

## **Liechtenstein**

### **Criminal Code (StGB): Excerpts**

#### § 5

##### *Mens rea*

1) A person shall be deemed to act willfully if he wishes to bring about facts corresponding to the legal elements of an offense; it shall thereby be sufficient if the perpetrator seriously believes such facts can be brought about and accepts that they will be brought about.

2) The perpetrator shall be deemed to act intentionally if he intends to bring about the circumstance or result for which the law requires intentional action.

3) The perpetrator shall be deemed to act knowingly if he not merely believes the circumstance or result for which the law requires knowledge to be possible, but rather considers its existence or occurrence to be certain.

#### § 12

##### *Treatment of all participants as perpetrators*

Not only the immediate perpetrator shall be deemed to commit the punishable act, but also every person who directs another person to perform the act or who otherwise contributes to its performance.

#### § 15

##### *Punishability of attempt*

1) The penalties for willful acts shall not only apply to a completed offense, but also to an attempt and to any participation in an attempt.

2) The offense shall be deemed attempted as soon as the perpetrator actuates his decision to commit or direct another person to commit (§ 12) the offense by way of an act immediately preceding commission.

3) An attempt and participation in an attempt shall not be punishable if completion of the offense was not possible under any circumstances, for lack of personal qualities or circumstances that the law requires the person acting to fulfill or given the type of the act or the type of the object against which the offense was perpetrated.

#### § 20

##### *Absorption of enrichment*

1) Anyone who:

1. has committed a punishable act and has thereby gained pecuniary benefits, or
2. has received pecuniary benefits for the commission of a punishable act

shall be sentenced to pay an amount of money equal to the unjust enrichment obtained thereby. To the extent that the amount of enrichment cannot be determined or only with disproportionate effort, the court shall specify the amount to be absorbed at its discretion.

2) If

1. the perpetrator has continually or repeatedly committed crimes (§ 17) and obtained pecuniary benefits through or for their commission, and
2. he has received other pecuniary benefits during the time connected with the crimes committed, and it is reasonable to assume that such benefits originate from other crimes of this kind, and their lawful origin cannot be credibly shown,

then these pecuniary benefits shall also be taken into account when specifying the amount to be absorbed.

3) A perpetrator who has gained pecuniary benefits during the time connected with his membership of a criminal organization (§ 278a) or a terrorist group (§ 278b) shall be sentenced to pay an amount of money specified at the court's discretion to be equal to the enrichment obtained, if it is reasonable to assume that such pecuniary benefits originate from punishable acts and their lawful origin cannot be credibly shown.

4) Anyone who has been enriched directly and unjustly through the punishable act of another person or through a pecuniary benefit paid for the commission of such act shall be punished to pay an amount of money equal to the enrichment. If a legal person or partnership has been enriched, then it shall be sentenced to pay this amount.

5) If a directly enriched party is deceased or if a directly enriched legal person or partnership no longer exists, then the enrichment shall be absorbed from the legal successor, to the extent that enrichment still existed at the time of legal succession.

6) Several enriched parties shall be sentenced according to their share in the enrichment. If this share cannot be determined, then the court shall specify it at its discretion.

#### § 20a

##### *Exclusion of absorption*

1) Absorption shall be excluded to the extent that the enriched party has satisfied civil claims arising from the offense or has undertaken to do so by means of an enforceable contract, or the enriched party has been sentenced or is simultaneously being sentenced to do so, or the enrichment has been remedied by other legal measures.

2) Absorption shall be refrained from

1. to the extent that the amount to be absorbed or the prospects for collection are disproportionate to the procedural efforts necessary for the absorption or collection, or
2. to the extent that payment of the amount of money would disproportionately impede the development of the enriched party or would represent undue hardship for the enriched party, in particular because the enrichment no longer exists at the time of the order; other disadvantages resulting from a judgment shall be taken into account.

#### § 20b

##### *Forfeiture*

1) Assets subject to the power of disposal of a criminal organization (§ 278a) or a terrorist group (§ 278b) or that have been made available or collected as a means of financing of terrorism (§ 278d) shall be declared forfeited.

2) Assets originating from a punishable act shall be declared forfeited if the offense from which they arise is also punishable under the laws of the place where the offense was committed but, according to §§ 62 to 65, is not subject to Liechtenstein criminal laws and does not constitute a fiscal offense, unless the act is an offense as set out in article 76 of the Value Added Tax Act that is connected with damage to the budget of the European Communities.

#### § 20c

##### *Exclusion of forfeiture*

1) Forfeiture shall be excluded to the extent that

1. the assets concerned are subject to legal claims of persons who are not involved in the punishable act, the criminal organization, or the terrorist group, or
2. the purpose of forfeiture is attained by other legal measures, in particular to the extent that the unjust enrichment is absorbed by foreign proceedings and the foreign decision can be executed in Liechtenstein.

2) Forfeiture shall be refrained from if it would be disproportionate to the importance of the matter or the procedural efforts.

§ 26

*Confiscation*

1) Objects which the perpetrator used to commit the punishable act, or which he designated for use in the commission of the act, or which have arisen from this act shall be confiscated if this appears to be called for, given the particular nature of the objects, to impede the commission of punishable acts.

2) Confiscation shall be refrained from if the entitled party eliminates the particular nature of the objects, especially by removing components or markings that facilitate the commission of punishable acts or by rendering them unusable. Objects subject to legal claims of a person not involved in the punishable act may only be confiscated if the person concerned does not guarantee that the objects will not be used for the commission of punishable acts.

3) If the preconditions for confiscation are met, then the objects shall also be confiscated if no particular person can be prosecuted or sentenced for the punishable act.

§ 29

*Cumulation of values and injuries*

If the amount of the penalty depends on the value of an object against which the act is directed or on the injury caused thereby or willfully desired by the perpetrator, then, in the event that the perpetrator has committed several offenses of the same kind, the total amount of the values or injuries shall be used.

§ 31a

*Subsequent mitigation of the penalty, the absorption of the enrichment, and the forfeiture*

1) If circumstances subsequently arise or become known which would have resulted in a less severe penalty, the court shall mitigate the penalty appropriately.

2) If the personal situation or the economic capability of a person sentenced to a fine subsequently worsens to more than an insignificant degree, the court shall reassess the daily rate with respect to the outstanding fine within the limits set out in § 19 paragraph 2, unless the sentenced person has willfully brought about the worsening, even if only by refraining from a reasonable occupation.

3) If a person sentenced to absorption of enrichment subsequently satisfies civil claims arising from the offense or if other circumstances arise which, if they had existed at the time of the judgment, would not have resulted in a sentence of absorption of enrichment or only in payment of a lesser amount, then the court shall modify the decision accordingly. The same procedure shall apply if such circumstances subsequently become known.

4) If circumstances subsequently arise or become known which, if they had existed at the time of the judgment, would not have resulted in a sentence of forfeiture or only in the forfeiture of lesser assets, then the court shall modify the decision accordingly.

§ 62

*Punishable acts in Liechtenstein*

The Liechtenstein criminal laws shall apply to all offenses committed in Liechtenstein.

§ 63

*Punishable acts on board Liechtenstein ships or aircraft*

The Liechtenstein criminal laws shall also apply to offenses committed on a Liechtenstein ship or aircraft, irrespective of where the ship or aircraft is located.

*Punishable acts abroad that are punished irrespective of the laws of the place where the offense is committed*

1) The Liechtenstein criminal laws shall apply to the following offenses committed abroad, irrespective of the criminal laws of the place where the offense is committed:

1. high treason (§ 242), preparation of high treason (§ 244), subversive groups (§ 246), attacks against the highest organs of the State (§§ 249 to 251), treason (§§ 252 to 258), and punishable acts against the national defense (§§ 259 and 260);
2. punishable acts committed against a Liechtenstein official (§ 74 paragraph 4) during or because of execution of his tasks and punishable acts committed as a Liechtenstein official;
3. false testimony in court (§ 288) and false testimony before an administrative authority under oath or confirmed by oath (§ 289) with respect to proceedings pending before a Liechtenstein court or a Liechtenstein administrative authority;
4. extortionate kidnapping (§ 102), delivery to a foreign power (§ 103), slave trade (§ 104), breach of a business or trade secret (§104a), breach of a business or trade secret (§ 122), abuse of a business or trade secret for the purpose of unfair stock exchange transactions (§ 122a), spying out a business or trade secret (§ 123), spying out a business or trade secret for use abroad (§ 124), cross-border prostitution (§ 217), counterfeiting money (§ 232), counterfeiting specially protected securities punishable under § 232 (§ 237), preparation of counterfeiting money, securities, or official stamps (§ 239), criminal organization (§ 278a paragraph 1), and crimes against the provisions of the Narcotics Act if the perpetrator is not extradited or if the offense violates Liechtenstein interests;
- 4a. serious sexual abuse of underage persons (§ 205), sexual abuse of underage persons (§ 206), sexual abuse of persons under the age of sixteen under § 208 paragraph 1(2) and pornography under § 218a paragraph 3, to the extent that sexual acts with underage persons are concerned, if the perpetrator has his residence or habitual abode in Liechtenstein;
5. air piracy (§ 185), punishable acts against life and limb or against liberty committed in connection therewith, and willful endangerment of the safety of air travel (§ 186) if
  - a) the punishable act is directed against a Liechtenstein aircraft,
  - b) the aircraft lands in the Principality of Liechtenstein and the perpetrator is still on board,
  - c) the aircraft without crew is leased to someone who has his business domicile or, if no such business domicile exists, his habitual abode in the Principality of Liechtenstein, or
  - d) the perpetrator is situated in the Principality of Liechtenstein and is not extradited;
6. other punishable acts which the Principality of Liechtenstein is required to prosecute, irrespective of the criminal laws of the place where the crime is committed, even if they are committed abroad;
7. punishable acts that a Liechtenstein citizen commits against another Liechtenstein citizen, if both have their residence or habitual abode in Liechtenstein;
8. termination of pregnancy (§ 96), termination of pregnancy without consent of the pregnant woman (§ 97), careless intervention with respect to a pregnant woman (§ 98), provided that the pregnant woman has her residence or habitual abode in Liechtenstein;
9. participation (§ 12) in a punishable act committed by the immediate perpetrator in Liechtenstein, as well as receiving stolen goods (§ 164) and money laundering (§ 165) with respect to a (predicate) offense committed in Liechtenstein;
10. terrorist group (§ 278b) and terrorist offenses (§ 278c) as well as punishable acts under §§ 128 to 131, 144, 145, 223, and 224 committed in connection therewith if
  - a) the perpetrator was a Liechtenstein citizen at the time of the offense or acquired Liechtenstein citizenship later and still has it at the time the criminal proceedings are initiated,
  - b) the perpetrator has his residence or habitual abode in Liechtenstein,
  - c) the offense was perpetrated for the benefit of a legal person domiciled in Liechtenstein,
  - d) the offense was committed against the Reigning Prince, Parliament, the Government, a court or other authorities or against the population of the Principality of Liechtenstein,
  - e) the perpetrator was a foreign citizen at the time of the offense, is situated in Liechtenstein, and cannot be extradited.
11. financing of terrorism (§ 278d) if
  - a) the perpetrator was a Liechtenstein citizen at the time of the offense or acquired Liechtenstein citizenship later and still has it at the time the criminal proceedings are initiated, or

- b) the perpetrator was a foreign citizen at the time of the offense, is situated in Liechtenstein, and cannot be extradited.

2) If the criminal laws enumerated in paragraph 1 cannot be applied merely because the offense is an act punishable with a stricter penalty, then the offense committed abroad shall nevertheless be punished in accordance with Liechtenstein criminal laws, irrespective of the criminal laws of the place where the crime is committed.

#### § 65

*Punishable acts abroad that are only punished if they are punishable under the laws of the place where they are committed*

1) For offenses other than those referred to in §§ 63 and 64 that are committed abroad, the Liechtenstein criminal laws shall apply, provided that the offenses are also punishable according to the laws of the place where they are committed, if:

1. the perpetrator was a Liechtenstein citizen at the time of the offense or acquired Liechtenstein citizenship later and still has it at the time the criminal proceedings are initiated;
2. the perpetrator was a foreign citizen at the time of the offense, is caught in Liechtenstein, and cannot be extradited abroad for reasons other than the type or nature of his offense.

2) The penalty shall be determined so that the perpetrator is not treated less favorably in the overall effect than under the law of the place where the crime is committed.

3) If there is no penal power at the place where the crime is committed, it shall be sufficient if the offense is punishable under Liechtenstein law.

4) The offense shall not be punished, however, if:

1. the offense is no longer punishable under the laws of the place where it is committed;
2. the perpetrator has been acquitted by a final judgment or the prosecution has otherwise been dropped before a court of the State in which the crime is committed;
3. the perpetrator has been convicted by a final judgment before a foreign court and the sentence has been enforced in its entirety or, to the extent it has not been enforced, the perpetrator has been released or enforcement of the sentence has become time-barred under the law of the foreign State;

5) Preventive measures provided for under Liechtenstein law shall, if the preconditions therefor apply, also be ordered against a Liechtenstein citizen even if he cannot be punished in Liechtenstein for one of the reasons set out in the preceding paragraph.

#### § 104a

*Trafficking in persons*

1) Anyone who with respect to a minor or with respect to an adult, using unfair means (paragraph 2) against the person, with the intention to exploit the person sexually or by removal of organs or by exploiting the person's labor, recruits, harbors, or otherwise accommodates, transports, or offers or passes on the person to a third party, shall be punished with imprisonment of up to three years.

2) 'Unfair means' means deception regarding facts, taking advantage of a position of authority, of plight, of mental illness, or a defenseless state of the person, intimidation, and the granting or acceptance of an advantage for purpose of asserting control over the person.

3) Anyone who commits this offense using force or by serious threat shall be punished with imprisonment of six months to five years.

4) Anyone who commits this offense against an underage person as a member of a criminal group, by using serious violence or in such a way that the offense, either willfully or by gross negligence, constitutes a danger for the person's life or results in a particular severe disadvantage for the person, shall be punished with imprisonment of one to ten years.

§ 130

*Theft on a professional basis or as part of a criminal group*

Anyone who commits a theft on a professional basis or as a member of a criminal group with the participation (§ 12) of another member of that group shall be punished with imprisonment of six months to five years.

§ 143

Anyone who commits a robbery as a member of a criminal group with the participation (§12) or another member of that group or who commits a robbery using a weapon shall be punished with imprisonment of five to fifteen years.

§ 153a

*Misuse of aid*

1) Anyone who, with respect to aid granted to him, misuses the aid for purposes other than those for which the aid was granted shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Anyone shall also be punished in accordance with paragraph 1 who commits the offense as a managing employee (§ 309) of a legal person or a company without legal personality to which the aid was granted, or without the consent of the person to which the aid was granted, but as that person's managing employee (§ 309).

3) Anyone who commits the offense with respect to an amount exceeding 5,000 francs shall be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates.

4) Anyone who commits the offense with respect to an amount exceeding 75,000 francs shall be punished with imprisonment of six months to five years.

5) "Aid" means an allocation granted for the pursuit of public interests from public budgets, including the general budget of the European Communities and the budgets administered by the European Communities or on their behalf, and for which no commensurate monetary equivalent is rendered, with the exception of allocations with the character of a social benefit.

§ 165

*Money laundering*

1) Anyone who hides asset components originating from a crime, a misdemeanor under §§ 278, 278d or §§ 304 to 308, a misdemeanor under article 23, paragraphs 1 and 2 of the Swiss Federal Law on the Temporary and Permanent Residence of Foreign Nationals, or a misdemeanor under the Narcotics Act, or conceals their origin, in particular by providing false information in legal transactions concerning the origin or the true nature of, the ownership or other rights pertaining to, the power of disposal over, the transfer of, or concerning the location of such asset components, shall be punished with imprisonment of up to three years or a monetary penalty of up to 360 daily rates.

2) Anyone who appropriates asset components originating from a crime, a misdemeanor under §§ 278, 278d or §§ 304 to 308, a misdemeanor under article 23, paragraphs 1 and 2 of the Swiss Federal Law on the Temporary and Permanent Residence of Foreign Nationals, or a misdemeanor under the Narcotics Act committed by another person, or who takes them into safekeeping whether with the intention merely to hold them in safekeeping, to invest them, or to manage them, or who converts, realizes, or transfers to a third party such asset components, shall be punished with imprisonment of up to two years or a fine of up to 360 daily rates.

3) Anyone who commits the offense with respect to a value exceeding 75,000 francs or as a member of a criminal group that has joined together for the purpose of continued money laundering shall be punished with imprisonment of six months to five years.

3a) Anyone shall also be punished in accordance with paragraph 1 or 2 who commits the offenses referred to in those paragraphs with respect to asset components originating from a crime set out in article 76 of the Value Added Tax Act that is connected with damage to the budget of the European Communities, provided the evaded tax or unlawful advantage exceeds 75,000 francs.

4) An asset component shall be deemed to arise from a punishable act if the perpetrator of the punishable act has obtained the asset component through the offense or for its commission or if the value of the originally obtained or received asset value is embodied therein.

5) A person shall not be punished for money laundering who has been punished for participation in the predicate offense.

6) Anyone who appropriates or takes into safekeeping asset components of a criminal organization (§ 278a) or a terrorist group (§ 278b) on behalf of or in the interest of such a criminal organization or terrorist group, whether with the intention merely to hold them in safekeeping, to invest them, or to manage them, or who converts, realizes, or transfers such asset components to a third party, shall be punished with imprisonment of up to three years; anyone who commits the offense with respect to a value exceeding 75,000 francs shall be punished with imprisonment of six months to five years.

#### § 167

1) Criminal liability is removed by active repentance in cases of damage to property, damage to data, theft, data theft, energy theft, embezzlement, misappropriation, permanent deprivation of property, interference with the hunting and fishing rights of a third party, petty theft, fraud, computer fraud, acquisition of a benefit by fraudulent means, petty fraud, breach of trust, misuse of aid, usury, injury to third party creditors, favorable treatment of a creditor, grossly negligent interference with interests of creditors, obstruction of execution, and trafficking in stolen goods.

#### § 216

4) Anyone who commits an act punishable in accordance with the above provisions as a member of a criminal group shall be punished with imprisonment of six months to five years.

#### § 217

##### *Cross-border prostitution trade*

#### § 218a

5) Anyone shall be punished with imprisonment of up to three years who commits the offenses set out in paragraphs 1 to 3 on a professional basis or as a member of a criminal group.

#### § 277

- 1) Anyone who agrees with another person to jointly commit murder (§ 75), extortionate kidnapping (§ 102), delivery to a foreign power (§ 103), slave trade (§ 104), robbery (§ 142), a punishable act dangerous to public safety under §§ 169, 171, 173, 176, 185, or 186, or cross-border prostitution trade (§ 217) shall be punished with imprisonment of six months to five years.

#### § 278

##### *Criminal group*

1) Anyone who establishes a criminal group or participates in a criminal group as a member shall be punished with imprisonment of up to three years.

2) A criminal group is a joining together of more than two persons that is intended to exist for an extended period of time and the purpose of which is for one or more members of the group to commit one or more crimes, other substantial acts of violence against life and limb, not only minor damage to property, theft, or other fraudulent acts, or misdemeanors as set out in §§ 104a, 165 paragraphs 1 and 2, 233 to 239, 304 or 307.

3) A person participates as a member in a group who, as part of the group's criminal purpose, commits a punishable act or participates in its activities by providing information or assets or in another manner, with the knowledge that the person is thereby promoting the group or its punishable acts.

4) If the group has not resulted in any punishable act of the planned kind, then no member shall be punished, as long as the group voluntarily dissolves or its conduct otherwise indicates that it has voluntarily given up its purpose. Moreover, a person shall not be punished under the criminal group offense who voluntarily withdraws from the group before an offense of the planned kind has been executed or attempted; a person who has participated in the group in a leading capacity, however, shall only be exempt from punishment if he voluntarily causes the danger arising from the group to be eliminated by notifying the authority (§ 151 paragraph 3) or in another manner.

#### § 278a

##### *Criminal organization*

1) Anyone who establishes an enterprise-like association of a significant number of persons that is intended to exist for an extended period of time or who participates in such an association as a member or supports it financially, and such association

1. even if not exclusively, aims to commit on a repeated and planned basis serious punishable acts that threaten life, physical integrity, liberty, or assets, or serious punishable acts relating to the sexual exploitation of human beings, smuggling of human beings, or unlawful commerce in weapons, nuclear and radioactive material, toxic waste, counterfeit money, or narcotics,
  2. thereby aims to obtain substantial enrichment or substantial influence on politics and economics, and
  3. aims to corrupt or intimidate others or to shield itself in a special way against prosecution measures
- shall be punished with imprisonment of one to ten years. § 278 paragraph 2 shall apply *mutatis mutandis*.

2) A person shall be considered to participate in a criminal organization who commits a punishable act within the context of the criminal aim of the organization or who participates in the activities of the organization by supplying information or otherwise with knowledge of the fact that he is thereby promoting the organization or its criminal activities.

#### § 278b

##### *Terrorist group*

1) Anyone who leads a terrorist group (paragraph 3) shall be punished with imprisonment of five to fifteen years. Anyone who leads a terrorist group that limits itself to the threat of terrorist offenses (§ 278c paragraph 1) shall be punished with imprisonment of one to ten years.

2) Anyone who participates in a terrorist group as a member (§ 278a paragraph 2) or who supports the group financially shall be punished with imprisonment of one to ten years.

3) A terrorist group is an association of more than two persons intended to exist for an extended period of time and aimed at the commission of one or more terrorist offenses (§ 278c) by one or more of its members.

#### § 278c

##### *Terrorist offenses*

1) Terrorist offenses are

1. murder (§ 75),
2. bodily injury according to §§ 84 to 87,
3. extortionate kidnapping (§ 102),
4. serious coercion (§ 106),
5. dangerous threat according to § 107 paragraph 2,
6. serious damage to property (§ 126) and damage to data (§ 126a), if the life or property of others could thereby be greatly endangered,
7. offenses willfully dangerous to public safety (§§ 169, 171, 173, 175, 176, 178 and article 34 of the War Material Act) or willful endangerment through pollution of water or air (§ 180),
8. air piracy (§ 185),
9. willful endangerment of aviation safety (§ 186), or
10. a punishable act under article 20 of the Weapons Act,

if the offense is capable of resulting in serious or enduring disruption of public life or serious damage to economic activity, and if the act is committed for the purpose of intimidating the population in a grave way, to coerce public authorities or an international organization into an act, acquiescence, or omission, or to seriously unsettle or destroy the fundamental political, constitutional, economic, or social structures of a State or international organization.

2) Anyone who commits a terrorist offense within the meaning of paragraph 1 shall be punished in accordance with the law applicable to the offense enumerated therein, but the maximum sentence for the offense shall be increased by half, up to at most twenty years.

3) The offense shall not be considered a terrorist offense if it is aimed at the establishment or reestablishment of democracy and the rule of law, or if it is aimed at the exercise or protection of human rights.

§ 278d

*Financing of terrorism*

- 1) Anyone who makes available or collects assets for the purpose that they be used, even in part, to carry out
1. air piracy (§ 185) or willful endangerment of aviation safety (§ 186),
  2. extortionate kidnapping (§ 102) or a threat thereof,
  3. an attack upon the life, limb, or liberty of a person protected under international law or a violent attack upon the private accommodation, official premises, or means of transportation of such a person capable of endangering his life, limb, or liberty, or a threat to commit any such attack,
  4. willful endangerment through nuclear energy or ionizing radiation (§ 171), the threat thereof, a punishable act to obtain nuclear or radioactive material, or a threat to steal or rob nuclear or radioactive material, in order to coerce another person into an act, acquiescence, or omission,
  5. a substantial attack against the life or limb of another person at an airport serving international civil aviation, the destruction of or substantial damage to such an airport or an aircraft located at such an airport, or the disruption of the services of an airport, provided that the offense is committed using a weapon or other device and is capable of endangering safety at the airport,
  6. a punishable act committed against a ship or fixed platform, against a person on board a ship or fixed platform, against the cargo of a ship or against a maritime navigational facility, in a manner described in §§ 185 or 186,
  7. the delivery of an explosive or other lethal device to a place of public use, a State or public facility, a public transportation system or an infrastructure facility, or the use of such means with the goal of causing death or serious bodily injury to another person or extensive destruction of the place, facility, or system, provided that such destruction is likely to result in major economic loss,
  8. a criminal offense intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the goal of such act, by its nature or context, is to intimidate a population or to compel a government or an international organization to do or to refrain from doing any act,

shall be punished with imprisonment of six months to five years. The punishment shall not, however, be more severe in manner or extent than the law specifies for the offense financed.

2) The perpetrator shall not be punished in accordance with paragraph 1 if a different provision provides for a more severe sentence.