that purpose, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.

2. Subsections 2 and 4 of Section 207 shall apply.

Section 207b

1. Any person who, in cases where a statement under oath or an affirmation or a promise as a substitute for such oath is required by or pursuant to a treaty, makes a false statement in person in the Netherlands by way of video conferencing before a judicial authority of another state, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
2. Section 207(2) and (4) shall apply.
3. Criminal prosecution shall take place only on complaint of the judicial authority before which the false statement was made. Section 66 shall not apply to the complaint referred to in this subsection.

Part X. Counterfeiting and Falsification of Coins, Government-Issued Coin Vouchers and Banknotes

Section 208

Any person who makes a counterfeit of or falsifies any coins, government-issued coin vouchers or banknotes, with a view to uttering these coins, vouchers or notes or having the same uttered as genuine and unfalsified, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 209

Any person who intentionally utters as genuine and unfalsified any coins, government-issued coin vouchers or banknotes which he has counterfeited or falsified or which he knew were counterfeit or falsified when he received them, or who intentionally receives, obtains, has in store, transports, imports, conveys in transit or exports these coins, vouchers or notes with a view to uttering the same or having the same uttered as genuine and unfalsified, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 210

Any person who intentionally and unlawfully puts coins, government-issued coin vouchers or banknotes designated for circulation as legal tender into circulation, or who intentionally and unlawfully receives, obtains, has in store, transports, imports, conveys in transit or exports these coins, vouchers or notes with a view to putting the same into circulation, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

Section 211 [Repealed as of 23-05-2001]

Section 212 [Repealed as of 02-05-1932]

Section 213

Without prejudice to the provisions of section 209, any person who intentionally utters counterfeit or falsified coins or counterfeit or falsified government-issued coin vouchers or banknotes shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 214

Any person, who produces, receives, obtains or possesses materials, objects or data designated for counterfeiting or falsifying coins, government-issued coin vouchers or banknotes shall be liable to a

term of imprisonment not exceeding four years or a fine of the fourth category.

Section 214bis

In the case of conviction for any of the serious offences defined in this Part:

- 1°. the counterfeit or falsified coins;
- 2°. the counterfeit or falsified government-issued coin vouchers or banknotes;
- 3°. the materials, objects or data that by their nature are intended for counterfeiting or falsifying coins, government-issued coin vouchers or banknotes;

shall be declared confiscated, insofar as they were used in the commission of the serious offence or have been the subject of the serious offence.

Section 215

In the case of conviction for any of the serious offences defined in sections 208 to 210 inclusive, disqualification from the rights listed in section 28(1)(1°), (2°) and (4°) may be imposed.

Part XI. Counterfeiting and Falsifying of Stamps, Seals and Marks

Section 216

1. Any person who:

- 1°. counterfeits or falsifies government-issued stamps or seals, with the intention that he or others shall use them as genuine and unfalsified;
- 2°. with like intention, produces such stamps or seals by unlawfully using genuine dies or stamps;

shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

2. Subsection (1) shall apply mutatis mutandis to stamps or seals issued by a provider of the universal postal service as referred to in the Postal Services Act 2009 [*Postwet 2009*] and bearing the name “the Netherlands” as well as to stamps or seals that are issued, pursuant to article 3.01(2) of the Implementing Regulation to the Convention on the Collection, Deposit and Reception of Waste produced during Navigation on the Rhine and Inland Waterways concluded in Strasbourg on 9 September 1996 (Treaty Series 1996, 293), by the International Organ for Equalisation and Coordination, referred to in article 10 of that convention.

Section 217:

Any person who

- 1°. applies false government marks or hallmark required by law to platinum, gold or silver articles or falsifies genuine government marks or hallmark required by law, with the intention that he or others shall use these articles as if the marks struck on them were genuine and unfalsified;
- 2°. with like intention, applies marks to such articles by unlawfully using genuine dies or stamps;
- 3°. sets, affixes or transfers genuine government marks or hallmarks required by law in, on or to articles of platinum, gold or silver other than the articles on which these marks were originally struck, with the intention that he or others shall use these articles as if these marks were originally placed on them;

shall be liable to a term of imprisonment not exceeding five years or a fine of the fifth category.

Section 218

Any person who:

- 1°. applies false metrological marks to objects that are subject to assessment of conformity with the requirements for measuring instruments or falsifies genuine metrological marks, with the intention that he or others shall use these objects as if the marks placed on them were genuine and unfalsified;
- 2°. with like intention, applies marks to these objects by unlawfully using genuine dies or stamps;

shall be liable to a term of imprisonment not exceeding three years or a fine of the fifth category.

Section 219

Any person who:

- 1°. falsely applies marks, other than the marks referred to in sections 217 and 218, which must or may be placed on goods or their packaging or containers pursuant to a statutory regulation, to such goods or their packaging or containers or falsifies such genuine marks, with the intention that he or others shall use these goods as if the marks placed on them were genuine and unfalsified;
- 2°. with like intention, applies marks to these goods or their packaging or containers by unlawfully using genuine dies or stamps;
- 3°. uses genuine marks for goods or their packaging or containers for which these marks are not intended, with the intention that he or others shall use these goods as if these marks were intended for them;

shall be liable to a term of imprisonment not exceeding two years or a fine of the fifth category.

Section 220

Any person who intentionally uses, sells, offers for sale, delivers, has in store for the purpose of sale or imports into the Kingdom in Europe false, falsified or unlawfully produced stamps, seals or marks or the objects to which they have been unlawfully attached, as if these stamps, seals or marks were genuine and unfalsified and not unlawfully produced or unlawfully attached to the objects, shall be liable to the same punishments prescribed in sections 216-219, according to the distinctions made in these sections.

Section 221

1. Any person who removes a rejection mark placed on objects that are subject to assessment of conformity with the requirements for measuring instruments, with the intention that he or others shall use these objects as if they had not been rejected, shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. Any person who intentionally uses, sells, offers for sale, delivers or has in store for the purpose of sale such objects from which the rejection mark has been removed as if they had not been rejected shall be liable to the same punishment.

Section 222

1. Any person who removes from stamps or seals referred to in section 216 that have been used on a previous occasion, the marks intended to render them unsuitable for further use, with the intention that he or others shall use such stamps or seals as if they had not been used on a previous occasion, shall be liable to a term of imprisonment not exceeding three years or a fine of the fifth category.
2. Any person who intentionally uses, sells, offers for sale, delivers, has in store for the purpose of

sale or imports into the Kingdom in Europe such stamps or seals from which such mark has been removed, as if they had not been used on a previous occasion, shall be liable to the same punishments.

Section 222bis

The provisions of sections 216, 219, 220 and 222 shall also apply according to the distinctions made in these sections, if the offences defined in these sections are committed in relation to stamps, seals or marks of Aruba, Curaçao, St. Maarten, a foreign power or an organisation under international law.

Section 223

Any person who has in his possession materials or objects, which he knows are intended to be used in the commission of any of the offences defined in section 216 or in section 222*bis* in conjunction with section 216, shall be liable to a term of imprisonment not exceeding six months or a fine of the fourth category.

Section 224

In the case of conviction for any of the offences defined in sections 216-222*bis*, disqualification from the rights listed in section 28(1)(1°), (2°) and (4°) may be imposed.

Part XII. Forgery of Documents, Provision of False Information and Violation of the Obligation to provide Information

Section 225

1. Any person who makes a false document or falsifies a document that is intended to be used as evidence of any fact, with the intention that he or others shall use it as if it were genuine and unfalsified, shall be guilty of forgery and shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.
2. Any person who intentionally uses such a false or falsified document as if it were genuine and unfalsified or intentionally delivers or possesses such a document, while he knows or has reasonable cause to suspect that this document is destined for such use, shall be liable to the same punishment.
3. If an offence, as defined in subsection (1) or (2), is committed with the intention of preparing or facilitating a terrorist offence, the term of imprisonment prescribed for the offence shall be increased by one third.

Section 226

1. Any person who is guilty of forgery shall be liable to a term of imprisonment not exceeding seven years or a fine of the fifth category, if the offence is committed in regard of:
 - 1°. authentic instruments;
 - 2°. debt instruments or certificates of indebtedness of any state, province, municipality or public institution;
 - 3°. shares or debt instruments or depositary receipts issued for shares or certificates of indebtedness of any association, foundation or company;
 - 4°. talons, dividend coupons or interest coupons to any of the documents defined in subsections (2) and (3), or the documentary evidence issued in place of these documents;
 - 5°. credit paper or commercial paper.
2. Any person who intentionally makes use of any false or falsified document defined in subsection

(1) as if it were genuine and unfalsified, or intentionally delivers, possesses, receives, obtains, transports, sells or transfers such a document, while he knows or has reasonable cause to suspect that this document is destined for such use, shall be liable to the same punishment.

Section 227

1. Any person who has a false statement in regard of a fact recorded in an authentic instrument which serves to verify the truthfulness of this fact, with the intention that he or others shall use the instrument as if his statement were true, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.
2. Any person who intentionally make use of the instrument as if its contents were a truthful representation or intentionally delivers or possesses the instrument, while he knows or has reasonable cause to suspect that this document is destined for such use, shall be liable to the same punishment.

Section 227a

Any person who, other than through forgery, intentionally provides untrue information to the person who grants any benefit payment or allowance or through whose agency the same is granted, shall, if this can serve to benefit himself or another while he knows or has reasonable cause to suspect that the information provided is relevant for determining his or another's right to that benefit payment or allowance or for the amount or the duration of such benefit payment or allowance, be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

Section 227b

Any person who, in violation of an obligation imposed on him by or pursuant to a statutory regulation, intentionally omits to provide the necessary information on time, shall, if this can serve to benefit himself or another, while he knows or has reasonable cause to suspect that the information provided is relevant for determining his or another's right to that benefit payment or allowance or for the amount or the duration of such benefit payment or allowance, be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

Section 228

1. A medical doctor or a midwife who intentionally issues a false certificate of a birth or of the cause of death or of the existence or non-existence, at that time or in the past, of diseases, infirmities or disabilities, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
2. If the certificate is issued with the intention of having a person committed to a psychiatric hospital or of holding him there, a term of imprisonment not exceeding seven years and six months or a fine of the fifth category shall be imposed.
3. Any person who intentionally makes use of the false certificate as if its contents were a truthful representation shall be liable to the same punishments.

Section 229

1. Any person who makes a false medical certificate of the cause of death or of the existence or non-existence, at that time or in the past, of diseases, infirmities or disabilities or falsifies such medical certificate, with the intention of misleading the authorities or an insurer, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
2. Any person who, with like intention, makes use of the false or falsified medical certificate as if it

were genuine and unfalsified shall be liable to the same punishment.

Section 230

1. Any person who makes a false certificate of good conduct, competence, poverty, disabilities or other circumstances or falsifies such certificate, with the intention that he or others shall use it in order to obtain employment or to evoke goodwill and assistance, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
2. Any person who intentionally makes use of any of the false or falsified certificates listed in subsection (1) as if it were genuine and unfalsified shall be liable to the same punishment.

Section 231

1. Any person who makes a false copy of or falsifies a travel document, or has such document issued on the basis of false information or places a travel document issued to him or another at the disposal of a third party, with the intention that this third party shall use it as if it were issued to him, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.
2. Any person who has in his possession a travel document which he knows or has reasonable cause to suspect is false or falsified or intentionally uses a travel document that is not in his name, shall be liable to the same punishment.

Section 232

1. Any person who intentionally makes a false cash card, a stored value card, any other card available to the public or an identity data carrier available to the public that is intended for making or obtaining automated payments or other services, or falsifies such card or carrier, with the intention of benefiting himself or another, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.
2. Any person who intentionally uses the false or falsified pass or card as if it were genuine and unfalsified or intentionally delivers, possesses, receives, obtains, transports, sells or transfers such pass or card, while he knows or has reasonable cause to suspect that the pass or card is destined for such use, shall be liable to the same punishment.

Section 233 [Repealed as of 28-07-1925]

Section 234

Any person who produces, receives, sells, transfers or possesses materials, objects or data which he knows are intended for the commission of any of the serious offences defined in section 226(1) (2°)-(5°), Section 231(1) and Section 232(1) shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 235

1. In the case of conviction for any of the serious offences defined in this Part, the offender may be disqualified from the practice of the profession in which he committed the serious offence.
2. In the case of conviction for any of the serious offences defined in sections 225-229, disqualification from the rights listed in section 28(1)(1°), (2°) and (4°) may be imposed.

Part XIII. Serious Offences against Civil Status

Section 236

1. Any person who, by any act, intentionally renders the facts of another person's ancestry uncertain shall be guilty of concealment of status and shall be liable to a term of imprisonment not exceeding five years or a fine of the fourth category.
2. Disqualification from the rights listed in section 28(1)(1°),(2°) and (4°) may be imposed.
3. Prosecution shall not take place until an application to claim or to contest the status has been filed and the civil court has rendered a final judgment. However, if there is insufficient progress in the civil action by reason of the non-activity of the parties, prosecution may also take place after the civil court has established that there is prima facie evidence.

Section 237

1. Any person who:

- 1°. intentionally enters into a bigamous marriage;
- 2°. enters into a marriage, knowing that the other party is thereby entering into a bigamous marriage;

shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

2. If the person who intentionally enters into a bigamous marriage has concealed his marital status from the other party, he shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
3. Disqualification from the rights listed in section 28(1)(1°),(2°) and (4°) may be imposed.

Section 238

An unmarried person, who enters into a marriage and intentionally conceals the existence of a legal impediment to the marriage from the other party, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category, if the marriage has been declared null and void by reason of that impediment.

Part XIV. Serious Offences against Public Morals

Section 239

A term of imprisonment not exceeding three months or a fine of the second category shall be imposed for indecency:

- 1°. in or at a place intended or designed to be frequented or resorted to by the general public;
- 2°. in a public place, other than the public place referred to in 1°, to which persons under the age of sixteen years have access;
- 3°. in a non-public place, if another person present there is exposed to it against his will.

Section 240

Any person who knows or has serious reason to suspect that an image or object is offensive to decency and who:

- 1°. publicly displays or offers that image or object in or at a place intended or designed to be frequented or resorted to by the general public;
- 2°. sends that image or object to a person, other than at the request of that person;

shall be liable to a term of imprisonment not exceeding two months or a fine of the third category.

Section 240a

Any person who supplies, offers or shows to a minor he knows or has serious cause to suspect is under the age of sixteen years, an image, an object or a data carrier that contains an image, which if displayed could be harmful to persons under the age of sixteen years, shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.

Section 240b

1. Any person who distributes, offers, publicly displays, produces, imports, conveys in transit, exports, obtains, possesses or accesses by means of a computerised device or system or by use of a communication service an image - or a data carrier that contains an image - of a sexual act involving or seemingly involving a person who is manifestly under the age of eighteen years, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.
2. Any person who makes a profession or habit of committing any of the serious offences defined in subsection (1), shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

Section 240bis [Repealed as of 21-05-1986]

Section 240ter [Repealed as of 21-05-1986]

Section 241 [Repealed as of 01-10-1971]

Section 242

Any person who by an act of violence or any other act or by threat of violence or threat of any other act compels a person to submit to acts comprising or including sexual penetration of the body shall be guilty of rape and shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

Section 243

Any person who engages in acts comprising or including sexual penetration of the body with a person whom he knows to be unconscious, to have diminished consciousness or to be physically unable to resist, or to be suffering from such a degree of mental disease or defect that such person is incapable or not sufficiently capable of exercising or expressing his will in the matter or of offering resistance, shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

Section 244

Any person who engages in acts comprising or including sexual penetration of the body with a person who is under the age of twelve years, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

Section 245

Any person who, out of wedlock, engages in lewd acts comprising or including sexual penetration of the body with a person who has reached the age of twelve years but not yet sixteen years, shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

Section 246

Any person who by an act of violence or any other act or by threat of violence or threat of any other

act, compels another person to engage in or to tolerate lewd acts, shall be guilty of indecent assault and shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

Section 247

Any person who engages in lewd acts with a person whom he knows to be unconscious, to have diminished consciousness or to be physically unable to resist, or to be suffering from such a degree of mental disease or defect that such person is incapable or not sufficiently capable of exercising or expressing his will in the matter or of offering resistance, or who engages in lewd acts, out of wedlock, with a person under the age of sixteen years, or who entices the latter into engaging in or tolerating such acts, out of wedlock, with a third party, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.

Section 248

1. The terms of imprisonment prescribed in sections 240b, 242 to 247 inclusive, 248a to 248e inclusive, 249 and 250 may be increased by one third if the offence is committed by two or more persons in concert.
2. The terms of imprisonment prescribed in sections 240b, 242 to 247 inclusive and 248a to 248e inclusive may be increased by one third, if the offender commits the offence against his child, a child over whom he exercises parental authority, a child whom he cares for or is raising as part of his family, his ward, a minor with whose care, education or supervision he is entrusted or his employee or subordinate who is a minor.
3. If any of the serious offences defined in sections 240b, 243, 245 to 247 inclusive, 248a, 248b and 249 results in grievous bodily harm or is likely to endanger the life of another person, a term of imprisonment not exceeding fifteen years or a fine of the fifth category shall be imposed.
4. If any of the serious offences defined in sections 240b, 242, 243 to 247 inclusive, 248a, 248b and 249 result in death, a term of imprisonment not exceeding eighteen years or a fine of the fifth category shall be imposed.

Section 248a

Any person who, by means of gifts or promises of money or goods, by abuse of the authority arising from de facto relationships or by deception, intentionally induces a person, whom he knows or has reasonable cause to suspect is under the age of eighteen years, to engage in lewd acts or to tolerate such acts performed by him, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 248b

Any person who sexually abuses a person who makes himself available for the performance of sexual acts with a third party for remuneration and who has reached the age of sixteen years but is under the age of eighteen years, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 248c

Any person who is intentionally present at the performance of lewd acts by a person whom he knows or has reasonable cause to suspect has not yet reached the age of eighteen years or who is intentionally present at the display of images of such acts in an establishment designated for that purpose, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 248d

Any person who, with lascivious intentions, induces another person, whom he knows or has reasonable cause to suspect has not yet reached the age of sixteen years, to witness sexual acts, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 248e

Any person who, by means of a computerised device or system or by making use of a communication service, arranges to meet a person whom he knows, or has reasonable cause to suspect has not yet reached the age of sixteen years, with the intention of engaging in lewd acts with this person or of creating an image of a sexual act in which this person is involved, shall, if he undertakes any action intended to bring about that meeting, be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 248bis [Repealed as of 12-05-1971]

Section 248ter [Repealed as of 01-10-2000]

Section 249

1. Any person who sexually abuses his minor child, step-child or foster child, his ward, a minor with whose care, education or supervision he is entrusted, or his employee or subordinate who is a minor, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
2. The following persons shall be liable to the same punishment:
 - 1°. the civil servant who sexually abuses a person subject to his authority or entrusted to or placed under his supervision;
 - 2°. the director, doctor, teacher, official, supervisor or staff member of a prison, state institution for the care and protection of children, orphanage, hospital, or charitable institution, who sexually abuses a person admitted to such institution;
 - 3°. the person employed in the health care or social care sector who sexually abuses a person who has entrusted himself, as a patient or client, to his assistance or care.

Section 250

1. Any person who:
 - 1°. intentionally arranges or encourages the sexual abuse of his minor child, step-child or foster child, his ward, a minor with whose care, education or supervision he is entrusted or his employee or subordinate who is a minor by a third party, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.
 - 2°. intentionally arranges or encourages, other than in the cases referred to in 1°, the sexual abuse of a minor, whom he knows or has reasonable cause to suspect is a minor, by a third party, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
2. If the offender makes a habit of committing the serious offence, the terms of imprisonment may be increased by one third.

Section 250a [Repealed as of 01-01-2005]

Section 250bis [Repealed as of 01-10-2000]

Section 250ter [Repealed as of 01-10-2000]

Section 251

1. In the case of conviction for any of the serious offences defined in sections 240b to 247 inclusive and 248a to 250 inclusive, disqualification from the rights listed in section 28(1)(1°)(2°) and (4°) may be imposed.
2. If the offender commits any of the serious offences defined in sections 240b to 247 inclusive and 248a to 250 inclusive in the practice of his profession, he may be disqualified from the practice of that profession.

Section 251bis [Repealed as of 01-11-1984]

Section 252

1. Any person who:
 - 1°. sells or administers intoxicating drink to a person who is clearly under the influence of drink;
 - 2°. causes a child under the age of sixteen years to become intoxicated;
 - 3°. compels a person by an act of violence or by threat of violence to consume intoxicating drink;shall be liable to a term of imprisonment not exceeding nine months or a fine of the third category.
2. If the offence results in grievous bodily harm, the offender shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
3. If the offence results in death, he shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.
4. If the offender commits the serious offence in the practice of his profession, he may be disqualified from the practice of that profession.

Section 253

Any person who gives up a child under the age of twelve over whom he exercises legal authority to another person or leaves this child in the care or custody of another person, knowing that the child will be used in or with the intention of begging, hazardous artistic performances or work that is hazardous or harmful to health, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.

Section 254

Any person who engages in lewd acts with an animal shall be liable to a term of imprisonment not exceeding one year and six months or a fine of the fourth category.

Section 254a

1. Any person who distributes, offers, publicly displays, produces, imports, conveys in transit, exports, obtains or possesses an image - or a data carrier that contains an image - of a lewd act involving or seemingly involving a human and an animal, shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.
2. Any person who makes a profession or habit of committing any of the serious offences defined in subsection (1), shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.

Section 254bis [Repealed as of 31-12-1964]

Part XV. Abandonment of Dependent Persons

Section 255

Any person who intentionally puts or leaves in a helpless condition a person for whose maintenance, care or nursing he is responsible pursuant to the law or agreement shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 256

Any person who leaves a child under the age of seven as a foundling, or abandons it with the intention of deserting it, shall be liable to a term of imprisonment not exceeding four years and six months or a fine of the fourth category.

Section 257

1. If any of the serious offences defined in sections 255 and 256 results in grievous bodily harm, the offender shall be liable to a term of imprisonment not exceeding seven years and six months or a fine of the fifth category.
2. If any of these serious offences result in death, the offender shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 258

If the offender of the serious offence defined in section 256 is the father or the mother, the terms of imprisonment prescribed in sections 256 and 257 may, in his or her case, be increased by one third.

Section 259

If the mother, under the influence of fear of the discovery of her having given birth to a child, leaves the child as a foundling, or with the intention of deserting it, abandons it shortly after the birth, the maximum terms of imprisonment referred to in sections 256 and 257 shall be reduced by one half and the fine referred to in section 257 shall be reduced to the fourth category.

Section 260

In the case of conviction for any of the serious offences defined in sections 255-259, disqualification from the rights listed in section 28(1)(4°) may be imposed.

Part XVI. Defamation

Section 261

1. Any person who, by alleging a particular fact, intentionally injures the honour or reputation of another person, with the evident intention of giving publicity to the allegation, shall be guilty of slander and shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.
2. If such is done by means of written material, or images, which are either distributed, publicly displayed or posted, or by means of written material the contents of which are publicly uttered, the offender shall be guilty of libel and shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

3. Neither slander nor libel shall exist if the offender's act was necessary in defence of his own or another person's interests or if he could have believed in good faith that the allegation was true and was required in the public interest.

Section 262

1. Any person who commits the serious offence of slander or of libel, knowing that the allegation is untrue, shall be guilty of aggravated defamation and shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
2. Disqualification from the rights listed in section 28(1)(1°) and (2°) may be imposed.

Section 263 [Repealed as of 26-04-1978]

Section 264 [Repealed as of 26-04-1978]

Section 265

1. If the person defamed is found guilty in a final judgment of the allegation imputed to him, a conviction for aggravated defamation shall be precluded.
2. If the person defamed has been acquitted of the allegation in a final judgment, that judgment shall be deemed to be full proof of the untruth of the allegation.
3. If criminal proceedings have been instituted against the person defamed in regard of the allegation, prosecution for aggravated defamation shall be suspended until an irrevocable final judgment in respect of the allegation has been given.

Section 266

1. Any insult, which is not of a slanderous or libellous nature, intentionally expressed either in public verbally or in writing or by means of an image, or verbally against a person in his presence or by other acts, or by means of written matter or an image sent or offered, shall constitute simple defamation and shall be punishable by a term of imprisonment not exceeding three months or a fine of the second category.
2. Acts which are intended to express an opinion about the protection of public interests and which are not at the same time designed to cause any more offence or cause offence in any other way than follows from that intent, shall not be punishable as simple defamation.

Section 267

The terms of imprisonment prescribed in the preceding sections of this Part may be increased by one third, if the defamation is made in regard of:

- 1°. the public authorities, a public body or a public institution;
- 2°. a civil servant during or in connection with the lawful performance of his office;
- 3°. the head or a member of the government of a friendly nation.

Section 268

1. Any person who intentionally submits a false written complaint or report against a particular person to the authorities or files such a complaint or report with the authorities, thereby injuring the honour or reputation of that person, shall be guilty of making a defamatory accusation and shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

2. Disqualification from the rights listed in section 28(1)(1°) and (2°) may be imposed.

Section 269

Defamation, punishable under this Part, shall be prosecuted only on complaint filed by the person against whom the serious offence has been committed, except for the cases provided for in section 267 (opening lines), (1°) and (2°).

Section 270

1. Any person who, with regard to a deceased person, commits an act that would constitute libel or slander if that person were still alive, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.
2. This serious offence shall be prosecuted only on complaint filed by either any of the relatives of the deceased by consanguinity or affinity in the direct line or in the second or third degree of the collateral line, or by the spouse.

Section 271

1. Any person who distributes, publicly displays or posts, or has in store to be distributed, publicly displayed or posted, written matter or an image whose contents are insulting or, with regard to a deceased person, slanderous or libellous, if he knows or has serious reason to suspect that the written matter or the image contains such, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.
2. Any person who, with the same knowledge or reason to suspect such, publicly utters the contents of such written matter shall be liable to the same punishment.
3. If the offender commits any of the serious offences defined in this section in the practice of his profession and if at the time of commission of the serious offence two years have not yet expired since a previous conviction of the offender for any of these serious offences became final, he may be disqualified from the practice of that profession.
4. The serious offences shall be prosecuted only on complaint of the persons designated in Section 269 and Section 270(2), except for the cases provided for in the opening lines of section 267 and in (1°) and (2°).

Part XVII. Violation of Secrets

Section 272

1. Any person who intentionally violates any secret which he knows or has reasonable cause to suspect he is obliged to keep by reason of his office, profession or a statutory requirement, or his former office or profession, shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. If this serious offence is committed against a particular person, it shall be prosecuted only on complaint of that person.

Section 273

1. Any person who intentionally
 - 1°. discloses specific information related to a commercial, industrial or service enterprise in which he is or has been employed, which he was obliged to keep secret or

2°. discloses or, in pursuit of profit, uses data that has been obtained by means of a criminal offence from a computerised device or system of a commercial, industrial or service enterprise and that is related to such enterprise, if the data, at the time of disclosure or use, was not in the public domain and if any loss or disadvantage may follow from such disclosure or use.

shall be liable to a term of imprisonment not exceeding six months or a fine of the fourth category.

2. Any person who could have believed in good faith that disclosure was in the public interest shall not be criminally liable.
3. Prosecution shall take place only on complaint of the management board of the enterprise.

Section 273a

Any person who is employed at any public carrier who intentionally and unlawfully opens a letter, sealed postal packet or parcel entrusted to that institution, examines it or discloses its contents to another person, shall be liable to a term of imprisonment not exceeding one year and six months or a fine of the fourth category.

Section 273b

1. Any person who is employed at any public carrier and who intentionally delivers a letter, postcard, postal packet or parcel to a person other than the rightful claimant or destroys, mislays or appropriates the same, or changes the contents thereof or appropriates any object enclosed therein, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.
2. If such document or object has monetary value, the appropriation shall be punishable by a term of imprisonment not exceeding six years or a fine of the fourth category.

Section 273c

Any person who is charged with the operation of a public telegraph service shall be liable:

- a. to a term of imprisonment not exceeding one year and six months or a fine of the fourth category, if he intentionally and unlawfully discloses the contents of a message entrusted to such service to another person or intentionally and unlawfully opens a telegram, examines it or discloses its contents to another person;
- b. to a term of imprisonment not exceeding four years or a fine of the fourth category, if he delivers a message or telegram entrusted to such institution to a person other than the rightful claimant or destroys, mislays, appropriates or changes the contents thereof.

Section 273d

Any person who:

1. is employed at a provider of a public telecommunication network or a public telecommunication service and who:
 - a. intentionally and unlawfully examines data stored, processed or transferred by means of such network or such service and which is not intended for him, or copies, intercepts or records such data for his own use or that of another;
 - b. has at his disposal an object from which, as he knows or has reasonable cause to suspect, information can be derived that has been obtained by unlawful copying, interception or recording of such data;
 - c. intentionally and unlawfully discloses the contents of such data to another person;

- d. intentionally and unlawfully places an object, from which information concerning such data can be derived, at the disposal of another person;

shall be liable to a term of imprisonment not exceeding one year and six months or a fine of the fourth category.

2. Subsection (1) shall apply mutatis mutandis to the person employed at a provider of a non-public telecommunication network or a non-public telecommunication service.

Section 273e

Any person referred to in sections 273a to 273d who permits another person to commit any of the offences referred to in these sections, or assists the other person as an accomplice, shall be liable to the punishments and according to the distinctions prescribed in those provisions.

Part XVIII. Serious Offences against Personal Liberty

Section 273f

1. Any person who:

- 1°. by coercion, act of violence or any other act or threat of violence or threat of any other act, by extortion, fraud, deception or abuse of a position of authority arising from de facto circumstances, by abuse of a position of vulnerability or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, transfers, harbours or receives another person with the intention of exploiting this other person or removing his organs;
- 2°. recruits, transports, transfers, harbours or receives another person with the intention of exploiting this other person or removing his organs whereas this person is under the age of eighteen years;
- 3° recruits, removes or abducts another person with the intention of inducing this person to make himself available for the performance of sexual acts with or for a third party for remuneration;
- 4° compels or persuades another person with one of the means referred to in 1° to make himself available for the performance of work or services or to make his organs available or under the circumstances referred to in 1°, takes any action which he knows or has reasonable cause to suspect will lead that other person to make himself available for the performance of labour or services or make his organs available;
- 5° induces another person to make himself available for the performance of sexual acts with or for a third party for remuneration or make his organs available for remuneration or takes any action in regard of another person which he knows or has reasonable cause to suspect will lead that other person to make himself available for the performance of these acts or services or make his organs available, whereas this person is under the age of eighteen years;
- 6° intentionally profits from the exploitation of another person;
- 7° intentionally profits from the removal of the organs of another person while he knows or has reasonable cause to suspect that his organs have been removed under one of the circumstances referred to in 1°;
- 8° intentionally profits from the sexual acts of another person with or for a third party for remuneration or the removal of his organs for remuneration, whereas this other person is under the age of eighteen years;
- 9° compels or induces another person by any of the means referred to in 1° to provide him with the proceeds of his sexual acts with or for a third party or of the removal of his organs;

shall be guilty of human trafficking and as such shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

2. Exploitation shall at least include exploitation of another person in prostitution, other forms of sexual exploitation, forced or compulsory labour or services, slavery or practices similar to slavery or servitude.
3. The offender shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category, if:
 - 1°. the offences, defined in subsection (1), are committed by two or more persons in concert;
 - 2°. the offences defined in subsection (1) have been committed against a person who is under the age of sixteen years.
4. If any of the offences defined in subsection (1) results in grievous bodily harm or is likely to endanger the life of another person, a term of imprisonment not exceeding fifteen years or a fine of the fifth category shall be imposed.
5. If any of the offences defined in subsection (1) results in death, a term of imprisonment not exceeding eighteen years or a fine of the fifth category shall be imposed.
6. Section 251 shall apply mutatis mutandis.

Section 274

Any person who engages in slave trading, for his own or another's account, or who intentionally participates in it, either indirectly or directly, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

Section 275

1. Any person who takes service or serves as a master on a vessel, knowing that it is intended for slave trading, or employing it for that purpose, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.
2. If the transportation results in the death of one or more slaves, the master shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.

Section 276

Any person who takes service on a vessel as a crew member, knowing that it is intended for slave trading or that it is employed for that purpose, or voluntarily continues his service on such vessel after having learned of such purpose or employment, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 277

Any person who, for his own or another's account, either indirectly or directly, cooperates in the leasing, hiring out or insuring of a vessel, knowing that it is intended for slave trading, shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

Section 278

Any person who takes another person across the borders of the Kingdom in Europe, with the intention of unlawfully placing him under the control of another person or placing him in a powerless situation, shall be guilty of kidnapping and shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

Section 279

1. Any person who intentionally removes a minor from the custody of a person who exercises parental authority over him, or from the supervision of a person legally vested with such supervision, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
2. A term of imprisonment not exceeding nine years or a fine of the fifth category shall be imposed if a ruse, an act of violence or threat of violence has been used, or if the minor is under age of twelve.

Section 280

1. Any person who intentionally hides, or conceals from the investigation by judicial officers or police officers, a minor who has been removed or has removed himself from the custody of the person who exercises legal authority over him or from the supervision of a person legally vested with such supervision, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category, or if the minor is under the age of twelve years, a term of imprisonment not exceeding six years or a fine of the fourth category.
2. The preceding provision shall not apply to:
 - a. any person who, without delay, communicates the minor's whereabouts to the Child Protection Board; or
 - b. the care provider, referred to in section 1 of the Youth Care Act, which receives funding pursuant to section 41 of that Act from the province and acts in accordance with the rules set in section 3(5);
 - c. any person who acts for the purpose of providing conscientious assistance to the minor.
3. Conscientious assistance to minors shall constitute prompt communication of the fact that assistance is being provided and prompt disclosure of the identity of the person rendering assistance and his place of residence or (head)office to the person who exercises legal authority over the minor.

Section 281

1. 1°. Any person who takes away a female minor against the will of her parents or guardians, but with her consent, with the intention of securing possession of her, either in or out of wedlock, shall be guilty of abduction and shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category;
- 2°. Any person who takes away a woman by a ruse, an act of violence or threat of violence, with the intention of securing possession of her, either in or out of wedlock, shall be guilty of abduction and shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category;
2. Prosecution shall take place only on complaint.
3. The complaint shall be filed:
 - a. by the woman, or by the person whose consent she requires to enter into a marriage, if she was a minor at the time of the abduction;
 - b. by the woman, or by her husband, if she was of age at the time of the abduction.
4. If the abductor has entered into a marriage with the abducted woman, conviction shall only take place after the marriage has been declared null and void.

Section 282

1. Any person who intentionally deprives or continues to deprive another person unlawfully of his liberty shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.
2. If the offence results in grievous bodily harm, the offender shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.
3. If the offence results in death, he shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.
4. The punishments prescribed in this section shall also apply to a person who intentionally provides a place for the purpose of such unlawful deprivation of liberty.

Section 282a

1. Any person who intentionally deprives or continues to deprive another person unlawfully of his liberty with the intention of compelling him to act or to refrain from certain acts, shall be guilty of hostage-taking and shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.
2. If the offence results in death, he shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.
3. Section 282(4) shall apply.

Section 282b

1. Any person who intentionally deprives or continues to deprive another person unlawfully of his liberty with terrorist intent shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.
2. Section 282(4) shall apply mutatis mutandis.

Section 282c

1. Conspiracy to commit the serious offence defined in section 282b shall be liable to a term of imprisonment not exceeding ten years or a fine of the fifth category.
2. Section 96(2) shall apply mutatis mutandis.

Section 283

1. Any person who, through negligence, causes the unlawful deprivation of liberty of another person or causes its continuance shall be liable to a term of imprisonment not exceeding six months or a fine of the second category.
2. If the offence results in grievous bodily harm, the offender shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
3. If the offence results in death, he shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 284

1. Any person who:

- 1°. unlawfully compels another person to act or to refrain from certain acts or to tolerate certain acts by an act of violence or any other act or by threat of violence or threat of any other act, either directed against that other or against others;
- 2°. compels another person to act or to refrain from certain acts or to tolerate certain acts by the threat of slander or libel;

shall be liable to a term of imprisonment not exceeding nine months or a fine of the third category.

2. In the case defined in 2°, prosecution of the serious offence shall take place only on complaint of the person against whom it was committed.

Section 284a

Any person who, by threat of theft or of extortion directed against another person or third parties, involving fissionable material as referred to in section 1(1)(b) of the Nuclear Energy Act (Bulletin of Acts and Decrees 1963, 82), unlawfully compels that other person to act or to refrain from certain acts or to tolerate certain acts shall be liable to a term of imprisonment not exceeding one year and six months or a fine of the fourth category.

Section 285

1. The threat of public violence jointly committed against persons or property, the threat of violence against an internationally protected person or his protected property or the threat of any serious offence endangering the general safety of persons or property or resulting in general danger for the provision of services, of rape, of indecent assault, of any serious offence against the life of a person, of hostage-taking, of aggravated assault or of arson, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
2. If such threat is made in writing stating a specific condition, a term of imprisonment not exceeding four years or a fine of the fourth category shall be imposed.
3. Threat of a terrorist offence shall be punishable by a term of imprisonment not exceeding six years or a fine of the fifth category.
4. If the offence defined in subsections (2) or (3) is committed with the intention of preparing or facilitating a terrorist offence, the term of imprisonment prescribed for the offence shall be increased by one third.

Section 285a

1. Any person who intentionally, either verbally, by gesture, in writing or by means of an image, addresses a person evidently with the intention of affecting that person's freedom to make a statement truthfully or in good conscience before a judge or court or a civil servant, while he knows or has serious reason to suspect that such a statement will be made, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.
2. A judge or a person in the public service of an international court, which derives its jurisdiction from a treaty to which the Kingdom is a contracting party, shall be considered as equivalent to a judge or civil servant.

Section 285b

1. Any person who unlawfully, systematically, intentionally violates another person's personal privacy with the intention of compelling that other person to act or to refrain from certain acts or to tolerate certain acts or of instilling fear in that person, shall be guilty of stalking and shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.

2. Prosecution shall take place only on complaint of the person against whom the serious offence has been committed.

Section 286

In the case of conviction for any of the serious offences defined in sections 274-282 and 285(2), disqualification from the rights listed in section 28(1)(1°),(2°) and (4°) may be imposed.

Part XIX. Serious Offences against Human Life

Section 287

Any person who intentionally takes the life of another person shall be guilty of manslaughter and shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.

Section 288

Manslaughter followed, accompanied or preceded by a criminal offence and committed with the intention of preparing or facilitating the performance of that offence or in the event of being caught in the commission of that offence to secure for himself or the other participants in that offence either impunity from punishment or the possession of the unlawfully obtained property, shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 288a

Manslaughter committed with terrorist intent shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 289

Any person who intentionally and with premeditation takes the life of another person shall be guilty of murder and shall be liable to life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category.

Section 289a

1. Conspiracy to commit with terrorist intent the serious offence defined in section 289 and the serious offence defined in section 288a shall be punishable by a term of imprisonment not exceeding ten years or a fine of the fifth category.
2. Section 96(2) shall apply mutatis mutandis.

Section 290

The mother who, under the influence of fear that the birth of her child will be discovered, intentionally takes the life of her child at birth or shortly afterwards, shall be guilty of manslaughter of an infant and shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.

Section 291

The mother who, in implementation of the decision taken under the influence of fear of the discovery of the impending birth of her child, intentionally takes the life of her child at birth or shortly afterwards, shall be guilty of murder of an infant and shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 292

The serious offences defined in sections 290 and 291 shall constitute murder or manslaughter in regard of others who participate in the commission of one of these offences.

Section 293

1. Any person who terminates the life of another person at that other person's express and earnest request, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.
2. The offence referred to in subsection (1) shall not be punishable, if it is committed by a medical doctor who meets the requirements of due care referred to in section 2 of the Termination of Life on Request and Assisted Suicide (Review Procedures) Act [*Wet Toetsing Levensbeëindiging op Verzoek en Hulp bij Zelfdoding*] and who informs the municipal forensic pathologist in accordance with section 7(2) of the Burial and Cremation Act [*Wet op de Lijkbezorging*].

Section 294

1. Any person who intentionally incites another person to commit suicide shall, if suicide follows, be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
2. Any person who intentionally assists in the suicide of person or provides him with the means thereto shall, if suicide follows, be liable to a term of imprisonment not exceeding three years or a fine of the fourth category. Section 293(2) shall apply mutatis mutandis.

Section 295

1. In the case of conviction for manslaughter, for murder or for any of the serious offences defined in sections 293(1) and 296, disqualification from the rights listed in section 28(1)(1°), (2°) and (4°) may be imposed.
2. If the offender commits any of the serious offences defined in sections 287 to 289 inclusive in the practice of his profession, he may be disqualified from the practice of that profession.

Part XIXA. Termination of Pregnancy

Section 296

1. Any person who gives a woman treatment, when he knows or has reasonable cause to suspect that this treatment may terminate the pregnancy, shall be liable to a term of imprisonment not exceeding four years and six months or a fine of the fourth category.
2. If the offence results in the death of the woman, a term of imprisonment not exceeding six years or a fine of the fourth category shall be imposed.
3. If the offence is committed without the woman's consent, a term of imprisonment not exceeding twelve years or a fine of the fifth category shall be imposed.
4. If the offence is committed without the woman's consent and also results in her death, a term of imprisonment not exceeding fifteen years or a fine of the fifth category shall be imposed.
5. The offence referred to in subsection (1) shall not be punishable, if the treatment is performed by a medical doctor in a hospital or clinic in which such treatment may be performed under the Termination of Pregnancy Act [*Wet Afbreking Zwangerschap*].

Section 297 [Repealed as of 01-11-1984]

Section 298 [Repealed as of 01-11-1984]

Section 299 [Repealed as of 07-04-1986]

Part XX. Assault

Section 300

1. Assault shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
2. If the offence results in grievous bodily harm, the offender shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.
3. If the offence results in death, the offender shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
4. The intentional harming of health shall be considered as equivalent to assault.
5. An attempt to commit this serious offence shall not be punishable.

Section 301

1. Assault committed with premeditation shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.
2. If the offence results in grievous bodily harm, the offender shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
3. If the offence results in death, the offender shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 302

1. Any person who intentionally inflicts grievous bodily harm on another person shall be guilty of aggravated assault and shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.
2. If the offence results in death, the offender shall be liable to a term of imprisonment not exceeding ten years or a fine of the fifth category.

Section 303

1. Aggravated assault committed with premeditation shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.
2. If the offence results in death, the offender shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.

Section 304

The terms of imprisonment prescribed in sections 300-303 may be increased by one third:

- 1°. if the offender commits the serious offence against his mother, his legal father, his spouse, his

- partner, his child, a child over whom he exercises parental authority or a child whom he cares for or raises as part of his family;
- 2°. if the serious offence is committed against a civil servant during or in connection with the lawful performance of his office;
- 3°. if the serious offence is committed by administering substances harmful to life or health.

Section 304a

If a serious offence, punishable under section 302 or 303, is committed with terrorist intent, the determinate term of imprisonment prescribed in that section shall be increased by one half and, if a determinate term of imprisonment not exceeding fifteen years is prescribed for the serious offence, life imprisonment or a determinate term of imprisonment not exceeding thirty years shall be imposed.

Section 304b

1. Conspiracy to commit with terrorist intent the serious offence defined in section 303 shall be liable to a term of imprisonment not exceeding ten years or a fine of the fifth category.
2. Section 96(2) shall apply mutatis mutandis.

Section 305

In the case of conviction for any of the serious offences defined in sections 301 and 303, disqualification from the rights listed in section 28(1)(1°),(2°) and (4°) may be imposed.

Section 306

Persons who intentionally participate in an attack or affray in which several persons are involved, shall, without prejudice to each person's responsibility for the specific offences he himself has committed, be liable to:

- 1°. a term of imprisonment not exceeding two years or a fine of the fourth category, if the attack or affray only results in grievous bodily harm;
- 2°. a term of imprisonment not exceeding three years or a fine of the fourth category, if the attack or affray results in the death of a person.

Part XXI. Causing Death or Bodily Harm through negligence

Section 307

1. Any person who, through negligence, causes the death of another person shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
2. In the case of reckless negligence, he shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 308

1. Any person who, through negligence, causes grievous bodily harm to another or such bodily harm which results in temporary illness or temporary inability to perform official duties or practice a profession, shall be liable to a term of imprisonment not exceeding one year or a fine of the fourth category.
2. In the case of reckless negligence, he shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 309

If the serious offences defined in this Part are committed in the performance of any office or practice of any profession, the term of imprisonment may be increased by one third, disqualification from the practice of the profession in which the serious offence was committed may be imposed, and the court may order publication of its judgment.

Part XXII. Theft and Theft of Natural Objects

Section 310

Any person who takes any property belonging in whole or in part to another person with the intention of unlawfully appropriating it, shall be guilty of theft and shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 311

1. The following serious offences shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category:
 - 1°. theft of cattle from a field;
 - 2°. theft in the event of fire, explosion, floods, shipwreck, stranding, a railway accident, riot, mutiny or threat of war;
 - 3°. theft committed during the night-time in a dwelling or on enclosed premises containing a dwelling by a person whose presence is unknown to or is against the will of the entitled person;
 - 4°. theft jointly committed by two or more persons;
 - 5°. theft whereby the offender has gained access to the place where the serious offence is committed or has brought the property to be taken within his reach by means of forcible entry, breaking or climbing in, by means of false keys, a false order or a false uniform;
 - 6°. theft with the intention of preparing or facilitating a terrorist offence.
2. If the theft, referred to in (3°), is accompanied by any of the circumstances referred to in (4°) and (5°), a term of imprisonment not exceeding nine years or a fine of the fifth category shall be imposed.

Section 312

1. Theft preceded, accompanied or followed by an act of violence or the threat of violence against persons, committed with the intention of preparing or facilitating that theft or in the event of being caught in the commission of the serious offence to secure for himself or the other participants in that offence either escape or possession of the stolen property, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.
2. A term of imprisonment not exceeding twelve years or a fine of the fifth category shall be imposed:
 - 1°. if the offence is committed either during the night-time, in a dwelling or on enclosed premises containing a dwelling, or on a public road, or in a moving railroad train;
 - 2°. if the offence is jointly committed by two or more persons;
 - 3°. if the offender has gained access to the place where the serious offence is committed by means of forcible entry or climbing in, by means of false keys, a false order or a false uniform;
 - 4°. if the offence results in grievous bodily harm;
 - 5°. if the offence is committed with the intention of preparing or facilitating a terrorist offence.
3. A term of imprisonment not exceeding fifteen years or a fine of the fifth category shall be imposed, if the offence results in death.

Section 313

In the case of conviction for theft, disqualification from the rights listed in section 28(1)(1°),(2°) and (4°) may be imposed.

Section 314

1. Any person who, without violence or the threat of violence against persons, removes clay, sludge, uncut peat, sand, earth, gravel, rubble, manure, sod, turf, heather, marram grass, seaweed, reed, bulrush, moss, unprocessed coppiced wood or deadwood not transported, unpicked fruit or leaves on trees or fruit or leaves that have fallen from trees, grass on the field, standing crop or fruit of the field left after harvesting, belonging in whole or in part to another person, with the intention of unlawfully appropriating these objects, shall be guilty of theft of natural objects and shall be liable to a term of imprisonment not exceeding one month or a fine of the second category.
2. If at the time of commission of the serious offence two years have not yet expired since a previous conviction of the offender for a similar serious offence became final, he shall be liable to a term of imprisonment not exceeding two months or a fine of the second category.

Section 315

1. A term of imprisonment not exceeding three years or a fine of the fourth category shall be imposed:
 - 1°. in the case of theft of natural objects committed with the use of vessels, vehicles, draught or pack animals;
 - 2°. in the case of theft of natural objects committed under one or more of the circumstances referred to in section 311(1)(2°)-(5°).
2. Disqualification from the rights listed in section 28(1)(1°),(2°) and (4°) may be imposed.

Section 316

1. If the offender or the accomplice in any of the offences defined in this Part is the spouse of the person against whom the serious offence has been committed and that spouse is not legally separated from bed and board from or is married in community of property with this person, prosecution may not be instituted against that offender or that accomplice.
2. If said offender or accomplice is the spouse who is legally separated from bed and board from or is not married in community of property with the person against whom the serious offence was committed or is a relative by consanguinity or affinity in the direct line or in the second degree of the collateral line of said person, he may be prosecuted only on a complaint filed by that person against him.
3. If the preceding subsection applies, the period of time set in section 66 shall start to run on the day following the day on which the identity of the suspect became known to the person entitled to file the complaint.

Part XXIII. Extortion and Blackmail

Section 317

1. Any person who, with the intention of benefitting himself or another unlawfully, compels a person by an act of violence or by threat of violence, to surrender any property belonging in whole or in part to that person or to a third party, or to incur a debt or relinquish a claim to a debt, or to make available data, shall be guilty of extortion and shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

2. Any person who exercises the coercion, referred to in subsection (1), by threatening that data stored by means of a computerised device or system will be rendered unusable or will be disabled, or erased, shall be liable to the same punishment.
3. The provisions of section 312(2) and (3) shall apply to this serious offence.

Section 318

1. Any person who, with the intention of benefitting himself or another unlawfully, compels a person by threatening him with slander, libel or disclosure, to surrender any property belonging in whole or in part to that person or to a third party, or to incur a debt or relinquish a claim to a debt, or to make available data, shall be guilty of blackmail and shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.
2. If an offence is committed with the intention of preparing or facilitating a terrorist offence, the term of imprisonment prescribed for the offence shall be increased by one third.
3. This serious offence shall be prosecuted only on complaint by the person against whom it was committed.

Section 319

The provisions of section 316 shall apply to the serious offences defined in this Part.

Section 320

In the case of conviction for any of the serious offences defined in this Part, disqualification from the rights listed in section 28(1)(1°), (2°) and (4°) may be imposed.

Part XXIV. Embezzlement

Section 321

Any person, who intentionally misappropriates any property which belongs in whole or part to another person and which he has in his possession other than as a result of a serious offence, shall be guilty of embezzlement and shall be liable to a term of imprisonment not exceeding three years or a fine of the fifth category.

Section 322

Embezzlement committed by a person who has possession of the property by reason of his personal employment or his profession, or who has the property in his possession in return for remuneration, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

Section 322a

If any of the offences defined in sections 321 and 322 are committed with the intention of preparing or facilitating a terrorist offence, the term of imprisonment prescribed for the offence shall be increased by one third.

Section 323

Embezzlement committed either by a person who, out of necessity, is entrusted with the property, or by guardians, trustees/receivers, official administrators, executors of an estate, liquidators of an estate or community property appointed by the court or administrators of charitable institutions or of foundations in relation to any property in their possession in such capacity, shall be liable to a term of

imprisonment not exceeding five years or a fine of the fifth category.

Section 323a

Any person who intentionally and unlawfully uses funds that have been provided for a specific purpose by or on behalf of the European Communities for purposes other than the ones for which these funds were provided, shall be liable to a term of imprisonment not exceeding three years or a fine of the fifth category.

Section 324

The provision of section 316 shall apply to the serious offences defined in this Part.

Section 325

1. In the case of conviction for any of the serious offences defined in this Part, the court may order publication of its judgment and may impose disqualification from the rights listed in section 28(1)(1°),(2°) and (4°).
2. If the offender commits the serious offence in the practice of his profession, he may be disqualified from the practice of that profession.

Part XXV. Deception

Section 326

1. Any person who, with the intention of benefitting himself or another person unlawfully, either by assuming a false name or a false capacity, or by cunning manoeuvres, or by a tissue of lies, induces a person to hand over any property, to render a service, to make available data, to incur a debt or relinquish a claim, shall be guilty of fraud and shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.
2. If the offence is committed with the intention of preparing or facilitating a terrorist offence, the term of imprisonment prescribed for the offence shall be increased by one third.

Section 326a

Any person who makes a profession or habit of purchasing goods with the intention of ensuring that they are at his or another's disposal without paying for them in full, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

Section 326bis [Repealed as of 01-03-1993]

Section 326b

Any person who:

- 1°. falsely places any name or any mark, or falsifies the authentic name or the authentic mark on or in a work of literature, science, art or craft, with the intention of making it appear as if that work had been created by the person whose name or mark he has placed on or in it;
- 2°. intentionally sells, offers for sale, delivers, has in store for the purpose of sale or imports into the Kingdom in Europe, a work of literature, science, art or craft, on which or in which any name or any mark has been falsely placed, or on or in which the authentic name or the authentic mark has been falsified, as if that work had been created by the person whose name or mark has been falsely placed on or in it;

shall be liable to a term of imprisonment not exceeding two years or a fine of the fifth category.

Section 326c

1. Any person who, with the intention of not paying for it in full, by technological means or by means of false signals, uses a service offered to the general public by means of telecommunication, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

2. Any person who intentionally:

- a. openly offers for distribution,
- b. has in his possession for distribution or with a view to importing such into the Netherlands, or
- c. in pursuit of profit, manufactures or keeps,

an object or data clearly intended to be used in the commission of the serious offence defined in subsection (1), shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

3. Any person who commits the serious offences referred to in subsection (2) as a profession or business, shall be liable to either a term of imprisonment not exceeding four years and a fine of the fifth category or one of these punishments.

Section 327

Any person who, by cunning manoeuvres, misleads an insurer as to the circumstances relevant to the insurance, causing him to enter into an agreement that he would not have entered into, or that he would have entered into under different conditions, had he known of the true state of affairs, shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.

Section 328

Any person who, with the intention of benefitting himself or another unlawfully, to the detriment of an insurer, sets fire to or causes an explosion inside any property insured against fire or sinks a vessel or aircraft that is insured or on board of which the property or freight to be earned is insured or causes the same to run aground or to be wrecked, destroyed, rendered unusable or damaged, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

Section 328bis

Any person who, with the intention of establishing, preserving or increasing his or another person's market position, perpetrates any form of deception in order to mislead the general public or a specific person shall, if such activity leads to any disadvantage to his competitors or those of that other person, be guilty of engaging in unfair competition and shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.

Section 328ter

1. Any person who, in a capacity other than that of civil servant, either in the service of his employer or acting as an agent, accepts or requests a gift or promise or service in consideration for certain acts he has undertaken or has refrained from undertaking or will undertake or will refrain from undertaking in the course of his duties as employee or agent, and who, in violation of good faith, conceals the acceptance or request of the gift or promise or service from his employer or principal, shall be liable to a term of imprisonment not exceeding two years or a fine of the fifth category.

2. Any person who gives a gift or makes a promise or renders or offers a service to another person who, in a capacity other than that of civil servant, is in the service of an employer or acts as an

agent, in consideration for certain acts he has undertaken or has refrained from undertaking or will undertake or will refrain from undertaking in the course of his duties as employee or agent, the gift or promise or service being of such nature or given, made, rendered or offered under such circumstances that he might reasonably assume that the latter, in violation of good faith, will not disclose the gift or promise to his employer or principal, shall be liable to the same punishment.

Section 328quater

1. Any person who accepts a gift or promise in consideration for certain acts he has undertaken or has refrained from undertaking or will undertake or will refrain from undertaking in respect to a statutory duty imposed on him or on the person in whose service he is employed to

- a. provide information regarding telecommunications to judicial officers or police officers, or
- b. cooperate in intercepting or recording telecommunications;

shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

2. Any person who gives a gift or makes a promise to another person in consideration for certain acts he has undertaken or has refrained from undertaking or will undertake or will refrain from undertaking in regard of a statutory obligation, as referred to in subsection (1), imposed on him or on the person in whose service he is employed, shall be liable to the same punishment.

Section 329

A seller who deceives a buyer:

- 1°. by intentionally delivering to this buyer an object other than the specifically designated object he purchased;
- 2°. by employing cunning manoeuvres with respect to the nature, condition, quality or quantity of the goods delivered;

shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.

Section 329bis

A holder of a bill of lading who intentionally has at his disposal various copies of such a bill, for valuable consideration, for the benefit of various recipients, shall be liable to a term of imprisonment not exceeding two years or a fine of the fifth category.

Section 330

1. Any person who sells, offers for sale or delivers food or drink or medicine, knowing that they have been adulterated, and fails to disclose this adulteration, shall be liable to a term of imprisonment not exceeding three years or a fine of the fifth category.
2. Food or drink or medicine shall be deemed to have been adulterated where their quality, value or utility has been reduced by the admixture of foreign elements.

Section 331

1. A contractor or architect of any construction or a seller of building materials who, in the design and building of constructions or the delivery of the materials, perpetrates any form of deception which could endanger the safety of persons or property or the security of the State in wartime, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.
2. Any person charged with supervision of the constructions or of the delivery of the materials, who

intentionally allows the commission of such deception, shall be liable to the same punishment.

Section 332

1. Any person who undertakes any form of deception in delivering supplies for use by the navy or the army, which might endanger the security of the State in wartime, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.
2. Any person charged with supervision of the delivery of supplies, who intentionally allows the commission of such deception, shall be liable to the same punishment.

Section 333

Any person who, with the intention of benefitting himself or another unlawfully, destroys, moves, removes or renders unusable anything that serves to mark the boundaries of private premises, shall be liable to a term of imprisonment not exceeding two years or a fine of the fifth category.

Section 334

Any person who, with the intention of benefitting himself or another unlawfully, drives up or drives down the price of commodities, stocks or other securities by disseminating false information, shall be liable to a term of imprisonment not exceeding two years or a fine of the fifth category.

Section 335 [Repealed as of 18-07-1992]

Section 336

A trader, managing director, managing partner or supervisory director of a legal person or a company, who intentionally publishes a false statement, balance sheet, profit and loss account, statement of income and expenditure or a false explanatory note to such documents, or intentionally allows such publication, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 336a [Repealed as of 18-07-1992]

Section 337

1. Any person who intentionally imports, conveys in transit or exports, sells, offers for sale, delivers, hands out or has in store:
 - a. false, falsified or unlawfully produced brands,
 - b. goods that falsely bear or whose packaging or container falsely bears the trade name of another person or the trademark to which another person is entitled,
 - c. goods that falsely bear, as an indication of their origin, the name of a certain place, and to which a fictitious trade name has been added,
 - d. goods which bear or whose packaging or container bears an imitation, albeit with slight variations, of another person's trade name or trademark or
 - e. goods or parts thereof which falsely have the same appearance as a design to which another person is entitled, or have only minor differences to such design,

shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.

2. Any person who has a few goods, parts thereof or brands as defined in subsection (1) in store, exclusively for personal use, shall not be liable to punishment.
3. If the offender commits the serious offence referred to in subsection (1) as a profession or

business, he shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

4. If the commission of the serious offence referred to in subsection (1) is likely to result in general danger to persons or property, the offender shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

Section 338

The provisions of section 316 shall apply to the serious offences defined in this Part.

Section 339

1. In the case of conviction for any of the serious offences defined in this Part, the court may order publication of its judgment and disqualification of the offender from the practice of the profession in which he committed the serious offence.
2. In the case of conviction for any of the serious offences defined in sections 326, 328, 331 and 332, disqualification from the rights listed in section 28(1)(1°), (2°) and (4°), may be imposed.

Part XXVI. Prejudicing Creditors or Entitled Parties

Section 340

Any person who has been declared bankrupt shall be guilty of simple bankruptcy and shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category if:

- 1°. his consumption has been excessive;
- 2°. he has borrowed money on onerous terms with the intention of delaying the bankruptcy, knowing that bankruptcy could not be avoided;
- 3°. he fails to present in pristine condition the books, documents and other data carriers in which he has kept records under section 3:15i of the Civil Code, and the books, documents and other data carriers which he has retained under that section.

Section 341

Any person:

- a. who has been declared bankrupt and who, in order to fraudulently reduce his creditors' rights:
 - 1°. has created or creates fictitious liabilities, has failed to account or fails to account for any assets, or has removed or removes any property from the bankrupt estate;
 - 2°. has sold any property either for no consideration, or for a price clearly below its value;
 - 3°. has favoured or favours any of his creditors in any way upon bankruptcy or at a time when he knew bankruptcy could not be avoided;
 - 4°. has failed to comply or fails to comply with the duties to keep records, imposed on him under section 3:15i of the Civil Code, and to retain and present books, documents and data carriers referred to in that section;
- b. to whom the Debt Repayment Scheme for Natural Persons has been declared applicable and who, in order to fraudulently reduce the rights his creditors can assert against the bankrupt estate:
 - 1°. has created or creates fictitious liabilities, has failed to account or fails to account for any assets, or has removed or removes any property from the bankrupt estate;
 - 2°. has sold any property either for no consideration, or for a price clearly below its value;
 - 3°. has favoured or favours any of his creditors in any way when the debt repayment scheme for natural persons was declared applicable to him or at a time when he knew he could no longer continue to pay his debts;

- 4°. has failed to comply or fails to comply with the duties to keep records, imposed on him under section 3:15i of the Civil Code, and to retain and present books, documents and data carriers referred to in that section;

shall be guilty of fraudulent bankruptcy and shall be liable to either a term of imprisonment not exceeding six years and a fine of the fifth category or one of these punishments.

Section 342

A managing director or supervisory director of a legal person, which has been declared insolvent, shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category:

- 1°. if he has cooperated in or has granted permission for the undertaking of any action contrary to any valid provision of the Articles of Association or the by-laws, to which action the losses incurred by that legal person can be wholly or largely attributed;
- 2°. if he, with the intention of delaying the insolvency of the legal person, knowing that insolvency could not be avoided, has cooperated in or has granted permission for the borrowing of money on onerous terms;
- 3°. if he bears responsibility for non-compliance with the duties defined in section 2:10(1) of the Civil Code, section 3:15i(1) of the Civil Code, or section 5(1) of the Companies Formally Registered Abroad Act [*Wet op de Formeel Buitenlandse Vennootschappen*] in conjunction with section 2:10(1) of the Civil Code or for the failure to present in pristine condition the books, documents and other data carriers in which records have been kept in accordance with these sections, and the books, documents and other data carriers which have been retained under these sections.

Section 343

A managing director or supervisory director of a legal person, which has been declared insolvent, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category, if he, in order to fraudulently reduce the rights of the creditors of the legal person:

- 1°. has created or creates fictitious liabilities, has failed to account or fails to account for any assets, or has removed or removes any property from the insolvent estate;
- 2°. has sold any property either for no consideration, or for a price clearly below its value;
- 3°. has favoured or favours any of the creditors in any way upon insolvency or at a time when he knew insolvency could not be avoided;
- 4°. has failed to comply or fails to comply with the duties to keep records, imposed on him under section 2:10(1) of the Civil Code, section 3:15i(1) of the Civil Code, or section 5(1) of the Companies Formally Registered Abroad Act in conjunction with section 2:10(1) of the Civil Code, and to retain and present in pristine condition the books, documents and other data carriers referred to in these sections.

Section 344

Any person who:

- 1°. in the event of a declaration of bankruptcy, or in anticipation thereof, if bankruptcy followed, in order to fraudulently reduce the creditors' claims, removes any property from the bankrupt estate, or accepts payment for either a debt not yet due and payable, or a debt due and payable, in the latter case knowing that a petition for bankruptcy of the debtor had already been filed or as a result of consultation with the debtor;
- 2°. during verification of creditors' claims in the case of bankruptcy, fabricates a non-existing claim or files an existing claim at an increased amount;
- 3°. in the event the Debt Repayment Scheme for Natural Persons is declared applicable, or in anticipation thereof, if declaration of its applicability followed, in order to fraudulently reduce the rights that creditors could assert against the bankrupt estate, removes any property from the

- bankrupt estate or accepts payment of a claim that falls under the scope of application of the debt repayment scheme, either not yet due and payable, or due and payable, in the latter case knowing that a request for applicability of the debt repayment scheme for natural persons had already been submitted or as a result of consultation with the debtor;
- 4°. during verification of creditor's claims under the debt repayment scheme, fabricates a non-existing claim or files an existing claim at an increased amount.

shall be liable to either a term of imprisonment not exceeding four years and six months and a fine of the fifth category, or one of these punishments.

Section 345

1. A creditor who participates in a composition offered as a result of an agreement with either the debtor or a third party, whereby he has stipulated special advantages, shall, if acceptance of the composition followed, be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.
2. A debtor or, where the legal person is the debtor, a managing director or supervisory director, who enters into such an agreement, shall be liable to the same punishment.

Section 346 [Repealed as of 12-01-1956]

Section 347

A managing director or supervisory director of a legal person who, except for the case defined in section 342, has cooperated in or has granted permission for the undertaking of any action contrary to any valid provision of the Articles of Association or the by-laws, which action has caused serious detriment to that legal person, shall be liable to a fine of the fifth category.

Section 348

- [1.] Any person who intentionally withdraws any property belonging to him or, for the benefit of the owner, any property not belonging to him, from another person's right of pledge, right of retention, right of usufruct or right of use, shall be liable to a term of imprisonment not exceeding one year and six months.
- [2.] Any person who intentionally destroys, damages or renders unusable property that is subject to another person's right of pledge, right of retention, right of usufruct or right of use shall be liable to the same punishment.
- [3.] The provisions of 316 shall apply to these serious offences.

Section 349

1. In the case of conviction for any of the serious offences defined in this Part, the offender may be disqualified from the practice of the profession in which he committed the serious offence.
2. In the case of conviction for any of the serious offences defined in sections 341, 343 and 344, the offender may be disqualified from the rights listed in section 28(1)(1°), (2°) and (4°).
3. In the case of conviction for any of the serious offences defined in sections 340-345, publication of the judgment may be ordered.

Section 349bis [Repealed as of 01-11-1912]

Section 349ter [Repealed as of 01-11-1912]

Section 349quater [Repealed as of 01-11-1912]

Part XXVII. Destruction or Damage

Section 350

1. Any person who intentionally and unlawfully destroys, damages, renders unusable or disposes of any property belonging in whole or in part to another, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
2. Any person who intentionally and unlawfully kills, maims, renders unusable or disposes of an animal belonging in whole or in part to another, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.

Section 350a

1. Any person who intentionally and unlawfully alters, erases, renders unusable or disables data stored, processed or transferred by means of a computerised device or system or by means of telecommunication, or adds other data thereto, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
2. Any person who commits the offence defined in subsection (1) after having unlawfully gained access, through a public telecommunication network, to a computerised device or system, and causes serious damage to such data, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.
3. Any person who intentionally and unlawfully makes available or disseminates data that is intended to cause damage in a computerised device or system, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.
4. Any person who commits the offence defined in subsection (3) with the intention of limiting the damage resulting from such data shall not be criminally liable.

Section 350b

1. Any person who, through negligence, causes data stored, processed or transferred by means of a computerised device or system to be altered, erased, rendered unusable or disabled, or causes other data to be added thereto, shall, if this causes serious damage to that data, be liable to a term of imprisonment or of detention not exceeding one month or a fine of the second category.
2. Any person who, through negligence, causes data intended to cause damage to a computerised device or system to be unlawfully made available or disseminated, shall be liable to a term of imprisonment or detention not exceeding one month or a fine of the second category.

Section 351

Any person who intentionally and unlawfully destroys, damages, renders unusable or defective, or disposes of any railroad, electricity, computerised device or system or telecommunication infrastructure facilities or water defence, water disposal, gas or water pipeline or sewerage infrastructure facilities intended for the use of the general public, as well as any property or infrastructure facilities for the purpose of national defence, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.

Section 351bis

Any person who, through negligence, causes any of the property or the infrastructure facilities defined in the preceding section to be destroyed, damaged, rendered unusable or defective, or disposed of, shall be liable to a term of detention not exceeding one month or a fine of the second category.

Section 352

Any person who intentionally and unlawfully destroys, damages, renders unusable or defective any building, vessel or its cargo, installation at sea, or aircraft belonging in whole or in part to another, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 353

The provisions of section 316 shall not apply to the serious offences defined in this Part.

Section 354

If any of the serious offences defined in this Part is committed deceitfully, or is likely to endanger the life of another person, the term of imprisonment may be increased by one third.

Section 354a

If any of the offences defined in sections 350, 350a, 351, 352 and 354 is committed with the intention of preparing or facilitating a terrorist offence, the term of imprisonment prescribed for the offence shall be increased by one third.

Part XXVIII. Serious Offences involving Abuse of Office

Section 355

Heads of ministerial departments who:

- 1°. countersign royal decrees or royal decisions, knowing that in doing so the Constitution or other laws or Governmental Decrees are violated;
- 2°. execute royal decrees or royal decisions, knowing that they do not bear the requisite countersignature of one of the heads of the ministerial departments;
- 3°. take decisions or issue orders or enforce existing decisions or orders, knowing that in doing so the Constitution or other laws or Governmental Decrees are violated;
- 4°. intentionally fail to implement the provisions of the Constitution or other laws or Governmental Decrees, insofar as such implementation falls within the competence of their ministerial department due to the nature of the matter, or has been expressly assigned to them;

shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category

Section 356

The heads of ministerial departments who, by their grossly negligent or careless conduct, are responsible for the failure to implement the provisions defined in section 355(4°), shall be liable to a term of detention not exceeding six months or a fine of the third category.

Section 357

A commander of the armed forces who refuses or intentionally omits to use the force under his command at the lawful request of the competent civil authorities, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.

Section 358

1. A civil servant who intentionally requests assistance from the armed forces in order to prevent the implementation of statutory regulations, of lawful orders issued by the public authorities, or of judgments or warrants, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
2. If such implementation is thus prevented, the offender shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 358bis [Repealed as of 16-01-1980]

Section 358ter [Repealed as of 16-01-1980]

Section 358quater [Repealed as of 16-01-1980]

Section 359

A civil servant or any other person charged, either on a permanent or temporary basis, with any public duties, who intentionally embezzles money or monetary instruments which he has in his possession by virtue of his office, or allows another person to remove or embezzle such, or assists that other person in such act as an accomplice, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 360

A civil servant or any other person charged, either on a permanent or temporary basis, with any public duties, who intentionally makes false entries in books or registers intended solely for the auditing of records, or who falsifies such books or registers, shall be liable to a term of imprisonment not exceeding three years or a fine of the fifth category.

Section 361

1. A civil servant or any other person charged, either on a permanent or temporary basis with any public duties, who intentionally misappropriates, destroys, damages or renders unusable any things intended to serve the competent authorities as evidence or proof, or instruments, documents or registers which have been entrusted to him by virtue of his office, or allows another person to dispose of, destroy, or damage such or to render such unusable or assists that other person in such act as an accomplice, shall be liable to a term of imprisonment not exceeding four years and six months or a fine of the fifth category.
2. Competent authorities shall also be understood to mean: an international court which derives its jurisdiction from a convention to which the Kingdom is a contracting party.

Section 362

1. Any civil servant who:
 - 1°. accepts a gift or promise or service, knowing or reasonably suspecting that it was given, made or rendered to him in order to induce him to act or to refrain from certain acts in the performance of his office, without violating his duty;
 - 2°. accepts a gift or promise or service, knowing or reasonably suspecting that it was given, made or rendered to him as a result or as a consequence of certain acts he has undertaken or has refrained from undertaking in the performance of his current or former office, without violating his duty;
 - 3°. requests a gift, promise or service in order to induce him to act or to refrain from certain acts in the performance of his office, without violating his duty;
 - 4°. requests a gift, promise or service, as a result or as a consequence of certain acts he has

undertaken or has refrained from undertaking in the performance of his current or former office, without violating his duty;

shall be liable to a term of imprisonment not exceeding two years or a fine of the fifth category.

2. Any person who, in anticipation of an appointment as civil servant, commits an offence as defined in subsection (1)(1°) and (3°), shall, if the appointment as civil servant follows, be liable to the same punishment.
3. Any person who commits an offence as defined in subsection (1) in connection with his capacity as minister, state secretary, royal commissioner, member of the provincial executive, mayor, member of the municipal executive or member of a general representative body, shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

Section 363

1. Any civil servant who:

- 1°. accepts a gift or promise or service, knowing or reasonably suspecting that it is given, made or rendered to him in order to induce him to act or to refrain from certain acts in the performance of his office, in violation of his duty;
- 2°. accepts a gift or promise or service, knowing or reasonably suspecting that it is given, made or rendered to him as a result or as a consequence of certain acts he has undertaken or has refrained from undertaking in the performance of his current or former office, in violation of his duty;
- 3°. requests a gift, promise or service in order to induce him to act or to refrain from certain acts in the performance of his office, in violation of his duty;
- 4°. requests a gift, promise or service, as a result or as a consequence of certain acts he has undertaken or has refrained from undertaking in the performance of his current or former office, in violation of his duty;

shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

2. Any person who, in anticipation of an appointment as civil servant, commits an offence as defined in subsection (1)(1°) and (3°), shall, if the appointment as civil servant follows, be liable to the same punishment.
3. Any person who commits an offence as defined in subsection (1) in connection with his capacity as minister, state secretary, royal commissioner, member of the provincial executive, mayor, member of the municipal executive or member of a general representative body, shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 364

1. A judge who accepts a gift or promise or service, knowing or reasonably suspecting that it is given, made or rendered to him in order to exercise influence on the decision in a case before his court, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.
2. A judge who requests a gift or promise or service, in order to get him to exercise influence on the decision in a case before his court, shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.
3. If the gift or promise or service is accepted, knowing or reasonably suspecting that it was given, made or rendered with a view to obtaining a conviction in a criminal case, the judge shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

4. If the gift or promise or service is requested in order to get him to obtain a conviction in a criminal case, the judge shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

Section 364a

1. For the purposes of sections 361 to 363 inclusive, 365 to 368 inclusive and 376, persons in the public service of a foreign state or an organisation under international law shall be considered as equivalent to civil servants.
2. For the purposes of sections 362(2°) and (4°), and 363(2°) and (4°), former civil servants shall be considered as equivalent to civil servants.
3. For the purposes of section 364, the judge of a foreign state or an organisation under international law shall be considered as equivalent to a judge.

Section 365

A civil servant who, by abusing the authority vested in him, compels another person to act or to refrain from certain acts or to tolerate certain acts, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 366

A civil servant who, in the performance of his office, claims or receives or, in the case of payment, retains any amount which he knows is not owed, on the grounds that it is owed to him, to another civil servant or to any public funds, shall be guilty of extortion and shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 367

1. A civil servant charged with guarding a person who is deprived of his liberty by order of the authorities or by virtue of a judgment or a decision given in chambers, who intentionally allows that person to escape or intentionally frees him or assists in the freeing of that person or assists him in his own escape, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
2. If the escape or freeing of that person or that person's own escape is caused by his negligence, he shall be liable to a term of detention not exceeding two months or a fine of the second category.

Section 368

1. A term of imprisonment not exceeding three years or a fine of the fourth category shall be imposed on:
 - 1°. a civil servant charged with the investigation of criminal offences who intentionally fails to comply with a request to report an unlawful deprivation of liberty, or who intentionally omits to communicate this without delay to his superiors;
 - 2°. a civil servant who, having learned in the performance of his office that a person has been unlawfully deprived of his liberty, intentionally omits to report this without delay to a civil servant charged with the investigation of criminal offences.
2. A civil servant who, through negligence, causes any omission defined in this section to be committed, shall be liable to a term of detention not exceeding three months or a fine of the second category.

Section 369

A head of an institution intended for the detention of convicted offenders, persons remanded in pre-trial detention or persons detained for failure to comply with a judicial order, or of a state institution for child protection or a psychiatric hospital, who refuses to comply with a lawful request to produce a person detained or admitted to such institution or hospital, or to present for examination the admission register or the instrument which must be recorded by law, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 370

1. A civil servant who, overstepping his authority or failing to observe the formalities prescribed by law, enters a dwelling or enclosed room or premises in use by another person against that person's will, or who, unlawfully remaining there, does not leave immediately after having been directed to do so by or on behalf of the entitled person, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
2. A civil servant who, on the occasion of a search of places, overstepping his authority or failing to observe the formalities prescribed by law, examines or seizes documents, books or other papers, shall be liable to the same punishment.

Section 371

1. A civil servant who, overstepping his authority, requires a person to hand over to him or seizes a letter, postcard, postal packet or parcel entrusted to any public carrier, or a telegraph message held by a person charged with the operation of a telegraph service, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
2. A civil servant who, overstepping his authority, obtains from a person employed by a provider of a public telecommunication network or public telecommunication service information about any communication transmitted via that network or by means of that service, shall be liable to the same punishment.

Section 372 [Repealed as of 01-09-2006]

Section 373 [Repealed as of 01-09-2006]

Section 374 [Repealed as of 01-09-2006]

Section 374bis [Repealed as of 01-09-2006]

Section 375 [Repealed as of 01-09-2006]

Section 376

A civil servant who, at a time when he was fully or partially in charge of the administration or supervision of the contracting of work or the supply of goods, intentionally participates, either indirectly or directly, in such contracting or supplying activities, shall be liable to a term of imprisonment not exceeding six months or a fine of the fifth category.

Section 377

A civil servant employed at the Royal Mint, with the exception of the Master of the Royal Mint, or a person employed at an assay office as referred to in section 7 of the Assay Act 1986 [*Waarborgwet*], who trades in precious metals or objects made thereof, or who intentionally, either indirectly or directly, participates in such trade, shall be liable to a term of imprisonment not exceeding six months or a fine

of the third category.

Section 378

Any person employed at an assay office as referred to in section 7 of the Assay Act 1986, who makes an imprint or makes a tracing of any gold or silverwork submitted to his office, or who provides a description of such work to a person other than the person who is officially authorised to require such description, shall be liable to a fine of the second category.

Section 379

1. A civil registrar who participates in the solemnisation of a person's marriage, knowing that this person is thereby entering into a bigamous marriage, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.
2. A civil registrar who participates in the solemnisation of a person's marriage, knowing that there is any other legal impediment to this marriage, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 380

1. In the case of conviction for any of the serious offences defined in sections 355, 357 and 358, disqualification from the rights listed in section 28(1)(3°) may be imposed.
2. In the case of conviction for any of the serious offences defined in sections 359, 362 to 364 inclusive, 366 and 379(1), disqualification from the rights listed in section 28(1)(4°) may be imposed.

Part XXIX. Serious Offences related to Shipping and Aviation

Section 381

1. Any person who:
 - 1°. takes service or serves as a master on a vessel, knowing that it is intended for or employing it for the commission of acts of violence against other vessels on the open sea or against persons or property on board these vessels, without being authorised to do so by a power engaged in warfare or without being part of the war navy of a recognised power, shall be guilty of piracy and shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category;
 - 2°. aware of such purpose or employment, takes service as a crew member on such a vessel, or voluntarily continues his service after having become aware of such purpose or employment, shall be guilty of piracy and shall be liable to a term of imprisonment not exceeding nine years or a fine of the fifth category.
2. Overstepping an authorisation, as well as possessing authorisations granted by each of the belligerent powers, shall be considered as equivalent to the absence of authorisation.
3. Section 81 shall not apply.
4. The provisions of the preceding sections regarding the master and the crew member of a vessel shall apply mutatis mutandis to the captain of an aircraft or the member of the crew of an aircraft respectively. The term "vessel" in the preceding sections shall include aircraft and the term "open sea" shall include the airspace above the open sea.

Section 382

If the acts of violence defined in section 381 result in the death of any of the persons on board the vessel or aircraft attacked, the master of the vessel or the captain of the aircraft, and those participating in the acts of violence, shall be liable to a term of imprisonment not exceeding fifteen years or a fine of the fifth category.

Section 383

Any person who, either for his own or another's account, equips a vessel or an aircraft for the purpose defined in section 381, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

Section 384

Any person who, either for his own or another's account, indirectly or directly, assists in hiring out, leasing or insuring a vessel or aircraft, knowing that such has the purpose defined in section 381, shall be liable to a term of imprisonment not exceeding eight years or a fine of the fifth category.

Section 385

Any person who intentionally surrenders control of a Dutch vessel to pirates, shall be liable:

- 1°. if he is the master, to a term of imprisonment not exceeding twelve years or a fine of the fifth category;
- 2°. in all other cases, to a term of imprisonment not exceeding nine years or a fine of the fifth category.

Section 385a

1. Any person who by an act of violence, by threat of violence or by intimidation seizes or exercises control over an aircraft, or changes its course, shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.
2. If two or more persons commit the offence jointly or as a result of a conspiracy, or if the offence results in serious bodily harm, or if the offence has been committed with the intention of unlawfully depriving another person of his liberty or of continuing to unlawfully deprive him of his liberty, a term of imprisonment not exceeding fifteen years or a fine of the fifth category shall be imposed.
3. If the offence results in death, life imprisonment or a determinate term of imprisonment not exceeding thirty years or a fine of the fifth category shall be imposed.
4. The punishments prescribed in subsection (1) shall apply to any person who commits the serious offences defined in that subsection against a vessel, an installation at sea, a bus, a train or another means of public transport or a truck transporting dangerous goods.

Section 385b

1. Any person who intentionally commits an act of violence against a person on board an aircraft in flight shall be liable to:
 - 1°. a term of imprisonment not exceeding nine years or a fine of the fifth category, if such act is likely to endanger the safety of the aircraft;
 - 2°. to a term of imprisonment not exceeding twelve years or a fine of the fifth category, if such act is likely to endanger the safety of the aircraft and the offence results in grievous bodily harm to another person;
 - 3°. to a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the safety of the aircraft and the offence results in the death of another

person.

2. The punishments prescribed in subsection (1) shall apply to any person who commits the serious offences defined in that subsection against a vessel and an installation at sea. "Endangering the safety of the aircraft" in subsection (1) shall also include the safe passage of a vessel.

Section 385c

Any person who intentionally communicates data he knows or has serious reason to suspect is incorrect, shall, if such act is likely to endanger an aircraft in flight or the safe passage of a vessel, be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.

Section 385d

Any person who intentionally, by using a firearm, an explosive or a substance otherwise endangering general safety or any other object endangering general safety, commits an act of violence against a person in or in the immediate vicinity of the arrival or departure halls of an airport, shall be liable:

- 1°. to a term of imprisonment not exceeding nine years or a fine of the fifth category, if such act is likely to endanger the life of other users of the airport;
- 2°. to a term of imprisonment not exceeding twelve years or a fine of the fifth category, if such act is likely to endanger the life of other users of the airport and the offence results in grievous bodily harm to another person;
- 3°. to a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if such act is likely to endanger the life of other users of the airport and the offence results in the death of another person.

Section 386

Any person on board a Dutch ship who unlawfully takes control of the ship, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.

Section 387

A master of a Dutch ship who removes the ship from the control of its owner or the shipping company and employs it for his own benefit, shall be liable to a term of imprisonment not exceeding seven years and six months or a fine of the fifth category.

Section 388 [Repealed as of 01-02-2006]

Section 389 [Repealed as of 01-02-2006]

Section 389bis

1. A master of a Dutch vessel who has a ship's protest prepared, knowing that its contents are false, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category.
2. Crew members who cooperate in the preparation of a ship's protest, knowing that its contents are false, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 389ter

Any person who, for the purpose of compliance with requirement of section 8:194(4), section 8:784(5), section 8:786(1)(a)(3°) or section 8:1303(4) of the Civil Code, submits a written statement, knowing that its contents are false, shall be liable to a term of imprisonment not exceeding four years or a fine

of the fourth category.

Section 390

A master of a Dutch vessel who, during the voyage, intentionally removes himself from command shall, if such behaviour endangers the safety of the persons on board, of the vessel or of the property on board, be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 391 [Repealed as of 13-08-1973]

Section 392 [Repealed as of 01-10-1937]

Section 393 [Repealed as of 01-10-1937]

Section 394 [Repealed as of 13-08-1973]

Section 394bis [Repealed as of 13-08-1973]

Section 395

1. A person on board a Dutch ship or seagoing fishing boat who physically assaults the master, or a crew member who, on board or in the course of his service, physically assaults a superior officer, or by an act of violence or by threat of violence resists him or intentionally deprives him of his freedom of action, shall be guilty of insubordination and shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.
2. The offender shall be liable:
 - 1°. to a term of imprisonment not exceeding three years or a fine of the fourth category, if the serious offence or the accompanying acts result in any bodily harm;
 - 2°. to a term of imprisonment not exceeding seven years and six months or a fine of the fifth category, if they result in grievous bodily harm;
 - 3°. to a term of imprisonment not exceeding twelve years or a fine of the fifth category, if they result in death.

Section 396

1. Insubordination committed jointly by two or more persons shall constitute mutiny and shall be punishable by a term of imprisonment not exceeding six years or a fine of the fourth category.
2. The offender shall be liable:
 - 1°. to a term of imprisonment not exceeding seven years and six months or a fine of the fifth category, if the serious offence or the accompanying acts committed by him result in any bodily harm;
 - 2°. to a term of imprisonment not exceeding twelve years or a fine of the fifth category, if they result in grievous bodily harm;
 - 3°. to a term of imprisonment not exceeding fifteen years or a fine of the fifth category, if they result in death.

Section 397

Any person who, on board a Dutch ship or seagoing fishing boat, incites a mutiny on that ship or vessel, shall be liable to a term of imprisonment not exceeding five years or a fine of the fourth category.

Section 398 [Repealed as of 13-08-1973]

Section 399 [Repealed as of 13-08-1973]

Section 400

1. A term of imprisonment not exceeding six months or a fine of the third category shall be imposed on:
 - 1°. a person on board a Dutch vessel who intentionally disobeys any order issued by the master in the interest of safety on board;
 - 2°. a person on board a Dutch vessel who, knowing that the master is deprived of his freedom of action, fails to come to his assistance to the best of his ability;
 - 3°. a person on board a Dutch vessel who, knowing of an intention to commit insubordination, intentionally omits to notify the master on time of such an intention;
 - 4°. a person on board a Dutch vessel, other than a crew member, who intentionally disobeys any order of the master for the maintenance of order and discipline on board.
2. The provision of (3°) shall not apply if the insubordination did not follow.

Section 401

The terms of imprisonment prescribed in sections 386, 389, 395-397 and 400 may be increased by one third, if the offender of any of the offences defined in these sections is a ship's officer.

Section 402

A master of a Dutch ship who, with the intention of benefitting himself or another unlawfully or of concealing such benefit, either sells the ship, borrows money against the value of the ship, its appurtenances or its stores, or sells or pledges property on board the ship or items of the ship's stores, or declares fictitious damages or expenses, or fails to ensure that the ship's logbooks are kept on board in accordance with the statutory regulations or, upon abandoning ship, fails to ensure that the ship's papers are salvaged, shall be liable to a term of imprisonment not exceeding six years or a fine of the fourth category.

Section 403

A master of a Dutch ship who, with the intention of benefitting himself or another unlawfully or of concealing such benefit, deviates from the ship's course, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.

Section 404 [Repealed as of 13-08-1973]

Section 405

1. A master of a Dutch vessel who, without necessity and without the prior knowledge of the owner or the shipping company, commits or allows activities, knowing that this may render the vessel or the property on board liable to seizure, detention or delay, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.
2. A person on board who, without necessity and without the prior knowledge of the master, commits similar activities with like knowledge, shall be liable to a term of imprisonment not exceeding nine months or a fine of the third category.

Section 406

A master of a Dutch ship who intentionally, without necessity, fails to comply with his obligation to provide a person on board with the necessary provisions, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 407

A master of a Dutch ship who intentionally, without necessity or in violation of any statutory regulation, throws goods overboard, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 408

Any person who intentionally and unlawfully destroys, damages or renders unusable property on board a vessel, shall be liable to a term of imprisonment not exceeding two years or a fine of the fourth category.

Section 409

A master of a vessel who flies a Dutch flag, knowing he is not entitled to do so, shall be liable to a term of imprisonment not exceeding one year or a fine of the third category.

Section 410

A master who, by displaying any distinguishing mark on his vessel, intentionally gives the impression that this vessel is a Dutch warship, or is serving as a pilot vessel in Dutch waters or sea outlets, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.

Section 411

Any person who, without necessity, acts as a master, navigator or engineer on a Dutch vessel, knowing that he does not have the qualifications required by statutory regulation for such a position, shall be liable to a term of imprisonment not exceeding six months or a fine of the third category.

Section 412

A master of a Dutch ship who, without a valid reason, refuses to comply with a lawful request to take on board an accused or a convicted person, as well as the documents pertaining to his case, shall be liable to a term of imprisonment not exceeding three months or a fine of the second category.

Section 413

1. A master of a Dutch ship who intentionally allows an accused or a convicted person, whom he has taken on board on lawful request, to escape or intentionally frees him, or assists in the freeing of that person or assists him in his own escape, shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.
2. If the escape or freeing of that person or that person's own escape is caused by his negligence, he shall be liable to a term of detention not exceeding two months or a fine of the second category.

Section 414

A master of a vessel who intentionally fails to fulfil the obligation to render assistance imposed on him under section 358a(1) or section 785 of the Commercial Code [*Wetboek van Koophandel*], shall be liable to a term of imprisonment not exceeding three years or a fine of the fourth category.

Section 415

In the case of conviction for any of the serious offences defined in sections 381-387, 402 and 403, disqualification from the rights listed in section 28(1°)(2°) and (4°) may be imposed.

Section 415a

If any serious offence, punishable under sections 385a to 385d inclusive, is committed with terrorist intent, the determinate term of imprisonment prescribed in that section shall be increased by one half, and if a determinate term of imprisonment not exceeding fifteen years is prescribed for the serious offence, life imprisonment or a determinate term of imprisonment not exceeding thirty years shall be imposed.

Section 415b

1. Conspiracy to commit with terrorist intent the serious offences defined in sections 385a, 385b and 385d, shall be liable to a term of imprisonment not exceeding ten years or a fine of the fifth category.
2. Section 96(2) shall apply *mutatis mutandis*.

Part XXX. Assisting Serious Offences after the Fact

Section 416

1. Any person who:
 - a. obtains, has possession of or transfers property, or establishes or transfers a right *in personam* or a right *in rem* in respect of property, while at the time the property was obtained or came into his possession or the right was established, he knew that the property was derived from a serious offence;
 - b. intentionally, in pursuit of profit, has in his possession or transfers property derived from a serious offence or transfers a right *in personam* or a right *in rem* in respect of property derived from a serious offence;

shall be guilty of intentional handling of stolen property and shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

2. Any person who intentionally profits from the proceeds of any property derived from any serious offence shall be liable to the same punishment.

Section 417

Any person who engages in habitual, intentional handling of stolen property shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 417bis

1. Any person who:
 - a. obtains, has possession of or transfers property, or establishes or transfers a right *in personam* or a right *in rem* in respect of property, while at the time the property was obtained or came into his possession or the right was established, he had reasonable cause to suspect that the property was derived from a serious offence;
 - b. in pursuit of profit, has in his possession or transfers property derived from a serious offence or transfers a right *in personam* or a right *in rem* in respect of property, while he has reasonable cause to suspect that the property was derived from a serious offence;

shall be guilty of negligent handling of stolen property and shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.

2. Any person who profits from the proceeds of any property, while he has reasonable cause to suspect that the property was derived from a serious offence, shall be liable to the same punishment.

Section 417ter

In the case of conviction for any of the serious offences defined in sections 416-417*bis*, disqualification from the rights listed in section 28(1)(1°), (2°) and (4°) may be imposed and the offender may be disqualified from the practice of the profession in which he committed the serious offence.

Section 418

Any person who publishes any written matter or any image of a criminal nature, shall be liable to a term of detention not exceeding one year or a fine of the third category, if:

- 1°. the identity of the offender is neither known, nor was disclosed upon first notice, after institution of a preliminary inquiry;
- 2°. the publisher knew or should have expected that at the time of publication the offender could not be prosecuted or would be resident or established outside the Kingdom in Europe.

Section 419

Any person who prints any written matter or any image of a criminal nature, shall be liable to a term of detention not exceeding one year or a fine of the third category, if:

- 1°. the identity of the person, who commissioned the printing of the item, is neither known, nor was disclosed upon first notice, after institution of a preliminary inquiry;
- 2°. the printer knew or should have expected that at the time of publication the person, who commissioned the printing of the item, could not be prosecuted or would be resident outside the Kingdom in Europe.

Section 420

If the nature of the written matter or the image constitutes a serious offence that can be prosecuted only on complaint, then in the cases set out in the two preceding sections, the publisher or the printer may be prosecuted only on complaint of the person against whom the serious offence was committed.

Part XXXA. Laundering

Section 420bis

1. Any person who:
 - a. hides or conceals the real nature, the source, the location, the transfer or the moving of an object, or hides or conceals the identity of the person entitled to an object or has it in his possession, while he knows that the object derives - directly or indirectly - from any serious offence;
 - b. obtains an object, has an object in his possession, transfers or converts an object or makes use of an object, while he knows that the object derives - directly or indirectly - from a serious offence;

shall be guilty of laundering and shall be liable to a term of imprisonment not exceeding four years or a fine of the fifth category.

2. Objects shall mean all property of any description, whether corporeal or incorporeal.

Section 420ter

Any person who engages in habitual laundering shall be liable to a term of imprisonment not exceeding six years or a fine of the fifth category.

Section 420quater

1. Any person who:

- a. hides or conceals the real nature, the source, the location, the transfer or the moving of an object, or hides or conceals the identity of the person entitled to an object or has it in his possession, while he has reasonable cause to suspect that the object derives - directly or indirectly - from any serious offence;
- b. obtains an object, has an object in his possession, transfers or converts an object or makes use of an object while he has reasonable cause to suspect that the object derives - directly or indirectly - from any serious offence;

shall be guilty of negligent laundering and shall be liable to a term of imprisonment not exceeding one year or a fine of the fifth category.

2. Objects shall mean all property of any description, whether corporeal or incorporeal.

Section 420quinquies

In the case of conviction for any of the serious offences defined in sections 420bis to 420quater inclusive, disqualification from the rights listed in section 28(1)(1°), (2°) and (4°) may be imposed and the offender may be disqualified from the practice of the profession in which he committed the serious offence.

Part XXXI [Repealed as of 01-02-2006]

Section 421 [Repealed as of 01-02-2006]

Section 422 [Repealed as of 01-02-2006]

Section 423 [Repealed as of 01-02-2006]

Third Book. Minor Offences

Part I. Minor Offences related to the General Safety of Persons and Property

Section 424

- 1.** Any person who engages in rowdy behaviour which may cause danger or disadvantage to persons or property on or along a public road or in any place accessible to the public, shall be guilty of hooliganism and shall be liable to a fine of the first category.
- 2.** If during the commission of the minor offence, one year has not yet expired since a previous conviction of the offender for a similar offence became final, a term of detention not exceeding three days or a fine of the first category shall be imposed.

Section 425

Any person who:

- 1°. sets an animal on a human being or fails to restrain an animal under his supervision when it attacks a human being;
- 2°. fails to take sufficient care in preventing a dangerous animal under his supervision from doing harm;

shall be liable to a term of detention not exceeding six months or a fine of the third category.

Section 426

1. Any person who, while clearly under the influence of drink, either in public obstructs traffic or disturbs the peace, or endangers another person's safety, or undertakes any activity which requires special care or precautions to be taken so as to prevent danger to the life or health of third parties, shall be liable to a term of detention not exceeding six days or a fine of the first category.
2. If during the commission of the minor offence, one year has not yet expired since a previous conviction of the offender for a similar offence or the minor offence defined in section 453 became final, he shall be liable to a term of detention not exceeding two weeks or a fine of the second category.

Section 426bis

Any person who unlawfully restricts another person's freedom of movement on a public road, or who, together with one or more persons, continues to impose himself upon another person or continues to follow and harass him against that person's express will, shall be liable to a term of detention not exceeding one month or a fine of the second category.

Section 427

A fine of the first category shall be imposed on:

- 1°. an owner or user who, with regard to entrances to or openings in vaults, cellars or underground rooms and spaces that open onto a public road, fails to take the necessary precautions for the safety of passersby;
- 2°. any person who fails to ensure that any digging or excavation carried out on a public road ordered by him or on his instructions or an object placed on a public road by him or on his instructions is adequately illuminated and that the usual signs have been placed;
- 3°. any person who, in connection with work or other activity on or along a public road, fails to take the necessary measures to advise passersby of possible danger;
- 4°. any person who places something on top of a building or against a building or who throws or pours something from a building in such a way that can cause disadvantage to a person who uses a public road;
- 5°. any person who leaves a riding animal, draught or pack animal on a public road without having taken the necessary precautions against possible damage;
- 6°. any person who without the permission of the competent authorities obstructs any public road or waterway or who blocks traffic on such road or waterway.

Section 428

Any person who, without the permission of the mayor, or, in the event of a situation as referred to in section 39 of the Safety Regions Act [*Wet Veiligheidsregio's*], the chairman of the safety region or a civil servant designated by him, sets fire to one or more of his own immovable properties shall be liable to a fine of the first category.

Section 429

Any person who:

- 1°. discharges a firearm, lights a firework or builds, fuels or sustains a fire so close to buildings or property that they are exposed to the risk of fire;
- 2°. other than in cases permitted by or pursuant to the Aviation Act (*Luchtvaartwet*), releases a balloon to which burning materials are attached;
- 3°. due to lack of the necessary care or precaution, creates the risk of a forest, heather, beach grass, grassland or peat moor fire;
- 4°. unlawfully releases any substance into surface waters which can be potentially harmful to the use that is normally made of these waters;
- 5°. launches or flies a kite on a line that in whole or in part comes within five hundred metres of a high voltage overhead transmission line;

shall be liable to a term of detention not exceeding fourteen days or a fine of the second category.

Part II. Minor Offences related to Public Order

Section 429bis

Any person who, in a place visible from a public road, places or fails to remove words or images that offend religious sensibilities by reason of their disparaging and blasphemous nature, shall be liable to a term of detention not exceeding one month or a fine of the second category.

Section 429ter [Repealed as of 01-02-1992]

Section 429quater

1. Any person who, in the discharge of his office, practice of a profession or in conducting a business discriminates against persons on the grounds of their race, their religion, their beliefs, their sex or their hetero- or homosexual orientation, shall be liable to a term of detention not exceeding two months or a fine of the third category.
2. Any person who, in the discharge of his office, practice of a profession or in conducting a business, undertakes or refrains from undertaking, for no reasonable grounds, certain acts which can have the purpose or effect in regard of persons with a physical, mental or intellectual disability of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the field of politics or economics, in social or cultural matters or any other area of social life, shall be liable to the same punishment.

Section 429quinquies

Any person who is present in a prohibited place, without authority, shall be liable to a term of detention not exceeding six months or a fine of the third category.

Section 429sexies [Repealed as of 01-10-2010]

Section 430

Any person who, without the permission of the competent authorities, surveys, makes drawings or descriptions of any military site, or discloses such, shall be liable to a term of detention not exceeding two months or a fine of the third category.

Section 430a

Any person who is found unclothed in a place other than the place designated by the municipal council as suitable for recreational nudity in public, or in or at a place intended or designed to be

frequented or resorted to by the general public that is not suitable for recreational nudity, shall be liable to a fine of the first category.

Section 431

Any person who causes noise or neighbour noise which is likely to disturb the night-time sleep shall be liable to a fine of the first category.

Section 432 [Repealed as of 01-10-2000]

Section 433 [Repealed as of 01-10-2000]

Section 434 [Repealed as of 01-10-2000]

Section 435

Any person who:

- 1°. uses a Dutch title of nobility or who wears insignia of a Dutch order without being entitled to do so;
- 2°. accepts a foreign order, a title, rank or dignity, without leave of the King where this is required;
- 3°. uses the title of lawyer, bailiff or any of the titles listed in sections 7.20, 7.22(2), 7.22a(1) and 7a.5 of the Higher Education and Scientific Research Act [*Wet op het Hoger Onderwijs en Wetenschappelijk Onderzoek*];
- 4°. at the request of the competent authorities to state his personal details, provides a false surname, forename, date of birth, place of birth, address at which he is registered as a resident in the Municipal Personal Records Database or place of residence or abode.

shall be liable to a fine of the second category.

Section 435a

Any person who wears or carries, in public, garments or conspicuous insignia or decorations signifying a particular political objective, shall be liable to a term of detention not exceeding twelve days or a fine of the second category.

Section 435b

1. Any person who, without being entitled to do so, employs words, expressions or distinguishing marks, that denote or could create the impression that his action has been promoted or has been endorsed or approved by the Kingdom of the Netherlands, by Aruba, Curaçao, St. Maarten or a foreign power, or by an organisation under international law, shall be liable to a term of detention not exceeding one month or a fine of the second category.
2. [Repealed.]
3. In the case of conviction for the minor offence defined in subsection (1), publication of the judgment may be ordered.

Section 435c

Any person who, without being entitled to do so, employs the emblem of the Red Cross or the words "Red Cross" or "Geneva Cross", or equivalents of that emblem or those words under the laws and customs of war, or marks or words in imitation thereof, shall be liable to a term of detention not exceeding one month or a fine of the second category.

Section 435d

Any person who uses the arms of the Swiss Confederation or a mark which constitutes an imitation thereof:

- 1°. either as a manufacturer's mark or a trademark or as part of such mark;
- 2°. or for a purpose contrary to commercial honesty;
- 3°. or in circumstances capable of wounding Swiss national sentiment;

shall be liable to a term of detention not exceeding one month or a fine of the second category

Section 435e

Any person who, other than in private, by means of a telephone service, intended in whole or in part for the use of the general public, offers goods or services for sale against payment, indicating or creating the impression that the proceeds will go, in whole or in part, to a charitable or non-commercial cause, shall be liable to a fine of the third category.

Section 435f [Repealed as of 01-01-2005]

Section 435g [Repealed as of 01-05-1971]

Section 436

1. Any person who, without being licensed to practise a profession for which a licence is required by law, practises that profession without necessity, shall be liable to a fine of the second category.
2. Any person who is licensed to practise a profession for which a licence is required by law and who, without necessity, exceeds the limits of his licence, shall be liable to a fine of the second category.
3. If during the commission of the minor offence, one year has not yet expired since a previous conviction of the offender for a similar offence became final, a term of detention not exceeding two months or a fine of the third category may be imposed in the case set out in subsection (1), and a term of detention not exceeding one month or a fine of the third category may be imposed in the case set out in subsection (2).

Section 436a [Repealed as of 01-03-2001]

Section 437

1. Any trader, designated by Governmental Decree, who in the practice of his profession or in the conduct of a business:
 - a. fails to comply with the obligation to keep records of all used or irregularly available items he has obtained or has in his possession, laid down by Governmental Decree,
 - b. obtains a used or irregularly available item from a person who did not give his personal details or he did not enter those details in his records,
 - c. upon first request, fails to present his records for inspection to a civil servant designated by the mayor for that purpose,
 - d. upon first request of a civil servant as specified in (c), fails to surrender for inspection a used or irregularly available item he has obtained or has in his possession and to show that civil servant where such item was entered in his records,
 - e. obtains or has in his possession an item that has been reported by or on behalf of the police in a clear written description as having been taken from the entitled person by means of a serious offence, or as being missing,
 - f. fails to comply with an order issued to him in writing by a civil servant, as referred to in (c), to hold in custody or surrender into custody an item in his possession for a period of time set in

the order, not exceeding fourteen days, or who fails to observe an instruction given in the written order, or

- g. fails to comply with a written request from a civil servant, referred to in (c), to provide true statements concerning items obtained by him or in his possession within the period of time set in that request,

shall be liable to a term of detention not exceeding six months or a fine of the third category

- 2. Any person acting on behalf of the trader defined in subsection (1), who commits an offence as defined in subsections a to g inclusive of that section, shall be liable to the same punishment.
- 3. The offender may be disqualified from the practice of the profession in which he committed the minor offence.
- 4. The term “irregularly available items” shall be understood to mean goods that by reason of their nature or design, their origin or their condition, cannot be considered commonly available goods.

Section 437bis

- 1. A trader designated by Governmental Decree under section 437, who in the practice of his profession or in the conduct of a business:
 - a. obtains property from a minor, or
 - b. obtains property from a person whom he knows or has reasonable cause to suspect has been committed to a penal institution, a state institution for the care and protection of children or a psychiatric hospital,

shall be liable to a term of detention not exceeding six months or a fine of the third category.

- 2. Any person acting on behalf of the trader defined in subsection (1), who commits an offence as defined in subsections a and b of that section, shall be liable to the same punishment.
- 3. The offender may be disqualified from the practice of the profession in which he committed the minor offence.

Section 437ter

- 1. A trader designated by Governmental Decree under section 437, who violates a bylaw issued and proclaimed by a municipal council in order to prevent the handling of stolen goods, shall be liable to a term of detention not exceeding three months or a fine of the third category.
- 2. Any person who buys up, by profession or habit, second-hand articles for the purpose of trade without having given written notice of these activities in advance to the mayor or a civil servant designated by the mayor for that purpose, shall be liable to the same punishment.

Section 437quater

Any person who violates any regulation to prevent assisting serious offences after the fact, laid down by Governmental Decree pertaining to the traffic on certain water areas to be designated in the Decree, shall be liable to a term of detention not exceeding three months or a fine of the third category.

Section 438

- 1. Any person who makes a professional practice of providing overnight lodging for persons, shall be liable to a term of detention not exceeding one month or a fine of the second category if he:

- 1st upon the arrival of a person who will spend the night in the establishment run by him, fails to promptly request from this person presentation of a travel document or identity document;
- 2nd fails to keep a complete register, or fails to promptly enter or have entered in such register on the arrival of that person, the name, address and date of arrival of that person, and fails to make entries or to have entries made of the nature of the document presented, and, upon his departure, the date of departure;
- 3rd fails to present that register on request to the mayor or a civil servant designated by the mayor for that purpose.

- 2. Any person who, by profession or habit, makes available to persons of age a site that includes any inland harbour or inland waterways designed for the mooring of pleasure craft with or without the relevant facilities, for the purpose of overnight lodging or for the purpose of placing camping equipment or keeping such in place or makes available for that purpose any structure which is not an establishment as specified in subsection (1), and who commits the omissions set out in subsection (1) , shall be liable to the same punishment.
- 3. The preceding subsections shall not apply to overnight lodging provided to accompanying spouses, minor children or to tour groups.

Section 439

- 1. Any person who:

- 1°. from a soldier below the rank of officer, buys, receives in exchange, accepts as a gift or a pledge, uses or takes custody of any items belonging to his uniform, equipment or arms, or who, for the benefit of a soldier below the rank of officer, sells such items or gives them in exchange, as a gift, a pledge, or for use or custody, without written permission granted by or on behalf of the officer in command;
- 2°. who makes a habit of buying such items and fails to comply with the regulations pertaining to the keeping of a register of such items laid down by Governmental Decree;

shall be liable to a term of detention not exceeding one month or a fine of the second category .

- 2. If during the commission of the minor offence, two years have not yet expired since a previous conviction of the offender for any of these minor offences became final, the punishment of a term of detention may be doubled.

Section 440

Any person who produces, receives, obtains, has in store, transports, imports, conveys in transit or exports printed matter or other objects of such appearance that they resemble government-issued coin vouchers or banknotes, coins, articles of platinum, gold or silver bearing government marks, stamps or travel documents, shall be liable to a fine of the second category.

Section 441

Any person who communicates to another person the content or the purport of what has been overheard on a radio receiver used by him or of which he is in charge, and which, as he has reasonable cause to suspect, was not, or was not also, intended for him, if he has reasonable cause to suspect that this will lead to public disclosure of the content or the purport and if such disclosure follows, or who publicly discloses such content or purport, shall be liable to a term of detention not exceeding three months or a fine of the third category.

Section 441a

Any person who, either publicly or by distribution of any written matter, indicates, without being asked,

the availability of an object or the fact that he has such an object in his possession, at the same time pointing out its suitability as a technical device for surreptitiously eavesdropping on or interception or recording of conversations, telecommunications or other type of data transfer by a computerised device, or its suitability as a part of such device, shall be liable to a term of detention not exceeding two months or a fine of the third category.

Section 441b

Any person who, employing a specially installed technical device which is not clearly visible or notified, unlawfully produces an image of a person who is present at a place accessible to the public, shall be liable to a term of detention not exceeding two months or a fine of the third category.

Section 442

A term of detention not exceeding three months or a fine of the third category shall be imposed on:

- 1°. any person who, having been granted a moratorium of payments, performs on his own authority acts for which the cooperation of the official administrators is required by law,
- 2°. the managing director or supervisory director of a legal person which has been granted a moratorium of payments, who performs on his own authority acts for which the cooperation of the official administrators is required by law.

Section 442a

Any person who fosters a child under the age of six months that is not under the guardianship of a legal person, without the prior written consent of the Child Protection Board, shall be liable to a term of detention not exceeding three weeks or a fine of the second category.

Part III. Minor Offences related to Public Authority

Section 443

Any person who violates a general police order issued and proclaimed, pursuant to the Municipalities Act [*Gemeentewet*], in extraordinary circumstances by a mayor, a chairman of a safety region or a royal commissioner, shall be liable to a term of detention not exceeding three months or a fine of the second category.

Section 444

Any person who has been legally summoned to appear as a witness, an expert witness or an interpreter and who fails to appear without permission of the court, shall be liable to a fine of the first category.

Section 445

Any person who has been notified, in his capacity as a relative by consanguinity, a relative by affinity, a spouse or a guardian to appear before the court in order to be heard in matters regarding minors or persons under guardianship or to be placed under guardianship or persons admitted to a psychiatric hospital, and who fails to appear without a valid excuse, shall be liable to a fine of the first category.

Section 446

Any person who, in situations where the general safety of persons or property is at risk or upon the discovery of a serious offence in its commission, refuses to render the aid and assistance requested from him by the public authorities, and of which he is capable without exposing himself to immediate danger, shall be liable to a fine of the first category.

Section 446a

Any person who,

- 1°. after he has exercised any authority as referred to in section 539b(1) of the Code of Criminal Procedure, or
- 2°. after an arrested suspect or an object seized has been handed over to him outside the area of jurisdiction of a district court, or
- 3°. after he has arrested a person on the orders of the Public Prosecution Service outside the area of jurisdiction of a district court

fails to notify a competent public prosecutor, without delay and in the speediest manner possible, of the information, referred to in section 539b(2) and (3) of the Code of Criminal Procedure, or who fails to promptly seek the instructions of a public prosecutor as referred to in subsection (3) of that section, shall be liable to a term of detention not exceeding three months or a fine of the second category.

Section 447

Any person who unlawfully tears down, renders illegible, or defaces a notice publicly posted on behalf of the competent authorities, shall be liable to a fine of the first category.

Section 447a

Any person who:

- 1°. fails to comply or comply adequately with any obligation imposed in section 8:195 of the Civil Code in connection with sections 8:192 and 8:178(3) of the Civil Code, or imposed in sections 8:785 and 8:786 the Civil Code in connection with sections 8:782 and 8:178(3), in addition to 8:771 of that Code or in the Governmental Decree referred to in sections 8:231 and 8:841 of the Civil Code;
- 2°. removes, alters or renders indistinct or invisible on a registered ship the registration mark, its name or markings prescribed by the Governmental Decree mentioned in (1°), or in a manner other than is permitted according to that Governmental Decree;
- 3°. fails to comply or comply adequately with any obligation imposed in section 8:1304(2) of the Civil Code or any other obligation imposed in a Governmental Decree, issued pursuant to section 8:1321 of the Civil Code;

shall be liable to a fine of the second category.

Section 447b

Any person who fails to surrender a travel document that it is in his possession, but of which he is not the holder, or that, pursuant to a statutory provision, must be surrendered, either immediately after he has been verbally ordered to do so by a civil servant authorised for that purpose, or within fourteen days of having been notified of this in person by registered letter, shall be liable to a fine of the second category.

Section 447c

Any person who, other than through forgery, provides information to the person who grants any benefit payment or allowance or through whose agency the same is granted, which information he knows or has reasonable cause to suspect is not true, shall, if this information is relevant for determining his or another's right to that benefit payment or allowance or for the amount or the duration of such benefit payment or allowance, be liable to a term of detention not exceeding six months or a fine of the third category.

Section 447d

Any person who, in violation of an obligation imposed on him by or pursuant to statutory regulation, omits to provide the necessary information on time, shall, if this information is relevant for determining his or another's right to a benefit payment or allowance or for the amount or the duration of such benefit payment or allowance, be liable to a term of detention not exceeding six months or a fine of the third category.

Section 447e

Any person who fails to comply with an obligation to present an identity document for inspection, imposed on him pursuant to the Compulsory Identification Act, the Code of Criminal Procedure, the Criminal Code, the Surrender Act [*Overleveringswet*], the Extradition Act [*Uitleveringswet*], the Transfer of Enforcement of Criminal Judgments Act, the Custodial Institutions (Framework) Act, the Treatment of Persons detained under an Entrustment Order (Framework) Act, the Correctional Institutions for Young Offenders (Framework) Act or the Involuntary Admissions to Psychiatric Hospitals Act, shall be liable to a fine of the second category.

Part IV. Minor Offences related to Civil Status

Section 448

Any person who fails to comply with his statutory obligation to register a birth or death with a civil registrar for the registers of births or deaths, shall be liable to a fine of the first category.

Section 449

1. A minister of religion who, prior to having been given evidence by the parties that their marriage has been solemnised by a civil registrar, officiates in any official religious ceremony in celebration of the marriage, shall be liable to a fine of the second category.
2. If during the commission of the minor offence, two years have not yet expired since a previous conviction of the offender for a similar minor offence became final, a term of detention not exceeding two months or a fine of the second category may be imposed.

Part V. Minor Offences related to Persons in Distress

Section 450

Any person who witnesses the immediate mortal danger of another person and who fails to render or procure such aid and assistance as he is capable of rendering or procuring where there is no reasonable expectation of danger to himself or others, shall be liable to a term of detention not exceeding three months or a fine of the second category.

Part VI. Minor Offences related to Public Morals

Section 451 [Repealed as of 21-05-1986]

Section 451bis [Repealed as of 01-01-1988]

Section 451ter [Repealed as of 01-01-1970]

Section 451quater [Repealed as of 01-11-1984]

Section 452 [Repealed as of 15-06-1911]

Section 453

A person who is found on a public road clearly under the influence of drink, shall be liable to a fine of the first category.

Section 454 [Repealed as of 01-11-1967]

Section 455 [Repealed as of 01-09-1996]

Section 456 [Repealed as of 15-06-1911]

Section 457 [Repealed as of 31-12-1964]

Part VII. Minor Offences regarding Rural Police

Section 458

Any person who, without being entitled to do so, allows his domestic fowl to roam through gardens or on any land that has been sown or planted, shall be liable to a fine of the first category.

Section 459

Any person who, without being entitled to do so, allows cattle to roam through gardens, coppices or osier beds, or on any grazing land or hayfield or on any land that has been sown or planted, or any land that has been prepared for sowing or planting, shall be liable to a fine of the first category.

Section 460

Any person who, without being entitled to do so, is present on any land that has been sown or planted, or any land that has been prepared for sowing or planting, or during the months of May to October inclusive on any grazing land or hayfield, shall be liable to a fine of the first category.

Section 461

Any person who, without being entitled to do so, is present on another person's land to which access has been prohibited by the entitled person in such a manner that this person could have been aware of such prohibition, or who allows cattle to roam over such land, shall be liable to a fine of the first category.

Part VIII. Minor Offences involving Abuse of Office

Section 462

A civil servant who is authorised to issue copies or extracts of judgments, and who issues such copy or extract before the judgment has been duly signed, shall be liable to a fine of the first category.

Section 463

A civil servant who, without the permission of the competent authorities, makes a copy or an extract of secret government documents, or who publicly discloses their contents, shall be liable to a term of detention not exceeding two months or a fine of the second category.

Section 464

A head of an institution intended for the detention of convicted offenders, persons remanded in pre-trial detention or persons detained for failure to comply with a judicial order, or of a state institution for

child protection or a psychiatric hospital, who admits a person to or detains him in the institution or hospital without having been shown the order of the competent authorities or the judgment, or who fails to make the required entry of the admission or detention and of the order or the judgment, on which detention or admission is based, in his registers, shall be liable to a term of detention not exceeding one month or a fine of the second category.

Section 465

A civil registrar who omits to have the documents or the statements required by any statutory regulation submitted to him prior to the solemnisation of the marriage, shall be liable to a fine of the second category.

Section 466

A civil registrar who violates any statutory regulation pertaining to the registers or the records of the Civil Registry or pertaining to the formalities preceding the solemnisation of a marriage or pertaining to the solemnisation of a marriage, shall be liable to a fine of the first category.

Section 467

A civil registrar who omits to enter a record in the registers, shall be liable to a fine of the second category.

Section 468

A fine of the first category shall be imposed on:

- 1°. a civil registrar who omits to report any information to the competent authorities as required by any statutory regulation
- 2°. a civil servant who omits to report any information to any civil registrar as required by any statutory regulation.

Section 468a

For the purposes of sections 466-468, a “civil registrar” shall mean any person who is charged with the keeping of a register of the Civil Registry pursuant to any statutory regulation.

Part IX. Minor Offences related to Shipping

Section 469

A master of a Dutch vessel who puts out to sea before drawing up or updating and signing the crew list as prescribed in section 451 of the Commercial Code, and sending it to the Transport and Public Works Inspectorate, shall be liable to a fine of the second category.

Section 470

A master who does not carry on board the ship's papers, logbooks, documents or other data carriers prescribed by or pursuant to statutory provisions, shall be liable to a fine of the first category.

Section 470a

A master of a Dutch vessel who undertakes a voyage with this ship, while he has not been issued with a valid certificate with respect to accommodation on board, as prescribed by section 407 of the Commercial Code, shall be liable to a term of detention not exceeding one month or a fine of the second category.

Section 471

1. A fine of the second category shall be imposed on:

- 1°. a master of a Dutch vessel who fails to ensure that the logbooks required by law are kept on board his vessel in accordance with the statutory regulations, or who fails to present these logbooks when required by law;
- 2°. a master of a Dutch ship who fails to keep a register of criminal offences, referred to in section 539u of the Code of Criminal Procedure, in accordance with the statutory regulations or fails to present it when required by law;
- 3°. [Repealed;]
- 4°. an owner, a bareboat charterer, a ship's husband or a master of a Dutch vessel who refuses to allow interested parties, at their request, to inspect the logbooks kept on board the vessel, or who refuses to provide such parties, against reimbursement of costs, with a copy of the logbooks kept on board the vessel.

2. If during the commission of the minor offence, two years have not yet expired since a previous conviction of the offender for any of these minor offences became final, a term of detention not exceeding two months or a fine of the second category may be imposed.

Section 471a

Any person who violates the provisions of section 539u of the Code of Criminal Procedure shall be liable to a term of detention not exceeding three months or a fine of the second category.

Section 472

A master of a Dutch vessel who fails to comply with his statutory obligation regarding the recording and notification of births and deaths which occurred during a sea voyage, shall be liable to a fine of the first category.

Section 473 [Repealed as of 01-09-1988]

Section 473a [Repealed as of 03-02-1955]

Section 474

A master who fails to comply with the obligations referred to in section 358a(2) or section 785 of the Commercial Code, shall be liable term of detention not exceeding three months or a fine of the second category.

Section 475

Both an owner and a bareboat charterer who fail to comply with the obligation imposed on them in section 451e(3) of the Commercial Code, and a master who fails to comply with the obligations imposed on him in section 451e(1) and (3) of the Commercial Code, shall be liable to a fine of the second category.

Section 476

An owner, a bareboat charterer and a master of a Dutch vessel, who employ persons on board as crew members contrary to the prohibition in section 406, or the prohibition in section 452s of the Commercial Code, shall be liable to a fine of the first category for each person who is thus employed.

Section 477 [Repealed as of 01-04-1991]

Section 478 [Repealed as of 01-04-1991]

GENERAL FINAL PROVISION

Article 479

The coming into effect of this Code shall be further regulated by the law.

We hereby ordain and command that this Act shall be published in the *Bulletin of Acts and Decrees* and that all Ministerial Departments, Authorities, Executive Bodies and Civil Servants to whom this shall be of concern, shall see to its careful enforcement.

Given at The Hague, the 3rd of March 1881

The Minister of Justice,
A. E. J. MODDERMAN

WILLEM.

Issued the fifth of March 1881.

The Minister of Justice,
A. E. J. MODDERMAN