

REPUBLIC OF SERBIA

# **CRIMINAL CODE**

Belgrade, 2019

## *CRIMINAL CODE*

*Note:* This is a true translation of the original Law,  
but it is not legally binding.

Original title:

*KRIVIČNI ZAKONIK*

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# CRIMINAL CODE\*

\*\*\*NOTE OF THE PUBLISHER: The Law on Amendments and Additions to the Criminal Code (*Službeni glasnik RS*, No. 35/19) shall come into force on 1 December 2019 (see Article 42 of the Law - 35/2019-3).

## GENERAL PART

### CHAPTER ONE

#### GENERAL PROVISIONS

##### **No Criminal Offence or Punishment without Law**

###### Article 1

No one may be punished or other criminal sanction imposed for an offence that did not constitute a criminal offence at the time it was committed, nor may punishment or other criminal sanction be imposed that was not applicable at the time the criminal offence was committed.

##### **No Punishment without Guilt**

###### Article 2

Punishment and caution may be imposed only on an offender who is guilty of the committed criminal offence.

##### **Basis and Scope of Criminal Law Compulsion**

###### Article 3

Protection of a human being and other fundamental social values constitute the basis and scope for defining of criminal acts, imposing of criminal sanctions and their enforcement to a degree necessary for suppression of these offences.

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## **Criminal Sanctions and their General Purpose**

### Article 4

(1) Criminal sanctions are punishment, caution, security measures and rehabilitation measures.

(2) The general purpose of prescription and imposing of criminal sanctions is to suppress acts that violate or endanger the values protected by criminal legislation.

(3) A criminal sanction may not be imposed on a person who has not turned fourteen at the time of the commission of an offence. Rehabilitation measures and other criminal sanctions may be imposed on a juvenile under the conditions prescribed by a special law.

## **CHAPTER TWO**

### **APPLICATION OF CRIMINAL LEGISLATION OF THE REPUBLIC OF SERBIA**

#### **Temporal Application**

### Article 5

(1) The law in force at the time of committing of criminal offence shall apply to the offender.

(2) If after the commission of a criminal offence, the law was amended once or more times, the law most lenient for the offender shall apply.

(3) A person who commits an offence prescribed by a law with a definite period of application shall be tried under such law, regardless of the time of trial, unless otherwise provided by such law.

#### **Applicability of Criminal Legislation on the Territory of Serbia**

### Article 6

(1) Criminal legislation of the Republic of Serbia shall apply to anyone committing a criminal offence on its territory.

(2) Criminal legislation of the Republic of Serbia shall apply to anyone committing a criminal offence on a domestic vessel, regardless of where the vessel is at the time of committing of the act.

(3) Criminal legislation of the Republic of Serbia shall apply to anyone committing a criminal offence in a domestic aircraft while in flight or domestic military aircraft, regardless of where the aircraft is at the time of committing of criminal offence.

(4) If criminal proceedings have been instituted or concluded in a foreign country in respect of cases specified in paragraphs 1 through 3 of this Article, criminal prosecution in Serbia shall be undertaken only with the permission of the Republic Public Prosecutor.

(5) Criminal prosecution of foreign citizens in cases specified in paragraphs 1 through 3 of this Article may be transferred to a foreign state, under the terms of reciprocity.

## **Applicability of Criminal Legislation of Serbia to Perpetrators of Particular Criminal Offences Committed Abroad**

### Article 7

Criminal legislation of the Republic of Serbia shall apply to anyone who commits abroad a criminal offence specified in Articles 305 through 316, Articles 318 through 321, criminal offence specified in Articles 391 through 393a hereof, if committed in relation to the Republic of Serbia or its national, as well as the criminal offence specified in Article 241 hereof if the counterfeiting relates to the domestic currency.

## **Applicability of Criminal Legislation of Serbia to Serbian Citizen Committing Criminal Offence Abroad**

### Article 8

(1) Criminal legislation of Serbia shall also apply to a citizen of Serbia who commits a criminal offence abroad other than those specified in Article 7 hereof, if found on the territory of Serbia or extradited to the Republic of Serbia.

(2) Under the conditions specified in paragraph 1 of this Article, criminal legislation of Serbia shall also apply to an offender who became a citizen of Serbia after the commission of the offence.

## **Applicability of Criminal Legislation of Serbia to a Foreign Citizen Committing a Criminal Offence Abroad**

### Article 9

(1) Criminal legislation of Serbia shall also apply to a foreigner who commits a criminal offence against Serbia or its citizen outside the territory of Serbia other than those defined in Article 7 hereof, if they are found on the territory of Serbia or returned to the Republic of Serbia.

(2) Criminal legislation of Serbia shall also apply to a foreigner who commits a criminal offence abroad against a foreign state or foreign citizen, when such offence is punishable by five years' imprisonment or a heavier penalty, pursuant to laws of the country of commission, if such person is found on the territory of Serbia and is not returned to the foreign state. Unless otherwise provided by this Code, the court may not impose in such cases a penalty heavier than set out by the law of the country where the criminal offence was committed.

## **Special Requirements for Criminal Prosecution for Offences Committed Abroad**

### Article 10

(1) In cases referred to in Articles 8 and 9 hereof, criminal prosecution shall not be undertaken if:

- 1) The offender has fully served the sentence to which he was convicted abroad;
- 2) The offender was acquitted abroad by final judgement or the statute of limitation has set in respect of the punishment, or was pardoned;
- 3) To an offender of unsound mind a relevant security measure was enforced abroad;
- 4) For a criminal offence under foreign law criminal prosecution requires a motion of the victim, and such motion was not filed.

(2) In cases referred to in Articles 8 and 9 paragraph 1 hereof criminal prosecution shall be undertaken only when criminal offences are also punishable by the law of the country where committed, unless permitted by the Republic Public Prosecutor or when so envisaged by a ratified international agreement.

(3) In case referred to in Article 9 paragraph 2 hereof, if the act at time of commission was considered a criminal offence under general legal principles of international law, prosecution may be undertaken in Serbia following the permission of the Republic Public Prosecutor, regardless of the law of the country where the offence was committed.

### **Calculating Detention and Time Served Abroad**

#### Article 11

Detention, any other depriving of liberty in respect of a criminal offence, depriving of liberty during extradition procedure, as well as the punishment that the offender has served abroad pursuant to the judgement of a foreign court shall be calculated in the punishment imposed by a domestic court for the same criminal offence, and if the punishment is not of the same kind, calculation shall be done according to the assessment of the court.

### **Criminal Liability of Legal Entities for Criminal Offences**

#### Article 12

Criminal liability of legal entities for criminal offences, as well as punishment for legal entities shall be determined by the special law.

### **Applicability of the General Part of this Code**

#### Article 13

Provisions of the General Part of this Code shall apply to all criminal offences provided under this Code or other law.

## **CHAPTER THREE**

### **CRIMINAL OFFENCE**

#### **1. General Provisions on Criminal Offence**

##### *Criminal Offence*

#### Article 14

(1) A criminal offence is an offence set forth by the law as criminal offence, which is unlawful and committed with guilty mind/*mens rea*.

(2) There is no criminal offence without an unlawful act or culpability, notwithstanding the existence of all essential elements of a criminal offence stipulated by law.



## *Commission of Criminal Offence by Omission*

### Article 15

(1) A criminal offence is committed by omission if the law defines a failure to undertake a particular action as a criminal offence.

(2) A criminal offence may also be committed by omission even if the law defines the offence as commission, if elements of such criminal offence have materialised by the offender's failure to do what he was obliged to do.

## *Time of Commission of Criminal Offence*

### Article 16

(1) A criminal offence is committed at the time the offender was acting or was obliged to act, irrespective of when the consequences of that act occurred.

(2) An accomplice has committed a criminal offence at the time when he acted or was obliged to act.

## *Place of Commission of Criminal Offence*

### Article 17

(1) A criminal offence is committed both at the place where the perpetrator acted or was obliged to act, and where full or partial consequences of the act occurred.

(2) An attempted criminal offence shall be considered committed both at the place where the offender acted and at the place where consequences of his intent should or could have occurred.

(3) An accomplice has committed an offence also in the place where he acted in complicity.

## *An Offence of Minor Significance*

### Article 18

(1) An offence shall not be considered a criminal offence, if despite having elements of a criminal offence it represents an offence of minor significance.

(2) An offence of minor significance is that in which the degree of the offender's responsibility is not high, if consequences are absent or insignificant or eliminated by the offender, and where the general purpose of imposing criminal sanctions does not require sanctioning.

(3) The provisions of paragraphs 1 and 2 of this Article may be applied to criminal offences carrying imprisonment sentence of up to three years or a fine.

## *Self-defence*

### Article 19

(1) An act committed in self-defence is not a criminal offence.

(2) Self-defence is such defence as necessary for the perpetrator to repel a concurrent unlawful attack on his person or the person of another.

(3) Punishment of a perpetrator who has exceeded the limits of self-defence may be mitigated. A perpetrator who exceeds the limit of self-defence due to extreme provocation or fear caused by assault may be acquitted.

### *Extreme Necessity*

#### Article 20

(1) An act committed in extreme necessity shall not constitute a criminal offence.

(2) Extreme necessity exists when an act is committed by the perpetrator to repel from his person or the person of another a concurrent unprovoked danger that could not be otherwise repelled, and the damage inflicted does not exceed the damage threatened.

(3) Punishment of a perpetrator, who caused the danger himself, but due to negligence or has exceeded the limits of extreme necessity, may be mitigated. A perpetrator, who has exceeded the limits of extreme necessity under particularly extenuating circumstances, may receive remittance of punishment.

(4) There is no extreme necessity if the offender was under obligation to expose himself to imminent danger.

### *Force and Threat*

#### Article 21

(1) An act committed under irresistible force is not a criminal offence.

(2) If a criminal offence is committed under force which is not irresistible or under threat, the offender may be punished more leniently.

(3) In case referred to in paragraph 1 of this Article, the person using irresistible force shall be considered perpetrator of the criminal offence.

### *Guilt*

#### Article 22

(1) A perpetrator is guilty if he/she was mentally competent and acting with premeditation at the time of committing of the criminal offence, and was aware or should or could have been aware that his action was prohibited.

(2) A perpetrator is also guilty when acting in negligence, if so explicitly provided by law.

### *Mental Incompetence*

#### Article 23

(1) There is no criminal offence if it was committed in a state of mental incompetence.

(2) A perpetrator is mentally incompetent if they were unable to understand the significance of their act or were unable to control their actions due to mental illness, temporary mental disorder, mental retardation or other severe mental disorder.

(3) A perpetrator of a criminal offence whose ability to understand the significance of their act or ability to control their actions was substantially diminished due to any of the conditions stipulated in paragraph 2 of this Article (substantially diminished mental competence) may be given a mitigated sentence.

## *Self-induced Incompetence*

### Article 24

(1) The guilt of the perpetrator of a criminal offence who by consumption of alcohol, drugs or otherwise induced such a state of mind where they could not understand the significance of their act or control their actions shall be determined according to the time directly preceding the induced state.

(2) A perpetrator who under the circumstances referred to in paragraph 1 of this Article committed a criminal offence in the state of substantially reduced competence may not receive mitigated punishment on these grounds.

## *Premeditation*

### Article 25

A criminal offence is premeditated if the perpetrator was aware of his act and wanted it committed or when the perpetrator was aware that he could commit the act and consented to its commission.

## *Negligence*

### Article 26

A criminal offence is committed by negligence if the offender was aware that by his action he could commit an offence, but had recklessly assumed that it would not occur or that he would be able to prevent it or was unaware that by his action he could commit an offence although due to circumstances under which it was committed and his personal characteristics he was obliged to be and could have been aware of such possibility.

## *Liability for Graver Consequence*

### Article 27

When a graver consequence has resulted from a criminal offence due to which a more severe punishment is provided by law, such punishment may be imposed if the consequence is attributable to the offender's negligence, as well as if he acted with premeditation if this does not establish elements of another criminal offence.

## *Mistake of Fact*

### Article 28

(1) An act shall not be considered a criminal offence if it was done out of a compelling mistake of fact.

(2) A compelling mistake of law exists where the perpetrator was not required or could not avoid a mistake about particular circumstance, which is a statutory element of the criminal offence, or about particular circumstance, which, had it existed, would have rendered such act permissible.

(3) If the perpetrator's mistake was due to negligence, he shall be guilty of criminal offence committed by negligence, if such offence is provided by law.

## *Mistake of Law*

### Article 29

(1) An act shall not be considered a criminal offence if it was done out of a compelling mistake of law.

(2) A compelling mistake of law exists where the perpetrator was not required or could not be aware that his act was prohibited.

(3) A perpetrator who was unaware that an act was prohibited, but should and could have known, may be punished leniently.

## **2. Attempted Criminal Offence**

### *Attempt*

### Article 30

(1) Whoever commences a criminal offence with premeditation, but does not complete it, shall be punished for the attempted criminal offence if such offence is punishable by law with a term of imprisonment of five years or more, and for the attempt of other criminal offence only when the law explicitly provides for the punishment of attempt.

(2) A perpetrator shall be punished for an attempt with a punishment prescribed for the criminal offence or with a lighter punishment.

### *Inappropriate Attempt*

### Article 31

An offender who attempts to commit a criminal offence with an inappropriate tool or against an inappropriate object may be remitted from punishment.

### *Voluntary Abandonment*

### Article 32

(1) An offender who attempted to commit a criminal offence, but voluntarily abandoned the act of commission or prevented occurrence of consequences, may be remitted from punishment.

(2) The provision of paragraph 1 of this Article shall not apply if the offender has not completed the criminal offence due to circumstances preventing or considerably hindering commission of the criminal offence, or because he assumed that such circumstances were present.

(3) An accessory, instigator or abettor who voluntarily prevents commission of a criminal offence may also be remitted from punishment.

(4) If in cases specified in paragraphs 1 and 3, the offender completes some other criminal offence that is independent of the offence he abandoned, the offender may not be remitted from punishment for such other offence on the same grounds.

### 3. Complicity in Criminal Offence

#### *Co-perpetration*

##### Article 33

If several persons jointly take part in committing a criminal offence, or jointly commit an offence out of negligence, or by carrying out a jointly made decision, by other premeditated act significantly contribute to committing a criminal offence, each shall be punished as prescribed by law for such offence.

#### *Incitement*

##### Article 34

(1) Whoever with intent incites another to commit a criminal offence shall be punished as prescribed by law for such offence.

(2) Whoever with intent incites another to commit a criminal offence whose attempt is punishable by law, and such offence has not been attempted at all, shall be punished as for the attempted criminal offence.

#### *Aiding and Abetting*

##### Article 35

(1) Anyone aiding another with intent in committing a criminal offence shall be punished as prescribed by law for such criminal offence, or by a mitigated penalty.

(2) The following, in particular, shall be considered as aiding in the commission of a criminal offence: giving instructions or advice on how to commit a criminal offence; supply of means for committing a criminal offence; creating conditions or removal of obstacles for committing a criminal offence; prior promise to conceal the commission of the offence, offender, means used in committing a criminal offence, traces of criminal offence and items gained through the commission of criminal offence.

#### *Limits of Culpability and Punishment of Accomplices*

##### Article 36

(1) An accomplice is culpable for a criminal offence within the limits of his intent or negligence, and the inciter and abettor within the limits of their intent.

(2) Grounds which preclude the culpability of the perpetrator (Art. 23, 28 and 29 hereof) do not preclude a criminal offence of co-perpetrators, inciters or abettors if they are culpable.

(3) Personal relations, characteristics and circumstances due to which the law allows remittance of punishment, or that affect sentencing, may be taken in consideration only for such perpetrator, co-perpetrator, inciter or abettor where such relations, characteristics and circumstances exist.

(4) Personal relations, characteristics and circumstances representing an essential element of a criminal offence do not have to exist with an inciter or abettor. An inciter or abettor having no such personal characteristic may be given a mitigated penalty.

#### **4. Punishment of Inciter and Abettor for an Attempt**

##### *Attempt and Lesser Criminal Offence*

###### Article 37

(1) If a criminal offence remains an attempt, the inciter and abettor shall be punished for the attempt.

(2) If an offender commits a lesser criminal offence than the one incited to or abetted, and which would have been comprised in such offence, the inciter and abettor shall be punished for the committed criminal offence.

(3) Provision of paragraph 2 of this Article shall not apply if the inciter would receive more severe penalty by application of Article 34, paragraph 2 hereof.

#### **5. Special Provisions on Criminal Liability for Offences Committed through the Media**

##### *Culpability of an Editor-in-chief*

###### Article 38

(1) A perpetrator of a criminal offence committed through publication of information in newspapers, other periodicals, on the radio, television or newsreels is the author of the information.

(2) As an exception to paragraph 1 of this Article, an editor-in-chief or person replacing him at the time of publication of the information shall be deemed perpetrator of a criminal offence committed through publication of information in newspapers, other periodicals, on the radio, television or newsreels:

- 1) If the author remains unknown until the conclusion of the main hearing before a first instance court and the offence carries a statutory penalty of five years imprisonment or more;
- 2) If the information was published without the author's consent;
- 3) if at the time of publication factual or legal obstacles existed for prosecution of the author, and continue to exist.

(3) An editor-in-chief or person replacing him is not culpable if due to justifiable reasons he was unaware of any of the circumstances referred to in paragraph 2, items 1 through 3 of this Article.

##### *Criminal Liability of Publisher, Printer and Producer*

###### Article 39

(1) If conditions set forth in Article 38 hereof exist, the perpetrators shall be:

- 1) Publisher – for a criminal offence committed through regular printed publications, and if there is no publisher or factual or legal obstacles exist for his prosecution – the type-setter/printer who had knowledge thereof;
- 2) Producer – for the criminal offence committed by way of compact disc, phonograph record, magnetic tape and other audio mediums, film for public and private showing, slides, video or other similar means intended for a wider audience.

(2) If the publisher, printer or producer is a legal entity or government authority, the official in charge of publishing, printing or production shall be culpable.

## *Application of Provisions of Articles 38 and 39*

### Article 40

Provisions of Articles 38 and 39 hereof shall apply only provided these persons may not be considered perpetrators of a criminal offence pursuant to general provisions of this Code.

### *Protection of Sources of Information*

### Article 41

Persons referred to in Articles 38 and 39 hereof shall not be considered perpetrators of a criminal offence if they failed to disclose to the court or a competent body the author of the information or source of information, unless a criminal offence has been committed which is punishable by at least five years imprisonment or more, or if necessary in order to prevent such criminal offence.

## **CHAPTER FOUR**

### **PENALTIES**

#### **1. Purpose of Punishment, Types of Punishment and Requirements for Imposition thereof**

##### *Purpose of Punishment*

### Article 42

Within the framework of the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of punishment is:

- 1) To prevent an offender from committing criminal offences and deter them from future commission of criminal offences;
- 2) To deter others from commission of criminal offences;
- 3) To express social condemnation of the criminal offence, enhance moral strength and reinforce the obligation to respect the law;\*
- 4) *achieving justice and proportionality among the committed offence and the severity of the criminal sanction.*\*

##### *Types of Punishment*

### Article 43\*

*The following sanctions may be pronounced to a perpetrator of criminal offence: \**

- 1) *Life sentence; \**
- 2) *Imprisonment; \**
- 3) *Fine; \**
- 4) *Community service; \**
- 5) *Revocation of driver's license. \**

##### *Principal and Secondary Penalties*

### Article 44

*(1) Life sentence and imprisonment may be pronounced only as principal sanctions. \**

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

(2) A fine, community service and revocation of driver's license may be pronounced as principal and as secondary sanctions.

(3) If several sanctions are prescribed for a single criminal offence, only one may be pronounced as principal sanction.

### *Life Sentence\**

#### *Article 44a\**

(1) *In exceptional cases, life sentence may be pronounced along with imprisonment, for the most severe criminal offences and the most severe forms of severe criminal offences.\**

(2) *A life sentence cannot be pronounced to a person who, at the time of commission of a criminal offence is less than twenty-one years of age.\**

(3) *A life sentence cannot be pronounced in cases when the law sets forth that a penalty can be mitigated (Article 56, paragraph 1, item 1) or when there is basis for acquittal.\**

### *Imprisonment*

#### *Article 45*

(1) A sentence of imprisonment may not be less than thirty days or more than twenty years.

(2) A sentence of imprisonment referred to in paragraph 1 of this Article is pronounced in full years and months, and if less than six months then also in days.

*(Deleted).\**

*(Deleted).\**

(3)\* The court may to convicted person punished with imprisonment up to one year, impose to serve the sentence in terms that shall not leave premises where he lives, if, given the personality of the convicted person, his previous life, his conduct after the offence was committed, the degree of guilt and other circumstances under which the offence was committed it can be expected that the purpose of punishment may also be effected in this manner.

(4)\* A convicted person who serves the prison sentence under the terms specified in paragraph 3\* of this Article must not leave the premises where he lives, except in cases prescribed in the statute governing the execution of criminal sanctions. If the convicted person leaves the premises where he lives once for the duration of over six hours or twice in the duration of up to six hours arbitrarily, the court shall determine that he shall serve the rest of the imprisonment sentence in a prison.

*(Deleted).*

(5)\* A convicted person for criminal offence against the marriage and family, who lives with the victim in the same household, the enforcement of the prison sentence specified in paragraph 3\* of this Article, shall not be determined.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.



## Release on Parole

### Article 46

(1) The court shall release on parole a convicted person who has served two thirds of the prison sentence if in the course of serving the prison sentence he has improved so that it is reasonable to assume that he will behave well while at liberty and particularly that he will refrain from committing a new criminal offence until the end of the imposed prison sentence. In deliberating whether to release the convicted person on parole, consideration shall be given to his conduct during serving of the sentence, performance of work tasks relative to his work abilities, and other circumstances indicating that the convicted person will not commit a new criminal offence during release on parole. A convicted person who was given two sanctions for serious disciplinary offences or whose awarded benefits that have been withdrawn shall not be released on parole.

(2) Provided that requirements referred to in paragraph 1 hereof are met, the court may release on parole a convicted person:

- *convicted to life sentence, but who has served twenty-seven years;*\*

- convicted for criminal offences against humanity and other right protected by international law (Articles 370 through 393a), sexual criminal offences (Articles 178 through 185b), criminal offence of offences domestic violence (Article 194, paragraph 2 to 4), criminal offence of unlawful production and circulation of narcotics (*Article 246 paragraph 5*)\*, criminal offences against the constitutional order and security of the Republic of Serbia (Article 305 through 321), criminal offence of taking bribe (Article 367) and criminal offence of giving bribe (Article 368);

- *convicted by special departments of competent courts, in proceedings administered in line with the competence defined by the law, governing the organization and competence of state authorities in combating organized crime, corruption and terrorism;*\*

- finally convicted more than three times to an imprisonment but none of the convictions were deleted or the requirements for the deletion were not met.

(3) The Court may in decision on parole determine that the convicted person must fulfil any of the obligations specified in Article 73 hereof, as well as any other obligation stipulated in the criminal provisions.

(4) In the case referred to in paragraphs 1 and 2 of this Article, if parole is not revoked, it shall be considered that the convicted person has served his sentence.

(5) *The court may not release on parole a person convicted for the following criminal offences: aggravated murder (Article 114, paragraph 1, item 9), rape (Article 178, paragraph 4), sexual intercourse with a helpless person (179, paragraph 3), sexual intercourse with a child (Article 180, paragraph 3) and sexual intercourse by abuse of position (Article 181, paragraph 5).*\*

## Revocation of Parole

### Article 47

(1) The court shall revoke parole if the convicted person, while on parole, commits one or more criminal offences punishable by a term of imprisonment exceeding one year.

(2) The court may revoke parole, if a person on parole commits one or more criminal offences punishable by a term of imprisonment of less than one year or fails to fulfil any obligation that was prescribed by the court in accordance with Article 46, paragraph 3 of this Law. In determining whether to revoke the parole, the court shall particularly take into

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

consideration whether criminal offences are related, motives and other circumstances justifying revocation of parole.

(3) Provisions of paragraphs 1 and 2 of this Article shall also apply when the paroled person is tried for a criminal offence committed prior to release on parole.

(4) When the court revokes parole it shall pronounce sentence by applying provisions of Article 60 and 62, paragraph 2 hereof, taking the previously pronounced sentence as already established. The part of the sentence served by the convicted person pursuant to previous conviction shall be calculated into the new sentence, whilst time spent on parole shall not be calculated.

(5) If the paroled person is convicted to a term of imprisonment less than one year, and the court does not revoke parole, parole shall be extended for the period of imprisonment for such sentence served by the convicted persons.

(6) In cases referred to in paragraphs 1 through 3 of this Article, parole may be revoked not later than two years from the day parole has expired.

(7) *The parole shall last for fifteen years from the date when the person convicted to a life sentence was released on parole.\**

### *General Provisions on Fines*

#### Article 48

(1) A fine may be determined and pronounced either in daily amounts (Article 49) or a particular amount (Article 50).

(2) A fine for criminal offences committed for gain may be pronounced as secondary punishment even when not stipulated by law or when the law stipulates that the perpetrator may be punished with imprisonment or fine, and the court pronounces imprisonment as the principal punishment.

### *Fine in Daily Amounts*

#### Article 49

(1) A fine in daily amounts shall be determined by first defining the number of daily amounts and then the sum of the daily amount. The final amount of the fine shall be determined by the court by multiplying the adjudicated number of daily amounts with the value of one daily amount.

(2) The number of daily amounts may not be less than ten nor exceed three hundred and sixty days. The number of daily amounts for the committed criminal offence shall be determined in accordance with the general rules for determining penalties (Article 54).

(3) The sum of one daily amount is determined by dividing the difference between the income and expenditures of the perpetrator during the previous year by the number of days in the year. A single daily amount may not be less than five hundred dinars or more than fifty thousand dinars.

(4) For the purpose of determining the daily amount the court may request information from banks and other financial institutions, government authorities and legal entities who are obliged to deliver the requested information and may not invoke protection of business or other secret.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

(5) If it is not possible to obtain verified information on the income and expenses of the perpetrator, or if he does not generate any income, the court shall as a rough estimate determine the daily amount based on the available information.

(6) The number of daily amounts is determined within the following ranges:

- 1) Up to sixty for criminal offences punishable by imprisonment up to three months;
- 2) From thirty to one hundred and twenty for criminal offences punishable by imprisonment up to six months;
- 3) From sixty to one hundred and eighty for criminal offences punishable by imprisonment up to one year;
- 4) From one hundred and twenty to two hundred and forty for criminal offences punishable by imprisonment up to two years;
- 5) At least one hundred and eighty for criminal offences punishable by imprisonment up to three years.
- 6) Within the prescribed amount for criminal offences where a fine is prescribed as the only penalty.

### *Fine in Particular Amount*

#### Article 50

(1) If it is not possible to determine the amount of a daily amount either based on the rough estimate of the court (Art. 49, paragraph 5), or collecting of such information would significantly prolong the criminal proceedings, the court shall pronounce a fine in set amount within the stipulated range of minimum and maximum fine.

(2) A fine may not be less than ten thousand dinars. A fine may not exceed one million dinars and in case of criminal offences committed for gain more than ten million dinars.

(3) A fine as principal punishment is pronounced in the following amounts:

- 1) Up to one hundred thousand dinars for criminal offences punishable by imprisonment up to three months;
- 2) From twenty thousand to two hundred thousand dinars for criminal offences punishable by imprisonment up to six months;
- 3) From thirty thousand to three hundred thousand dinars for criminal offences punishable by imprisonment up to one year;
- 4) From fifty thousand to five hundred thousand dinars for criminal offences punishable by imprisonment up to two years;
- 5) At least one hundred thousand dinars for criminal offences punishable by imprisonment up to three years.
- 6) Within the prescribed amount for criminal offences where a fine is prescribed as the only penalty.

### *Enforcement of Fine*

#### Article 51

(1) The time period for payment of a fine is defined in the judgement and may not be less than fifteen days or more than three months. In justifiable cases the court may allow the convicted person to pay the fine in instalments where the period of payment may not exceed one year.

(2) If the convicted person fails to pay the fine within the set period, the court shall replace the fine with a term of imprisonment, by converting each one thousand dinars into one day of imprisonment, provided that the term of imprisonment may not exceed six months, and if

the pronounced fine exceeds seven hundred thousand dinars, the term of imprisonment may not exceed one year.

(3) If the convicted person pays only a part of the fine, the court shall convert *pro rata* the remaining amount of the fine to a term of imprisonment, and if the convicted person pays the remaining amount of the fine, enforcement of the prison sentence shall be discontinued.

(4) An unpaid fine may instead of imprisonment be replaced with a community service order, by converting each one thousand dinars into eight hours of community service, provided the total duration of community service does not exceed three hundred and sixty hours.

(5) After death of the convicted person the fine shall not be enforced.

### *Community Service*

#### Article 52

(1) Community service may be imposed for criminal offences punishable by imprisonment of up to three years or a fine.

(2) Community service is any socially beneficial work that does not offend human dignity and is not performed for profit.

(3) Community service may not be less than sixty hours or longer than three hundred and sixty hours. Community service shall last sixty hours during one month and shall be performed during a period that may not be less than one month or more than six months.

(4) In pronouncing this penalty the court shall give consideration to the purpose of punishment, have regard to the type of committed criminal offence, personality of the perpetrator and his readiness to perform community service. Community service may not be pronounced without consent of the offender.

(5) If the offender fails to perform a number of all any hours of community service, the court shall replace this penalty by a term of imprisonment by calculating every eight hours of community service as one day of imprisonment.

(6) If the offender fulfils his obligations in respect of community service, the court may reduce the pronounced duration of community service by one quarter.

### *Revocation of Driver's License*

#### Article 53

(1) The driving license of a perpetrator of an offence in whose commission or preparation a motor vehicle was used, may be revoked.

(2) The court shall determine the duration of the penalty specified in paragraph 1 of this Article, which may not be less than one nor more than three years, calculated from the day the decision became final, and where time spent in prison is not calculated into this sentence.

(3) The penalty specified in paragraph 1 of this Article may be pronounced as secondary punishment together with a term of imprisonment or a fine, and may be imposed as principal punishment for criminal offences punishable by imprisonment of up to two years or fine. Revocation of driving licence may not be ordered together with the safety measure of ban on driving a vehicle.

(4) If the convicted person drives a motor while his driver's license is revoked, the court shall replace the penalty of revocation of driver's license by a term of imprisonment, by calculating every year of revocation of driver's license as one month of imprisonment.

## 2. Determination of Sentence

### *General Principles on Sentencing*

#### Article 54

(1) The court shall determine a punishment for a criminal offender within the limits set forth by law for such criminal offence, with regard to the purpose of punishment and taking into account all circumstance that could have bearing on severity of the punishment (extenuating and aggravating circumstances), and particularly the following: degree of culpability, the motives for committing the offence, the degree of endangering or damaging protected goods, the circumstances under which the offence was committed, the past life of the offender, his personal situation, his behaviour after the commission of the criminal offence and particularly his attitude towards the victim of the criminal offence, and other circumstances related to the personality of the offender.

(2) In determining the fine in particular amount (Article 50), the court shall afford particular consideration to financial status of the offender.

(3) The circumstance which is an element of a criminal offence may not be taken into consideration either as aggravating or extenuating, unless it exceeds the degree required for establishing the existence of the criminal offence or particular form of the criminal offence or if there are two or more of such circumstances, and only one is sufficient to define the existence of a severe or less severe form of criminal offence.

### *Special Circumstance for Determining a Punishment for a Criminal Offence Committed in Hatred*

#### Article 54a

If a criminal offence was committed in hatred, due to race, religion, national or ethnic origin, sex, sexual orientation or gender identity of another person, the court shall consider such circumstance as an aggravating circumstance, unless it is prescribed as an element of the criminal offence.

### *Repeat Offence*

#### Article 55\*

(1) *In case the perpetrator of a criminal offence committed with premeditation, was earlier convicted for a premeditated criminal offence, the court shall consider such circumstance as aggravating, unless five years have passed from the previous conviction or served sentence. \**

(2) *In case specified in paragraph 1 of this Article, the court may pronounce a punishment below the limit prescribed by the law or a lighter type of punishment, except when the law states that the punishment can be mitigated or when the law sets forth that the perpetrator may be remitted from punishment, and the court fails to do so. \**

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## *Repeated Offence\**

### *Article 55a\**

*For a criminal offence committed with premeditation, and for which imprisonment has been defined, the court shall pronounce a punishment above the half of the range of the prescribed punishment, under the following conditions:\**

*1) in case the perpetrator has been twice convicted for criminal offences committed with premeditation, to imprisonment of at least one year;\**

*2) if, from the date of release of the perpetrator, from serving the pronounced punishment, until the commission of a new criminal offences, five years have not passed.\**

## *Mitigation of Penalty*

### *Article 56*

The court may pronounce to a perpetrator of a criminal offence a penalty which is under statutory limits or a mitigated penalty, if:

1) Mitigation of penalty is provided by law;

2) The law provides for remittance from punishment of the offender and the court decides otherwise;

3) *The court finds that particularly mitigating circumstances exist indicating that the purpose of punishment may be achieved by a mitigated penalty.\**

## *Limits of Mitigation*

### *Article 57*

(1) When requirements for mitigation of penalty specified in Article 56 hereof are met, the court shall mitigate the penalty within the following limits:

1) if the lowest statutory penalty for the criminal offence is imprisonment of ten or more years, the sentence may be reduced to seven years imprisonment;

2) If the lowest statutory penalty for the criminal offence is imprisonment of five years, the sentence may be reduced to three years imprisonment;

3) If the lowest statutory penalty for the criminal offence is imprisonment of three years, the sentence may be reduced to one-year imprisonment;

4) If the lowest statutory penalty for the criminal offence is imprisonment of two years, the sentence may be reduced to six-month imprisonment;

5) If the lowest statutory penalty for the criminal offence is imprisonment up to one year, the sentence may be reduced to three months;

6) If the lowest statutory penalty for the criminal offence is imprisonment less than one year, the sentence may be reduced to thirty-day imprisonment;

7) If the statutory penalty for the criminal offence does not specify minimum sentence, imprisonment may be replaced by fine or community service;

8) If the statutory penalty for the criminal offence is a fine, the fine may be reduced up to a half of the minimum amount of the statutory fine.

(2) Exceptionally from the paragraph 1 of this Article, the court may not pronounce to a perpetrator of a criminal offence a penalty which is under statutory limits or a mitigated penalty for the criminal offences from the Articles 114\*, 134 paragraph 2 and 3, 178, 179, 180, 214 paragraph 2 and 3, 246 paragraph 1, 3 and 4\*, 350 paragraph 3 and 4 and 388 of this Law.

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(3) Exceptionally from the paragraph 1 of this Article, the court may not pronounce a mitigated penalty to person who is previously convicted for the *same or*\* crime of the same type.

(4) When the court has powers of remittance from punishment, it may reduce the penalty without limitations stipulated in paragraph 1 to 3 of this Article.

### *Remittance of Punishment*

#### Article 58

(1) The court may remit from punishment a perpetrator of a criminal offence only when so explicitly provided by law.

(2) The court may also remit from punishment a perpetrator of a criminal offence committed from negligence if the consequences of the offence affect the offender so strongly that imposing of penalty would obviously not serve the purpose of punishment.

(3) The court may also remit from punishment the perpetrator of a criminal offence punishable by imprisonment of up to five years if following the commission of the offence, and before learning that he has been uncovered, the offender eliminates the consequences of the offence or compensates damages caused by the criminal offence.

### *Settlement of the Offender and Victim*

#### Article 59

The court may remit from punishment the perpetrator of a criminal offence punishable by up to three years' imprisonment or a fine if the offender has fulfilled all his obligations from an agreement reached with the victim.

### *Joinder of Offences*

#### Article 60

(1) If an offender by one act or several acts has committed several criminal offences for which he is tried concurrently, the court shall first determine penalties for each of the offences respectively and shall then pronounce a single penalty.

(2) The court shall pronounce a single penalty in line with the following rules:

- 1) If a term of *life sentence*\* has been determined for one of the criminal offences in joinder, only such sentence shall be pronounced;
- 2) If the court has determined imprisonment for criminal offences in joinder, it shall increase the most severe punishment, provided that the single sentence does not attain the sum of cumulative sentences, or exceed twenty years' imprisonment;
- 3) If prison sentences of maximum three years are prescribed for all criminal offences in joinder, the single sentence may not exceed ten years' imprisonment;
- 4) If only fines are determined for criminal offences in joinder, the court shall pronounce a single fine in the amount of the cumulative sum of determined fines, provided it does not exceed eighteen million dinars, and where the court determined particular amounts (Article 50), the fine may not exceed one million or ten million dinars when one or more offences were committed for gain;
- 5) If only community service is provided for criminal offences in joinder, the court shall pronounce a single penalty of community service, provided it does not exceed

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three hundred and sixty hours, and the time period within which community service is performed should not exceed six months.

- 6) If imprisonment is provided for some criminal offences in joinder and a fine for others, the court shall pronounce a single fine pursuant to provisions of items 2 through 4 of this paragraph.

(3) The court shall pronounce a fine as secondary punishment if it has been prescribed for one of the criminal offences in joinder, and if the court has determined more than one fine it shall pronounce a single fine pursuant to the provisions of paragraph 2, item 4 of this Article. If the court determines a fine as principal penalty and also determines a fine as secondary penalty, it shall pronounce a single fine applying the rules specified in paragraph 2, item 4 of this Article.

(4) If the court determines imprisonment and juvenile detention as penalties for joinder of offences, a single penalty of imprisonment shall be pronounced by applying the rules specified in paragraph 2, item 2 of this Article.

### *Continuing Offence*

#### Article 61

(1) A continuing offence comprises several identical offences or offences of the same type committed in temporal continuity by the same offender, representing a whole, due to existence of at least two of the following requirements: same victim, same type of object of the offence, use of same situation or same permanent relationship, same places or spaces of commission of the offence or same intent of offender.

(2) Offences against person may constitute continuing criminal offence only when perpetrated against the same person.

(3) Offences that by their nature do not allow combining into one offence cannot constitute continuing criminal offence.

(4) If a continuing criminal offence comprises both serious and less serious forms of the same offence, it shall be considered that the continuing criminal offence constitutes the most serious form of committed offences.

(5) If a continuing criminal offence comprises offences whose element is a pecuniary amount, it shall be considered that the continuing criminal offence achieved the sum of amounts achieved by individual offences, if comprised by single intent of the offender.

(6) A criminal offence which is not included in a continuing offence in a final court ruling shall constitute a separate criminal offence or be part of a separate continuing offence.

(7) Deleted

(8) Deleted

### *Sentencing*

#### Article 62

(1) If a convicted person is tried for a criminal offence committed before commencement of serving of prison sentence for earlier conviction, or for a criminal offence committed in the course of serving prison sentence or juvenile detention, the court shall pronounce a single sentence for all criminal offences by applying the provisions of Article 60 hereof, taking into account the sentence pronounced earlier as an already determined penalty. The sentence or a part of the sentence the convicted person has already served shall be credited to the pronounced sentence of imprisonment.

(2) For a criminal offence committed in the course of serving a prison sentence or juvenile detention, the court shall pronounce a sentence to the offender, irrespective of previously pronounced sentence, if by application of the provisions of Article 60 hereof and



due to the seriousness of the criminal offence and the remaining part of the earlier sentence, the purpose of punishment cannot be achieved.

(3) A convicted person who in the course of serving a prison sentence or juvenile detention commits an offence for which the law stipulates a fine or a term of imprisonment up to one year, shall receive disciplinary punishment.

### *Crediting Time in Detention and Earlier Sentence*

#### Article 63

(1) The time spent in detention, in serving a measure of prohibition to leave the apartment, as well as any other deprivation of liberty in relation to a criminal offence shall be credited to the pronounced prison sentence, fine and community service.

(2) If a criminal procedure has been conducted for several criminal offences in joinder, and detention has not been ordered for each of them, the time spent in detention shall be credited to the pronounced prison sentence, fine and community service for the offence of which the accused is convicted.

(3) A prison sentence or a fine which the offender has served or paid for a misdemeanour or commercial offence, as well as sentence or disciplinary measure of depriving of liberty which the offender has served for violation of military discipline shall be credited to the sentence pronounced for a criminal offence whose elements comprise also the elements of a misdemeanour, commercial offence or violation of military discipline.

(4) For each crediting, a day spent in detention, a day of depriving of liberty, a day of imprisonment, a day of serving the measure of prohibition to leave the apartment, eight hours of community service and one thousand dinars of fine shall be deemed equal.

## **CHAPTER FIVE**

### **CAUTIONARY MEASURES**

#### **1. Suspended Sentence and Judicial Admonition**

##### *Purpose of Suspended Sentence and Judicial Admonition*

#### Article 64

(1) Cautionary measures are suspended sentence and judicial admonition.

(2) Within the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of a suspended sentence and judicial admonition is not to impose a sentence for lesser criminal offences to the offender who is guilty when it may be expected that an admonition with the threat of punishment (suspended sentence) or a caution alone (judicial admonition) will have sufficient effect on the offender to deter him from further commission of criminal offences.

##### *Suspended Sentence*

#### Article 65

(1) By suspended sentence the court determines punishment of the offender and concurrently determines that it shall not be enforced provided the convicted person does not commit a new offence during a period set by the court, which may not be less than one or longer than five years (probationary period).

(2) The court may order in suspended sentence that the penalty shall be enforced if the convicted person fails to restore material gain acquired through commission of the offence, fails to compensate damages caused by the offence or fails to fulfil other obligations provided in provisions of criminal legislation. The court shall set the time for fulfilling such obligations within the specified probationary period.

(3) Security measures ordered together with suspended sentence shall be enforced.

### *Requirements for Pronouncing a Suspended Sentence*

#### Article 66

(1) A sentence of imprisonment of less than two years may be suspended.

(2) For criminal offences punishable by imprisonment up to *eight*\* years or more the sentence may not be suspended.

(3) A suspended sentence may not be pronounced when more than five years have elapsed from the time the prison sentence *or parole*\* pronounced to a perpetrator for premeditated criminal offence became final.

(4) In determining whether to pronounce a suspended sentence the court shall, having regard to the purpose of suspended sentence, particularly take into consideration the personality of the offender, his previous conduct, his conduct after committing the criminal offence, degree of culpability and other circumstances relevant to the commission of crime.

(5) If both a term of imprisonment and a fine are imposed, only the prison sentence may be suspended.

### *Revocation of Suspended Sentence due to New Criminal Offence*

#### Article 67

(1) The court shall revoke a suspended sentence if the convicted person commits one or more criminal offences during probation and is sentenced to imprisonment of two years or more.

(2) If a convicted person during probation commits one or more criminal offences and is sentenced to imprisonment of less than two years or a fine, the court shall, after deliberating all circumstances relating to the committed offence and the offender, and particularly congruence of the offences, their significance and motivation for their commitment, decide whether to revoke the suspended sentence. In its deliberation the court shall be bound by the ban on suspending a sentence if the offender is to be sentenced to imprisonment for two years or longer for criminal offences determined in the suspended sentence and for new criminal offences (Article 66, paragraph 1).

(3) If the court revokes a suspended sentence, it shall pronounce a single prison sentence by applying the provisions of Article 60 hereof for both the previously committed and for new criminal offence, and assuming punishment from the revoked suspended sentence as already determined.

(4) If the court does not revoke a suspended sentence, it may pronounce a suspended sentence or a penalty for the new criminal offence. If convicted to a term of imprisonment for the new offence, time served for this sentence shall not be credited to time on probation as determined in the suspended sentence for the previous offence.

(5) If the court decides that a suspended sentence should be pronounced for the new offence as well, it shall by applying the provisions of Article 60 hereof determine a single sentence for both the previous and the new criminal offence, and shall specify a new probation

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period that may not be less than one year or longer than five years, counting from the day when the new judgement becomes final. If the convicted person in the course of the new probation period commits a criminal offence, the court shall revoke the suspended sentence and impose imprisonment, applying the provisions of paragraph 3 of this Article.

*Revocation of a Suspended Sentence due to a Previously  
Committed Criminal Offence*

Article 68

(1) The court shall revoke a suspended sentence if, after its pronouncement, the court determines that the convicted person committed a criminal offence prior to ordering of a suspended sentence and if in the consideration of the court there would have been no grounds for ordering a suspended sentence had such offence been known. In such cases, Article 67, paragraph 3 hereof shall apply.

(2) If the court does not revoke a suspended sentence, provision of Article 67, paragraph 4 hereof shall apply.

*Revocation of Suspended Sentence due to Failure  
to Meet Particular Obligations*

Article 69

If by suspended sentence the convicted person is ordered to fulfil particular obligations referred to in Article 65, paragraph 2 hereof, and he fails to fulfil such obligation within the period set in the judgement, the court may extend the deadline during the period of probation, or may revoke the suspended sentence and order the penalty determined in the suspended sentence. If the court establishes that the convicted person is unable to fulfil the obligation on justifiable grounds, it may release him from such obligation or replace it by another appropriate obligation provided by law.

*Time-limits for Revocation of a Suspended Sentence*

Article 70

(1) A suspended sentence may be revoked during the probationary period. If in this period a convicted person commits a criminal offence, which entails a revocation of suspended sentence, whereas this is determined by judgement after the expiry of the probationary period, the suspended sentence may be revoked not later than one year from the day the probationary period expired.

(2) If a convicted person fails to meet an obligation referred to in Article 65, paragraph 2 hereof within the specified time, the court may, not later than one year from expiry of the probationary period, order enforcement of the punishment set forth in the suspended sentence.

(3) After the imposition of a suspended sentence determines that the convicted person committed a crime before he was suspended sentenced, therefore would not be the basis for the imposition of a suspended sentence, suspended sentence may be revoked within one year from the date when the elapsed time of probation.

## *Suspended Sentence with Protective Supervision*

### Article 71

(1) The court may order protective supervision of an offender under suspended sentence during probation.

(2) Protective supervision includes assistance, care and protection measures provided by law.

(3) If the court establishes during the course of protective supervision that the purpose of this measure has been achieved, it may terminate protective supervision before the expiry of the specified time period.

(4) If a convicted person under protective supervision fails to fulfil the obligations ordered by the court, the court may caution such person or may replace the previous obligation by another or extend protective supervision within the probation period or revoke the suspended sentence.

## *Requirements for Ordering Protective Supervision*

### Article 72

(1) When pronouncing a suspended sentence, the court may order protective supervision of the offender if, considering his personality, previous conduct, attitude after committing of the offence and particularly his attitude towards the victim of the offence and circumstance of its commission, it may be assumed that protective supervision would enhance achieving the purpose of suspended sentence.

(2) The court orders protective supervision in the judgement pronouncing suspended sentence and determines measures of protective supervision, duration and manner of implementation thereof.

## *Protective Supervision*

### Article 73

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

- 1) Reporting to competent authority for enforcement of protective supervision within periods set by such authority;
- 2) Training of the offender for a particular profession;
- 3) Accepting employment consistent with the offender's abilities;
- 4) Fulfillment of the obligation to support family, care and rising of children and other family duties;
- 5) Refraining from visiting particular places, establishment or events if that may present an opportunity or incentive to re-commit criminal offences;
- 6) Timely notification of the change of residence, address or place of work;
- 7) Refraining from drug and alcohol abuse;
- 8) Treatment in a competent medical institution;
- 9) Visiting particular professional and other counselling centres or institutions and adhering to their instructions;
- 10) Eliminating or mitigating the damage caused by the offence, particularly reconciliation with the victim of the offence.

## *Selecting Measures of Protective Supervision*

### Article 74

In selecting the obligations set forth in Article 73 hereof, the court shall particularly have regard to the age of an offender, his health, affinities and habits, motives from which he committed the offence, conduct after commission of the offence, earlier conduct, personal and family situation, ability to meet the ordered obligations as well as other circumstances pertinent to the personality of the offender which bear relevance to the selection of the measures for protective supervision and duration thereof.

## *Duration of Protective Supervision*

### Article 75

(1) Duration of protective supervision measures is set within the probationary period determined in the suspended sentence.

(2) Protective supervision shall cease by revocation of the suspended sentence.

(3) For the duration of protective supervision the court may, given the results achieved, set aside particular obligations or replace them with others.

(4) If during protective supervision the court determines that the objective of such measure has been achieved, it may end the protective supervision before expiry of the specified period.

## *Consequences of Failure to Fulfil Protective Supervision Requirements*

### Article 76

If the convicted person under protective measures fails to fulfil the obligations ordered by the court, the court may caution him or replace the previously ordered obligation by another or extend the duration of protective supervision within the probationary period or revoke suspended sentence.

## *Judicial Caution*

### Article 77

(1) Judicial caution may be pronounced for criminal offences punishable by imprisonment less than one year or fine, which have been committed under such extenuating circumstances that they render them particularly minor.

(2) For particular criminal offences and under conditions provided by law, a judicial caution may be pronounced even when such offences are punishable by imprisonment up to three years.

(3) The court may pronounce caution for joinder of offences provided requirements specified in paragraphs 1 and 2 of this Article have been established for each of them.

(4) In deliberating whether to pronounce a judicial caution, the court shall, having regard to the purpose of the caution, particularly take into consideration the personality of the offender, his past conduct, his conduct after commission of the offence, and specifically his attitude to the victim of the offence, degree of culpability and other circumstances under which the offence was committed.

(5) Judicial caution may not be pronounced to members of armed forces for criminal offences against the Army of Serbia.

## **CHAPTER SIX**

### **SECURITY MEASURES**

#### **Purpose of Security Measures**

##### Article 78

Within the general purpose of criminal sanctions (Article 4, paragraph 2), the purpose of security measures is to eliminate circumstances or conditions that may have influence on an offender to commit criminal offences in future.

#### **Types of Security Measures**

##### Article 79

(1) The following security measures may be ordered to offender:

- 1) Compulsory psychiatric treatment and confinement in a medical institution;
- 2) Compulsory psychiatric treatment at liberty;
- 3) Compulsory drug addiction treatment;
- 4) Compulsory alcohol addiction treatment;
- 5) Prohibition from practising a profession, activity or duty;
- 6) Prohibition to drive a motor vehicle;
- 7) Confiscation of objects;
- 8) Expulsion of a foreigner from the country;
- 9) Publishing of judgement;
- 10) Prohibiting convergence and communication with victim,
- 11) Prohibition from attending certain sports events.

(2) Under the conditions prescribed by this Code, certain security measures may be imposed on a mentally incompetent person who committed unlawful act provided under law as a criminal offence (Article 80, paragraph 2).

#### **Ordering Security Measures**

##### Article 80

(1) Where grounds under this Code exist, the court may impose one or more security measures on an offender.

(2) Compulsory psychiatric treatment and confinement in a medical institution and compulsory psychiatric treatment at liberty shall be imposed as an individual sanction on a mentally incompetent criminal offender. In addition to these measures, ban on practising certain profession, activity or duty, ban on driving a motor vehicle and confiscation of objects may also be ordered.

(3) Measures specified in paragraph 2 of this Article may be ordered to an offender whose mental capacity is substantially impaired, if under pronouncement of a penalty or suspended sentence.

(4) Compulsory drug addiction treatment, compulsory alcohol addiction treatment, ban on practising particular profession, activity or duty, ban on driving a motor vehicle, confiscation of objects and publishing of judgement may be ordered if the offender is under pronouncement of penalty, suspended sentence, judicial caution or if the offender is remitted from punishment.

(5) Expulsion of a foreigner from the country and prohibition from attending certain sports events may be pronounced if an offender is under pronouncement of penalty or suspended sentence.

(6) Measure Prohibiting convergence and communication with victim may be imposed if the perpetrator is punished with fine, the community service, and prohibition to drive motor vehicle, suspended sentence and judicial caution.

(7) For joinder of criminal offences a security measure shall be ordered if determined for one of the offences in joinder.

### **Compulsory Psychiatric Treatment and Confinement in a Medical Institution**

#### **Article 81**

(1) The court shall order compulsory psychiatric treatment and confinement in a medical institution to an offender who committed a criminal offence in a state of substantially impaired mental capacity if, due to the committed offence and the state of mental disturbance, it determines that there is a risk that the offender may commit a more serious criminal offence and that in order to eliminate this risk they require medical treatment in such institution.

(2) If the requirements referred to in paragraph 1 of this Article are met, the court shall order compulsory treatment and confinement in a medical institution to an offender who in state of mental incompetence committed an unlawful act provided under law as a criminal offence.

(3) The court shall discontinue the measure referred to in paragraphs 1 and 2 of this Article when it determines that the need for treatment and confinement of the offender in a medical institution no longer exist.

(4) The measure specified in paragraph 1 of this Article when ordered together with a term of imprisonment may last longer than the pronounced sentence.

(5) Time spent in a medical institution by the offender who committed a criminal offence in a state of substantially impaired mental capacity and who has been sentenced to prison shall be credited to serving of the pronounced sentence. If time spent in a medical institution is less than the pronounced prison sentence, the court shall order, upon termination of the security measure, that the convicted person is remanded to prison to serve the remainder of the sentence or released her on parole. In deliberating to grant parole the court shall, in addition to requirements set forth in Article 46 hereof, particularly take into consideration the degree of success of treatment of the convicted person, his medical condition, time spent in the medical institution and the remaining part of the sentence.

### **Compulsory Psychiatric Treatment at Liberty**

#### **Article 82**

(1) The court shall order compulsory psychiatric treatment at liberty to an offender who has committed an unlawful act provided under law as a criminal offence in a state of mental incapacity if it determines that danger exists that the offender may again commit an unlawful act provided under law as a criminal offence, and that treatment at liberty is sufficient to eliminate such danger.

(2) The measure specified in paragraph 1 of this Article may be ordered to a mentally incompetent perpetrator under compulsory psychiatric treatment and confinement in a medical institution when the court determines, based on results of medical treatment, that his further treatment and confinement in a medical institution is no longer required and that treatment at liberty would be sufficient.

(3) Under conditions specified in paragraph 1 of this Article, the court may also order compulsory psychiatric treatment at liberty to an offender whose mental competence is substantially impaired if he is under a suspended sentence or released on probation pursuant to Article 81, paragraph 5 hereof.

(4) Compulsory psychiatric treatment at liberty may be undertaken periodically in particular medical institution if necessary for a successful treatment, with the proviso that periodical institutional treatment may not exceed fifteen days in continuity or two months in aggregate.

(5) Compulsory psychiatric treatment at liberty shall last as long as there is a need for treatment, but may not exceed three years.

(6) If in case referred in paragraphs 1 through 3 of this Article, the offender does not comply with treatment at liberty or abandons it of his own volition, or if despite treatment, danger of committing an unlawful act provided under law as a criminal offence is reasserted, which necessitates his treatment and confinement in an appropriate medical institution, the court may order compulsory psychiatric treatment and confinement in such institution.

### **Compulsory Drug Addiction Treatment**

#### Article 83

(1) The court shall order compulsory treatment to an offender who has committed a criminal offence due to addiction to narcotics and if there is a serious danger that he may continue committing criminal offences due to this addiction.

(2) The measure specified in paragraph 1 of this Article shall be carried out in a penitentiary institution or in an appropriate medical or other specialised institution and shall last as long as there is a need for treatment, but not more than three years.

(3) When the measure referred in paragraph 1 of this Article is ordered together with a term of imprisonment, duration thereof may exceed the pronounced sentence but its overall duration shall not exceed three years.

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

(5) If the measure referred to in paragraph 1 of this Article is pronounced together with a fine, a suspended sentence, judicial caution or remittance of punishment, it shall be carried out at liberty and may not exceed three years.

(6) If an offender without justifiable reasons fails to undertake treatment at liberty or abandons treatment at his own volition, the court shall order coercive enforcement of such measure in an appropriate medical or other specialised institution.

### **Compulsory Alcohol Addiction Treatment**

#### Article 84

(1) The court shall order compulsory treatment to an offender who has committed a criminal offence due to addiction on alcohol abuse and if there is serious threat that he may continue to commit offences due to such addiction.

(2) The measure specified in paragraph 1 of this Article shall be carried out in a penitentiary institution or an appropriate medical or other specialised institution and shall last as long as there is need for treatment, but may not exceed the duration of the pronounced prison sentence.

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



(4) If the measure specified in paragraph 1 of this Article is ordered together with a fine, suspended sentence, judicial caution or remittance of punishment, it shall be carried out at liberty and may not exceed two years.

(5) If without justified reasons, an offender fails to undertake treatment at liberty or abandons treatment at his own volition, the court shall order the coercive enforcement of the measure in an appropriate medical or other specialised institution.

### **Prohibition to Practise a Profession, Activity or Duty**

#### Article 85

(1) The court may prohibit an offender from practising a particular profession, activity, or all or certain duties related to the disposition, use, management or handling of another's property or taking care of that property, if it is reasonably believed that his further exercise of that duty would be dangerous.

(2) The court shall determine the duration of the measure referred to in paragraph 1 of this Article that may not be less than one more than ten years, calculated from the day the judgement became final, and the time spent in a prison or medical institution where the security measure has been exercised shall not be credited to the term of this measure.

(3) If ordering a suspended sentence, the court may order revoking of such sentence if the offender violates the prohibition to practise a particular profession, activity or duty.

### **Prohibition to Drive a Motor Vehicle**

#### Article 86

(1) The court may order a ban on driving a motor vehicle to an offender who committed a criminal offence of endangering road safety.

(2) In ordering the measure specified in paragraph 1 of this Article the court shall determine the type and category of vehicles covered by the ban.

(3) The court may order the measure referred to in paragraph 1 of this Article if it finds that the gravity of the committed offence, the circumstances under which the offence was committed or previous violations of traffic regulations by the offender indicate that it would be dangerous to allow such person to drive motor vehicle of a certain type or category.

(4) The court shall determine the duration of the measure referred in paragraph 1 of this Article, which may not be less than three months or more than five years, calculating from the day the judgement became final, and the time served in prison or in an institution where the security or rehabilitation measure is carried out shall not be credited to the term of this measure.

(5) If the measure referred to in paragraph 1 of this Article is ordered to a person holding a foreign driver's license, the prohibition shall refer to driving a motor vehicle in the territory of Serbia.

(6) If the court orders a suspended sentence, such sentence shall be revoked if the offender violates the ban to drive a motor vehicle.

(7) The law may stipulate mandatory ban to drive a motor vehicle.

### **Seizure of Objects**

#### Article 87

(1) The measure of Seizure of Objects may be set to the object that was intended or used to commit a criminal offence or originate from the criminal offence, when there is a danger that the object shall be re-used to commit a criminal offence, or if so required by the interests of general safety or for moral reasons seizure of object is necessary.

(2) Application of this security measure shall be without prejudice to the right of third parties to compensation of damages by the offender.

(3) The law may stipulate a mandatory seizure of objects and/or their mandatory destruction. The law may also stipulate the requirements for seizure of particular objects in specific cases.

### **Expulsion of a Foreigner from the Country**

#### Article 88

(1) The court may order expulsion from the territory of Serbia of a foreigner who committed a criminal offence for a period of one to ten years.

(2) In deliberating to order the measure referred to in paragraph 1 of this Article, the court shall take into consideration the time and gravity of a committed offence, motives for committing of the offence, manner of commission and other circumstances for declaring the foreigner a persona non grata in Serbia.

(3) The period of expulsion commences on the day the decision becomes effective, and the time spent in prison shall not be credited to the term of this measure.

(4) The measure referred in paragraph 1 of this Article shall not be ordered against an offender enjoying protection pursuant to the ratified international treaties.

### **Publishing of the Judgement**

#### Article 89

(1) In the conviction for a criminal offence committed by means of the media, or for a criminal offence resulting in endangerment of life and health of persons, where publishing of the judgement would be conducive to eliminating or diminishing such danger, the court may decide to publish the judgement in the same media or other appropriate means, in full or in excerpt, at the expense of the offender.

(2) The law may provide for a mandatory publishing of judgement. In such cases the court shall determine the media where the judgement is to be published and whether to publish it in full or in excerpt.

(3) Publishing of judgement shall be effected not later than thirty days following the day the judgement becomes final.

### **Prohibiting Convergence and Communication with the Victim**

#### Article 89a

(1) The court may prohibit the offender to converge to a victim, prohibit access to the area around the residence or place of victim and prohibit further harassment, or further communication with victim, if reasonably should be considered that further exercise of such actions of the offender is dangerous for the victim.

(2) The court shall determine the duration of the measure specified in paragraph 1, which may not be shorter than six months nor exceed three years, where the time spent in prison or a health institution in which a security measure was execution shall not be credited to the term of this measure.

(Deleted)

(3) The measure specified in paragraph 1 of this Article shall be revoked before the expiration of determined time, if the reasons on which is based are discontinued.

## **Prohibition from Attending Certain Sports Events**

### Article 89b

(1) The court may order a measure of prohibition from attending certain sports events to the offender of a criminal offence, if it deems it necessary in order to preserve public safety.

(2) The measure from paragraph 1 of this Article shall be effected in the following way: the offender who committed a criminal offence shall be obligated to report to the officer in charge in person, immediately prior to commencement of certain sports events, at the district police headquarters, or a police station, of the district where the offender is currently located and shall stay in their premises for the duration of the sports event.

(3) The court shall order the duration of the measure from paragraph 1 of this Article, which shall not be less than one or more than five years, calculating from the day the judgement became final, and the time spent in prison shall not be credited to the term of this measure.

(4) If the court orders a suspended sentence, the court shall determine whether that sentence should be revoked, if the offender violates the prohibition order against attending certain sports events, or if he or she does not comply with the provision from paragraph 2 of this Article.

(5) (Deleted)

(5) The law may determine a mandatory prohibition from attending certain sports events.

## **Termination of Security Measures Pursuant to Court Decision**

### Article 90

(1) The court may issue a decision to terminate the security measure of prohibition of practising professions, activity or duty and prohibition of driving a motor vehicle after the elapse of three years from the day of enforcement thereof.

(2) In deliberating whether to order termination of security measure referred in paragraph 1 of this Article, the court shall take into consideration the conduct of the convicted person after the conviction, whether the offender compensated the damage caused by the criminal offence, whether he returned material gain obtained through the commission of the offence and other circumstances indicating justification to terminate such measures.

## **CHAPTER SEVEN**

### **CONFISCATION OF MATERIAL GAIN**

#### **Grounds for Confiscation of Material Gain**

### Article 91

(1) No one may retain material gain obtained by criminal offence.

(2) The gain referred to in paragraph 1 of this Article shall be seized on conditions provided herein and by decision of the court determining commission of a criminal offence.

## **Conditions and Manner of Seizure of Material Gain**

### Article 92

(1) Money, items of value and all other material gains obtained by a criminal offence shall be seized from the offender, and if such seizure should not be possible, the offender shall be obligated give in exchange other property that is adequate to the value of property acquired by criminal act or resulting from criminal acts or to pay a pecuniary amount commensurate with obtained material gain.

(2) Material gain obtained by a criminal offence shall also be seized from the persons, legal or physical, it has been transferred to without compensation or with compensation that is obviously inadequate to its actual value.

(3) If material gain is obtained by an offence for another, such gain shall be seized.

## **Protection of the Injured Party**

### Article 93

(1) If in criminal proceedings a property claim of the injured party is accepted, the court shall order seizure of material gain only if it exceeds the adjudicated amount of the property claim.

(2) The injured party who in criminal proceedings has been directed to institute civil action in respect of his property claim, may request compensation from the seized material gain if he institutes a civil action within six months from the day the decision referring him to litigation becomes final.

(3) The injured party who does not file a property claim during criminal proceedings may request compensation from the seized material gain if he has instituted civil action to determine his claim within three months from the day of learning of the judgement ordering seizure of material gain, and not later than three years from the day the order on seizure of material gain became final.

(4) In cases referred in paragraphs 2 and 3 of this Article, the injured party must, within three months from the day the decision accepting his property claim became final, request to be compensated from the seized material gain.

## **CHAPTER EIGHT**

### **LEGAL CONSEQUENCES OF CONVICTION**

#### **Ensuing of Legal Consequences of Conviction**

### Article 94

(1) Convictions for particular criminal offences or particular penalties may have as a legal consequence the cessation or forfeiture of particular rights or prohibition to acquire particular rights.

(2) Legal consequences of conviction may not ensue when a fine has been ordered to the offender for a criminal offence, a suspended sentence – unless revoked, judicial caution or when punishment of the offender is remitted.

(3) Legal consequences of a sentence may be provided only by law and shall come into effect by force of law in which they are stipulated.

## **Types of Legal Consequences of Conviction**

### **Article 95**

- (1) Legal consequences of conviction relating to loss or forfeiture of particular rights are:
  - 1) Termination of public function;
  - 2) Termination of employment or termination of practising a particular profession or occupation;
  - 3) Forfeiture of particular permit or license issued by decision of a government authority or local self-government authority.
- (2) Legal consequences of conviction comprising ban on acquiring particular rights are:
  - 1) Prohibition of appointment to particular public office;
  - 2) Prohibition to acquire particular title, profession or occupation or promotion in service;
  - 3) Prohibition of acquiring military officer rank;
  - 4) Prohibition to acquire particular permits and licenses issued by decision of a government authority or local self-government authority.

## **Commencement and Duration of Legal Consequences of Conviction**

### **Article 96**

- (1) Legal consequences of conviction shall set in on the day the judgement becomes final.
- (2) In the event when after the judgement becomes final, pursuant to which legal consequences of conviction have set in, such judgement is revised due to extraordinary legal remedy, the set-in or further continuation of legal consequences of conviction shall be harmonised with the new decision.
- (3) Legal consequences of conviction comprising a ban on acquiring particular rights may be ordered for maximum duration of ten years.
- (4) Time spent serving a penalty shall not be credited to duration of legal consequences of conviction.
- (5) Legal consequences of conviction provided under Article 95, paragraph 2 hereof shall cease by rehabilitation.

## **CHAPTER NINE**

### **REHABILITATION, END OF LEGAL CONSEQUENCES OF CONVICTION AND DISCLOSURE OF DATA FROM CRIMINAL RECORDS**

#### **General Concept of Rehabilitation**

### **Article 97**

- (1) Rehabilitation shall delete conviction and terminate all legal consequences thereof, and the convicted person shall be deemed with no criminal record.
- (2) Rehabilitation occurs either by virtue of law itself (legal rehabilitation) or by petition of the convicted person pursuant to decision of the court (judicial rehabilitation).
- (3) Rehabilitation shall not prejudice the rights of third parties deriving from the conviction.

## **Legal Rehabilitation**

### Article 98

(1) Legal rehabilitation may be granted only to persons who, prior to conviction in respect of relevant rehabilitation, had no prior convictions or are by law considered without prior convictions.

(2) Legal rehabilitation ensues if:

- 1) The person convicted but remitted of a penalty, or under pronouncement of judicial admonition, does not commit any new criminal offence within one year after the judgement becomes final;
- 2) The person under a suspended sentence does not commit any new criminal offence during probation period and within one year after the end of probation;
- 3) The person sentenced to a fine, community service, revocation of driving licence or imprisonment up to six months does not commit any new criminal offence within the period of three years after the penalty is enforced, is under statute of limitations or remitted;
- 4) The person sentenced to imprisonment of six months to one year does not commit any new criminal offence within the period of five years after the penalty is enforced, is under statute of limitations or remitted.
- 5) The person sentenced to imprisonment of one to three years does not commit any new criminal offence within the period of ten years after the penalty is enforced, is under statute of limitations or remitted.

(3) Legal rehabilitation shall not ensue if the secondary penalty has not been enforced or if security measures are still in force.

## **Judicial Rehabilitation**

### Article 99

(1) Judicial rehabilitation may be granted to a person sentenced to imprisonment of three to five years, if within the period of ten years after such sentence is served, is under statute of limitations or remitted, that person does not commit a new criminal offence.

(2) In the case referred to in paragraphs 1 this Article, the court shall grant rehabilitation if it finds that the convicted person deserves rehabilitation due to his conduct and if, according to his financial abilities, he has compensated for the damages caused by his criminal offence, and the court is obliged to take into consideration all other circumstances of relevance for granting rehabilitation, and particularly the nature and significance of the offence.

(3) Judicial rehabilitation may not be granted if a secondary penalty has not yet been enforced or if security measures are still in force.

## **Judicial Rehabilitation of Persons with Prior Convictions**

### Article 100

The court may grant rehabilitation of a person who has been convicted several times only if requirements referred to in Articles 98 and 99 hereof are satisfied in respect to each of criminal offences that such person has been convicted for. In deliberating whether to grant rehabilitation in such case, the court shall take into consideration all circumstances referred to in Article 99, paragraph 2 hereof.

## **Termination of Legal Consequences of Conviction**

### **Article 101**

(1) After expiry of three years of a sentence served, under statute of limitations or remitted, the court may rule to terminate the legal consequences of conviction in respect of ban to acquire a particular right, unless this has occurred by virtue of rehabilitation.

(2) In deliberating to terminate legal consequences of conviction, the court shall take into consideration the convicted person's conduct after conviction, whether he has compensated for the damage caused by his criminal offence and returned the property gain acquired by the offence, and other circumstances that may indicate to the justifiability of terminating of legal consequences of conviction.

## **Content and Disclosure of Data from Criminal Records**

### **Article 102**

(1) Criminal records contain personal data of the offender, data on penalty, suspended sentence, judicial caution, remittance from punishment and pardon, and data on legal consequences of conviction. Criminal record shall contain subsequent changes of data therein, information on serving of sentence as well as cancellation of records in respect of wrong conviction.

(2) Data from criminal records may be disclosed only to a court, the state prosecutor and police in respect of criminal proceedings conducted against a person with prior convictions, the body in charge of enforcement of criminal sanctions and the body involved in the procedure of granting amnesty, pardon, rehabilitation or deciding on termination of legal consequences of conviction, and to social welfare authorities when so required to discharge duties under their competence. Data from criminal records may be disclosed to the other government authority responsible to identify and prevent committing of criminal offences when it is determined by the special law.

(3) Data from criminal records may also be disclosed upon reasoned request to a government authority, enterprise, other organisation or entrepreneur, if legal consequences of a conviction or security measures are still in force and if there exists a justified reason based on law.

(4) No one shall be entitled to request a citizen to submit any evidence on his prior convictions or non-existence of such convictions.

(5) Citizens may be given, at their request, data on prior convictions, if any.

(6) Data on deleted conviction may not be given to anyone.

## **CHAPTER TEN**

### **STATUTE OF LIMITATIONS**

#### **Limitations on Criminal Prosecution**

### **Article 103**

Unless otherwise stipulated by this Code, criminal prosecution may not be instituted after elapse of:

*(Deleted);\**

1)\* Twenty years from the time of committing of a criminal offence punishable by law to imprisonment over fifteen years;

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

- 2)\* Fifteen years from the time of committing of a criminal offence punishable by law to imprisonment of over ten years;
- 3)\* Ten years from the time of committing of a criminal offence punishable by law to imprisonment of over five years;
- 4)\* Five years from the time of committing of a criminal offence punishable by law to imprisonment of over three years;
- 5)\* Three years from the time of committing of a criminal offence punishable by law to imprisonment of over one year;
- 6)\* Two years from the time of committing of a criminal offence punishable by law to imprisonment of less than one year or fine.

## **Course and Suspension of Limitations on Criminal Prosecution**

### Article 104

(1) Limitations on criminal prosecution shall commence as of the day of commission of the criminal offence. If the consequence of criminal offence occurs later, limitations on criminal prosecution shall commence as of the day the consequence occurred.

(2) Limitations shall not run during the period when by law prosecution may not commence or continue.

(3) Limitations shall be suspended by each procedural action undertaken to uncover the perpetrator of the offence or to uncover and prosecute the perpetrator for commission of the offence.

(4) Limitations shall be suspended also when during the limitations period the perpetrator commits another serious or more serious offence.

(5) The limitations period shall restart from beginning after every interruption.

(6) Limitations on criminal prosecution shall come into effect in any case after expiry of double the time period required by law for limitation of criminal prosecution.

## **Limitation on Enforcement of Penalty**

### Article 105

Unless otherwise provided herein, the pronounced penalty may not be enforced after expiry of:

*(Deleted)\**

- 1)\* Twenty years from conviction to term of imprisonment over fifteen years;
- 2)\* Fifteen years from conviction to term of imprisonment over ten years;
- 3)\* Ten years from conviction to term of imprisonment over five years;
- 4)\* Five years from conviction to term of imprisonment over three years;
- 5)\* Three years from conviction to term of imprisonment over one year;
- 6)\* Two years from conviction to term of imprisonment up to one year, fine, community service or revocation of driver's license.

## **Limitations on Enforcement of Secondary Penalty and Security Measure**

### Article 106

(1) Limitation on enforcement of fine and revocation of driver's license if ordered as secondary penalty shall come into effect after expiry of two years from the date the judgement ordering such penalties becomes final.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.



(2) Limitation on enforcement of security measure of compulsory psychiatric treatment and confinement in medical institution, compulsory psychiatric treatment at liberty, compulsory treatment of drug addicts, compulsory treatment of alcoholics and confiscation of objects shall take effect after expiry of five years from the day the decision ordering such measures becomes final.

(3) Limitation on enforcement of security measure of prohibition to practise a profession, business activity and duty, ban on driving a motor vehicle and expulsion of foreigner from the country shall take effect after expiry of the period for which these measures are ordered.

## **Course and Suspension of Enforcement of Penalty and Security Measure**

### Article 107

(1) Limitations on enforcement of penalty shall commence to run on the day the judgement pronouncing the penalty becomes final, and in case of revocation of suspended sentence – from the day the order on revocation becomes final.

(2) If by an act of amnesty or pardon or disposition of the court pursuant to extraordinary legal remedy the pronounced sentence is reduced, the time for setting in of limitations shall be computed against the new penalty, but the course of limitations shall be computed from the previous final judgement.

(3) Limitation shall not run during the period when enforcement of penalty may not be undertaken by law.

(4) Limitation shall be suspended by every act of competent authority for the purpose of enforcement of penalty.

(5) The limitations period shall restart from beginning after every interruption

(6) Limitation on enforcement of penalty shall in any case set in by expiry of double the time required by law for limitation of enforcement of penalty.

(7) In the event of limitation specified in paragraph 6 of this Article, the already commenced enforcement of penalty shall be discontinued.

(8) Provisions of paragraphs 2 through 5 of this Article shall also apply accordingly to limitation of enforcement of security measures.

## **Criminal Offences and Enforcement of Penalty not subject to Limitation**

### Article 108

There shall be no statute of limitation for criminal prosecution and enforcement of penalty for offences stipulated in Articles 370 through 375 hereof, *for criminal offences for which a life sentence has been prescribed*,\* and for criminal offences that pursuant to ratified international treaties cannot be subject to limitations.

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## **CHAPTER ELEVEN**

### **AMNESTY AND PARDON**

#### **Amnesty**

##### Article 109

(1) Persons under amnesty shall be released from prosecution and granted full or partial remittance of punishment, the pronounced penalty replaced by a lighter penalty, rehabilitation granted or particular or all legal consequences of conviction revoked.

(2) Amnesty may repeal the following security measures: prohibition to practise a profession, business activity or duty, prohibition to drive a motor vehicle and expulsion of foreigner from the country.

#### **Pardon**

##### Article 110

(1) Pardon shall release a specifically named person from criminal prosecution and grant full or partial remittance of punishment, replace the pronounced penalty by a lighter penalty or suspended sentence, grant rehabilitation, order shorter duration of legal consequences of conviction or repeal particular or all legal consequences of conviction.

(2) Pardon may repeal or order shorter duration of security measure of prohibition to practise a profession, business activity or duty, prohibition to drive a motor vehicle and expulsion of foreigner from the country.

#### **Effect of Amnesty and Pardon to Rights of Third Parties**

##### Article 111

Granting of amnesty or pardon shall not prejudice any rights of third parties deriving from the conviction.

## **CHAPTER TWELVE**

### **INTERPRETATION**

#### **Meaning of Terms for the Purpose of this Code**

##### Article 112

(1) The territory of Serbia shall be deemed to embrace the land, water surfaces within its borders, and air space above it.

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

(3) An official is:

- 1) A person discharging official duties in government authority;
- 2) Elected, appointed or assigned person in a government authority, local self-government body or a person permanently or periodically discharging official duty or office in such bodies;

- 3) A notary public, a public enforcer or arbitrator, as well as a person in an institution, enterprise or other entity who is assigned discharge of public authority, who rules on rights, obligations or interests of natural or legal persons or on public interest;
- 4) An official shall also be a person who is in fact assigned discharge of official duty or tasks;
- 5) A member of the military.

(4) A foreign official is a person who is a member, officer or civil servant of legislative, executive or judicial authority of a foreign state, a person who is a judge, juror, a member, official or officer of a court of a foreign state, a person who is a member, official or officer of an international organisations or bodies thereof, and a person who is the arbitrator in a foreign or international arbitration.

(5) A responsible officer of a legal person is the person who, by virtue of a statute, regulation or power performs a specific scope of tasks in respect of management of the property, production or other activity or in supervision thereof, or is in fact entrusted with discharge of particular duties. A responsible officer shall be also the official in case of criminal offences designating the responsible person as perpetrator, when such offences are not provided in the Chapter on criminal offences against official duty or criminal offences of an official.

(6) A member of the military shall mean a professional soldier (professional officer or non/commissioned officer, officer on contract, and soldier on contract), a conscript soldier, military academy cadet, military school student, person from reserve military forces while on active duty, as well as a civilian performing a particular military duty.

(7) When an official, responsible officer or a member of the military is identified as perpetrator of a criminal offence, the persons specified in paragraphs 3, 5 and 6 of this Article may be perpetrators of these offences if the elements of a particular offence or a particular regulation do not indicate that the perpetrator may only be one of those persons.

(8) A child is a person under fourteen years of age.

(9) A minor is a person over fourteen years of age but who has not attained eighteen years of age.

(10) A juvenile is a person who has not attained eighteen years of age.

(11) An offender is a perpetrator, accomplice, inciter and abettor.

(12) Force shall also mean use of hypnosis or means of intoxication with the objective to bring someone against his will into a state of unconsciousness or make powerless to resist.

(13) Elections are the elections for the Assembly of Serbia, the president of republic of Serbia, local self-government organs and other elections called and conducted pursuant to the Constitution and law.

(14) A referendum is a declaration of citizens to decide issues determined by the Constitution and law.

(15) Narcotics are substances and concoctions declared by statute or other regulation based on the statute as narcotics and other psychoactive controlled substances.

(16) Movable are also any produced or collected energy for emitting light, heat or movement, telephone pulse and computer data and computer program.

(17) Computer data is every presenting of facts, information or concept in form that is suitable for its processing in computer system, including adequate computer program which is necessary for computer system functioning.

(18) A computer network is an assembly of mutually interconnected computers, as well as computer systems, that communicate with each other by exchanging data.

(19) A computer program is a regulated assembly of orders serving to control computer operation, as well as to solve a specific task by means of a computer.

(20) A computer virus is a computer program or some other group of orders entered into a computer or computer network designed to multiply itself and act on other programs or data

in a computer or a computer network by adding that program or group of orders to one or more computer programs or data.

(21) A business entity is a company or other legal person engaged in a business activity, as well as an entrepreneur. A legal person, that in addition to its primary activity, also conducts a business activity, shall be deemed a business entity only when engaging in that activity.

(21a) A business activity is any activity involving production and trade in goods, rendering of services and conducting other activities in the market, with the aim of making profit or realising some other economic interest.

(22) An organized group is a group comprising minimum three persons acting in conspiracy to commit continuous or impermanent criminal offences, which shall not have defined role of its member or developed structure.

(23) Money is metal and paper money or money fabricated of other material that is legal tender in Serbia or a foreign country.

(24) Hallmarks shall also refer to foreign hallmarks.

(25) A motor vehicle is any engine-powered traffic vehicle in land, water and air traffic.

(26) An identification document shall be any item suitable or designated to serve as proof of a fact relevant to legal relations, as well as computer data.

(27) Document, letter, consignment may also be in electronic form.

(28) A family member shall also mean former spouses and their children, next of kin, partners and their children, adopter and adoptees and foster family. A family member shall also mean brothers and sisters and their spouses, former spouses and their children and parents of former spouses if they live in same household, as well as persons who have common child or child that shall be born, although they have never lived in the same family household.

(29) The expression “shall not be punished” means that in such case there is no criminal offence.

(30) When an imperfect verb is used to express an act of criminal offence, it shall mean that the offence is committed if the act is done once or several times.

(31) Abbreviation “Serbia” shall mean the Republic of Serbia.

(32) Work of public importance is considered to be performing duties or profession that has an increased risk for the safety of a person who performs it, and refers to occupations that are of importance to public information, health, education, public transport, legal and professional assistance before the court and other state authorities.

(33) Computer is every electronic device on the basis of automatic data processing and data exchange.

(34) Computer system is each device or group of interconnected or dependent devices of which one or more of them, based on the program, performs automatic processing of data.

(35) An organized criminal group is a group that exist certain amount of time, comprising minimum three or more persons acting in conspiracy to commit one or more criminal offences punished with imprisonment of four or more years, to acquire direct or indirect financial or other material gain (deleted).

(36) Property gain is considered to be good of every kind, tangible or intangible, movable or immovable, or the estimates and invaluable documents in any form that proves right or interest in relation to such well. Property is considered income or other benefit that originates, directly or indirectly, from criminal offence, as well in which it is converted or with which it is merged.

## SPECIAL PART

### CHAPTER THIRTEEN

#### OFFENCES AGAINST LIFE AND LIMB

##### **Murder**

###### Article 113

Whoever causes death of another, shall be punished with imprisonment from five to fifteen years.

##### **Aggravated Murder**

###### Article 114

*(1) The following shall be punished by imprisonment of ten years or a life sentence:\**

- 1) Causes death of another in a cruel or insidious manner;
  - 2) Causes death of another by callous violent behaviour;
  - 3) Causes death of another and with premeditation endangers the life of other person;
  - 4) Causes death of another during commission of robbery or compound larceny,
  - 5) Causes death of another for gain, to commit or conceal another offence, from callous revenge or other base motives;
  - 6) Causes death of an official or serviceman during discharge or related to discharge of their duty;
  - 7) Causes death of Judge, Public Prosecutor, Deputy public Prosecutor or policemen related to discharge of their duty;
  - 8) Causes death of person who perform duty in public interest related to discharge of his duty;
  - 9) Causes death of a child or pregnant woman;
  - 10) Causes death of a member of his family whom he previously abused;
  - 11) With premeditation causes death of several persons, and this not being a case of manslaughter in a heat of passion, infanticide or causes death from mercy,
- shall be punished with imprisonment of minimum ten years or imprisonment of thirty to forty years.

*(2) Whoever procures or enables means for the commission of a criminal offence specified in paragraph 1 hereof or eliminates obstacles for its commission or conspires with another, plans or organizes its commission or undertakes other action that creates conditions for its immediate commission,*

*shall be punished by imprisonment from one to five years. \**

##### **Manslaughter in a Heat of Passion**

###### Article 115

Whoever causes death of another while brought into a sudden heat of passions through no fault of his own by assault, abuse or serious insult of the killed person,  
shall be punished with imprisonment from one to eight years.

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## **Infanticide**

### Article 116

A mother who causes death of her child at childbirth or immediately after delivery, while in state of disorder caused by delivery,  
shall be punished with imprisonment from six months to five years.

## **Mercy Killing**

### Article 117

Whoever causes death of an adult from mercy due to serious illness of such person and at such person's serious and explicit request,  
shall be punished with imprisonment from six months to five years.

## **Negligent Homicide**

### Article 118

Whoever causes death of another by negligence,  
shall be punished with imprisonment from six months to five years.

## **Incitement to Suicide and Aiding in Suicide**

### Article 119

(1) Whoever incites another to suicide or aids in committing suicide and this is committed or attempted,

shall be punished with imprisonment of from six months to five years.

(2) Whoever assists another in committing suicide under provisions of Article 117 hereof, and this is committed or attempted,

shall be punished with imprisonment from three months to three years.

(3) Whoever commits the act specified in paragraph 1 of this Article against a juvenile or person in a state of substantially diminished mental capacity,

shall be punished with imprisonment from two to ten years.

(4) If the act specified in paragraph 1 of this Article is committed against a child or mentally incompetent person,

the offender shall be punished in accordance with Article 114 hereof.

(5) Whoever cruelly or inhumanely treats another who is in a position of subordination or dependency and due to such treatment the person commits or attempts suicide that may be attributed to negligence of the perpetrator,

shall be punished with imprisonment from six months to five years.

## **Illegal Termination of Pregnancy**

### Article 120

(1) Whoever contrary to regulations governing termination of pregnancy carries out an abortion of a pregnant woman with her consent, commences an abortion or aids her in committing an abortion,

shall be punished with imprisonment from three months to three years.

(2) Whoever engages in acts specified in paragraph 1 of this Article, shall be punished with imprisonment from six months to five years.

(3) Whoever carries out or commences to carry out an abortion of a pregnant woman without her consent, or if she is less than sixteen years of age without consent of and without written consent of her parent, adoptive parent or guardian, shall be punished with imprisonment from one to eight years.

(4) If the act specified in paragraphs 1 through 3 of this Article results in death, serious health impairment or other grave bodily harm of the woman subjected to abortion, the perpetrator shall be punished for the offence specified in paragraphs 1 and 2 of this Article by imprisonment of one to seven years, and for the offence specified in paragraph 3 of this Article by imprisonment of two to twelve years.

### **Serious Bodily Harm**

#### Article 121

(1) Whoever causes serious injury of another or causes serious impairment of health of another, shall be punished with imprisonment from six months to five years.

(2) Whoever causes serious injury or health impairment of another resulting in endangering of life of that person or destroying or permanent and considerable damage or weakening of a vital function of his body or an organ, or permanent serious health impairment or disfigurement, shall be punished with imprisonment of one to eight years.

(3) If death of the injured person results from acts specified in paragraphs 1 and 2 of this Article, the offender shall be punished with imprisonment of two to twelve years.

(4) Whoever commits the act specified in paragraphs 1 and 2 of this Article from negligence, shall be punished with imprisonment up to three years.

(5) Whoever commits the act specified in paragraphs 1 through 3 of this Article in a heat of passion, if brought in a sudden heat of passions through no fault of his own by assault, abuse or serious insult of the injured person, shall be punished for the offence specified in paragraph 1 by imprisonment up to three years, and for the offence specified in paragraph 2 by imprisonment from three months to four years, and for the offence specified in paragraph 3 by imprisonment six months to five years.

(6) If the act specified in paragraph 1 of this Article is committed against a minor, pregnant women or person who perform duty in public interest, the offender shall be punished with imprisonment of one to eight years and for act specified in paragraph 2 of this Article with imprisonment of two to twelve years, and for act specified in paragraph 3 of this Article with imprisonment of five to fifteen years.

### **Mutilation of Female Genitals**

#### Article 121a

(1) Whoever mutilates the external parts of a female's genitals shall be punished with imprisonment of one to eight years.

(2) If there are some particularly extenuating circumstances under which the act specified in paragraph 1 of this Article has been committed, the perpetrator shall be punished with imprisonment of three months to three years.

(3) Whoever leads a female person to subject herself to the act specified in paragraph 1 of this Article or assists her therein shall be punished with imprisonment of six months to five years.

(4) If death of a female person occurred due to the offence specified in paragraph 1 of this Article, the perpetrator shall be punished with imprisonment of two to twelve years.

### **Light Bodily Injury**

#### Article 122

(1) Whoever causes light injury or minor health impairment, shall be punished with fine or imprisonment up to one year.

(2) If the injury is caused by a weapon, dangerous implement or other means suitable to inflict serious injury or serious health impairment, the offender shall be punished with imprisonment up to three years.

(3) A court may pronounce judicial caution to the perpetrator referred to in paragraph 2 of this Article, if he was provoked by rude or violent conduct of the injured party.

(4) Prosecution for the offence referred to in paragraph 1 of this Article shall be instituted by private action.

### **Brawling**

#### Article 123

Whoever participates in a brawl resulting in death of another or grievous bodily harm, shall be punished for participation by fine or imprisonment up to three years.

### **Threat by Dangerous Implement in Brawl or Quarrel**

#### Article 124

(1) Whoever in brawl or quarrel reaches for a weapon, dangerous implement or other means suitable to inflict grievous bodily harm or cause serious health impairment, shall be punished with fine or imprisonment up to six months.

(2) Whoever in brawl or quarrel reaches for a weapon, shall be punished with imprisonment up to two years and by fine.

### **Endangerment**

#### Article 125

(1) Whoever leaves another without assistance in a state or circumstances dangerous to life or health that he induced, shall be punished with imprisonment from three months to three years.

(2) If the act specified in paragraph 1 of this Article results in serious health impairment or grievous bodily harm of the abandoned person, the offender shall be punished with imprisonment from one to five years.

(3) If the act specified in paragraph 1 of this Article results in death of the abandoned person,



the offender shall be punished with imprisonment from one to eight years.

(4) If the act specified in paragraphs 1 to 3 of this Article is committed against a minor or pregnant women,

the offender shall be punished for act specified in paragraph 1 of this Article with imprisonment of six months to five years, and for act specified in paragraph 2 of this Article with imprisonment of one to eight years, and for act specified in paragraph 3 of this Article with imprisonment of two to twelve years.

### **Abandonment of a Helpless Person**

#### Article 126

(1) Whoever abandons a helpless person entrusted in his care or whom he is obliged to take care of, in life- or health-threatening state or circumstances, shall be punished with imprisonment of three months to three years.

(2) If the act specified in paragraph 1 of this Article results serious health impairment or other grievous bodily harm of the abandoned person, the offender shall be punished with imprisonment of one to five years.

(3) If the act specified in paragraph 1 of this Article results in death of the abandoned person, the offender shall be punished with imprisonment of one to eight years.

### **Failure to Render Aid**

#### Article 127

(1) Whoever fails to render aid to a person in life-threatening situation although he could have done so without risk to himself or another, shall be punished with fine or imprisonment up to two years.

(2) If failure to render aid results in serious health impairment or other grievous bodily harm of the person in life-threatening situation, the offender shall be punished with fine or imprisonment up to three years.

(3) If failure to render aid results in death of the person in life-threatening situation, the offender shall be punished with imprisonment of three months to five years.

## **CHAPTER FOURTEEN**

### **CRIMINAL OFFENCES AGAINST FREEDOMS AND RIGHTS OF MAN AND CITIZEN**

#### **Violation of Equality**

#### Article 128

(1) Whoever denies or restricts the right of man and citizen guaranteed by the Constitution, laws or other legislation or general acts or ratified international treaties on grounds of nationality or ethnicity, race or religion or due to absence of such affiliation or difference in political or other conviction, sex, disability, sexual orientation, gender identity, language, education, social status, social origin, property or other personal characteristic, or pursuant to such difference grants another privileges or benefits,

shall be punished with imprisonment up to three years.

(2) If the act specified in paragraph 1 of this Article is committed by an official in discharge of duty,  
such a person shall be punished with imprisonment of three months to five years.

### **Violation of the Right to Use a Language or Alphabet**

#### Article 129

Whoever contrary to the regulations governing the use of language and alphabet of peoples or members of national and ethnic groups living in Serbia denies or restricts to citizens the use of their mother tongue or alphabet when exercising their rights or addressing authorities or organisations, shall be punished with fine or imprisonment up to one year.

### **Violation of the Right to Expression of National or Ethnic Affiliation**

#### Article 130

(1) Whoever prevents another to express his national or ethnic affiliation or culture, shall be punished with fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall be applied also to whoever coerces another to declare his national or ethnic affiliation.

(3) If the act specified in paragraphs 1 and 2 of this Article are committed by an official in discharge of duty,  
such person shall be punished with imprisonment up to three years.

### **Violation of the Freedom of Religion and Performing Religious Service**

#### Article 131

(1) Whoever prevents or restricts another's freedom of religion or practising a religion, shall be punished with a fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whoever prevents or hinders another in performing religious services.

(3) Whoever coerces another to express his religious conviction, shall be punished with fine or imprisonment up to one year.

(4) An official who commits the offences specified in paragraphs 1 through 3 of this Article,  
shall be punished with imprisonment up to three years.

### **Unlawful Depriving of Liberty**

#### Article 132

(1) Whoever unlawfully detains another, keeps him in custody or otherwise unlawfully deprives him of liberty or restricts his freedom of movement,  
shall be punished with imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed by an official through abuse of position or authority,  
such person shall be punished with imprisonment of six months to five years.

(3) If unlawful depriving of liberty exceeded thirty days or was committed in cruel manner or if such act resulted in serious impairment of health of the person unlawfully deprived of freedom or if other serious consequences resulted,

the offender shall be punished with imprisonment of one to eight years.

(4) If the offences specified in paragraphs 1 and 3 of this Article result in death of the person unlawfully deprived of liberty,

the offender shall be punished with imprisonment from two to twelve years.

(5) An attempt of the offence specified in paragraph 1 of this Article is punishable.

## **Violation of Freedom of Movement and Residence**

### **Article 133**

(1) Whoever denies or restricts freedom of movement or residence in the territory of Serbia to the citizen of Serbia, shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment up to three years.

## **Abduction**

### **Article 134**

(1) Whoever by use of force, threat, deceit or otherwise removes or holds another with the intent to extort money or other property gain from that person or another or to coerce that person or another to do or refrain from doing something or to endure, shall be punished with imprisonment from two to ten years.

(2) Whoever threatens the abducted person for the purpose of accomplishing the aim of abduction with murder or grievous bodily harm, shall be punished with imprisonment from three to twelve years.

(3) If the abducted person is held more than ten days or treated in cruel manner or his health is seriously impaired or other serious consequences resulted or whoever commits the offence specified in paragraph 1 of this Article against a juvenile, shall be punished with imprisonment of three to fifteen years.

(4) If due to the offence specified in paragraphs 1, 2 and 3 of this Article result in death of the abducted person or the offence is committed by a group, the offender shall be punished with imprisonment of five to eighteen years.

(5) If the criminal offence specified in paragraph 1 to 3 of this Article is committed by the criminal group, the offender shall be punished with imprisonment of minimum five years.

## **Coercion**

### **Article 135**

(1) Whoever by use of force or threat coerces another to do or refrain from doing something, or to endure, shall be punished with imprisonment up to three years.

(2) Whoever commits the offence specified in paragraph 1 of this Article in a cruel manner or by threat of murder or grievous bodily harm or abduction, shall be punished with imprisonment of six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article result in grievous bodily harm or other serious consequences,  
the offender shall be punished with imprisonment from one to ten years.

(4) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person under coercion or if committed by a group,  
the offender shall be punished with imprisonment from three to twelve years.

(5) If the act specified in paragraph 1 and 2 of this Article is committed by the organized criminal group,  
the offender shall be punished with imprisonment from five to fifteen years.

### **Extortion of Confession**

#### Article 136

(1) Whoever acting in an official capacity uses force or threat or other inadmissible means or inadmissible manner with the intent to extort a confession or another statement from an accused, a witness, an expert witness or other person,  
shall be punished with imprisonment of three months to five years.

(2) If extortion of confession or statement is aggravated by extreme violence or if extortion of statement results in particularly serious consequences for the accused in criminal proceedings,  
the offender shall be punished with imprisonment from two to ten years.

### **Ill-treatment and Torture**

#### Article 137

(1) Whoever ill-treats another or treats such person in humiliating and degrading manner,  
shall be punished with imprisonment up to one year.

(2) Whoever causes anguish to another with the aim to obtain from him or another information or confession or to intimidate him or a third party or to exert pressure on such persons, or if done from motives based on any form of discrimination,  
shall be punished with imprisonment from six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty,  
such person shall be punished for the offence in paragraph 1 by imprisonment from three months to three years, and for the offence specified in paragraph 2 of this Article by imprisonment of *two to ten*\* years.

### **Endangerment of Safety**

#### Article 138

(1) Whoever endangers the safety of another by threat of attack against the life or body of such person or a person close to him,  
shall be punished with fine or imprisonment up to one years.

(2) Whoever commits the offence specified in paragraph 1 of this Article against several persons or if the offence causes anxiety of citizens or other serious consequences,  
shall be punished with imprisonment of three months to three years.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

(3) Whoever commits the offence specified in paragraph 1 of this Article against Republic President, Member of Parliament, Prime Minister, Government members, Constitution Court Judge, Judge, Public Prosecutor and Deputy Public Prosecutor, lawyer, police officer or person of importance to public information,  
shall be punished with imprisonment of six months to five years.

## **Stalking**

### Article 138a

(1) Whoever over a certain period of time *persistently* \*:

- 1) Follows another person without permission or takes other actions with the aim of getting physically closer to such a person contrary to his will;
- 2) Contrary to the will of another person attempts to establish contact with him/her directly, through a third person or through means of communication;
- 3) Abuses personal data of another person or of a person close to him/her for the purpose of *ordering*\* goods or services;
- 4) Threatens to assault the life, body or freedom of another person or a person close to him/her;
- 5) Takes other similar actions in the manner that may perceptibly jeopardise the personal life of the person vis-à-vis whom such actions are taken,

shall be punished with a fine or imprisonment of up to three years.

(2) If a danger to life, health or body of the person vis-à-vis whom the act was committed or a person close to him/her has been caused by an act specified in paragraph 1 of this Article, the perpetrator shall be punished with imprisonment of three months to five years.

(3) If, due to an act specified in paragraph 1 of this Article, death of another person or of a person close to him/her occurred, the perpetrator shall be punished with imprisonment of one to ten years.

## **Infringement of Inviolability of Home**

### Article 139

(1) Whoever without permission breaks into another's flat/house or another's closed premises or at the request of an official does not leave such flat/house or premises, shall be punished with fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment up to three years.

(3) The attempt of the offence specified in paragraphs 1 and 2 of this Article shall be punished.

## **Illegal Search**

### Article 140

An official who in discharge of duty illegally conducts a search of an apartment/house, premises or person,

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

shall be punished with imprisonment up to three years.

### **Unauthorised Disclosure of Secret**

#### Article 141

(1) A lawyer, a physician or other person who discloses without permission a secret that has come to his knowledge during performance of his professional duty, shall be punished with fine or imprisonment up to one year.

(2) Whoever discloses a secret in public or in other person's interest when such interest prevails over the interest of non-disclosure of secret shall not be punished for the offence specified in paragraph 1 of this Article.

### **Violation of Privacy of Letter and other Mail**

#### Article 142

(1) Whoever without authorisation opens another's letter, telegram or other closed correspondence or consignment or otherwise violates their privacy or whoever without authorisation withholds, conceals, destroys or delivers to other person somebody else's letter, telegram or other mail or who violates the privacy of electronic mail, shall be punished with fine or imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also to whoever communicates to another the content of another's closed mail, telegram or consignment acquired by violating the privacy thereof, or makes use of such contents.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment from six months to three years.

### **Unauthorised Wiretapping and Recording**

#### Article 143

(1) Whoever using special equipment taps or records conversation, statement or announcement that is not intended for him, shall be punished with fine or imprisonment from three months to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on whoever enables an unknown person to be informed with the conversation, statement or announcement obtained through unauthorised tapping or audio recording.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment from six months to five years.

## **Unauthorised Photographing**

### Article 144

(1) Whoever without authorisation makes a photographic, film, video or other recording of another thereby significantly violating his personal life or who delivers such recording to a third party or otherwise enables him to familiarise himself with contents thereof, shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment up to three years.

## **Unauthorised Publication and Presentation of another's Texts, Portraits and Recordings**

### Article 145

(1) Whoever publishes or publicly presents another's text, portrait, photograph, film or a phonogram of a personal character without consent of a person who has drawn up the text or to whom it is related, or without consent of the person depicted on the portrait, photograph or film or whose voice is recorded on a phonogram, or without consent of the person whose consent is mandatory by law and thereby significantly violates the private life of that person, shall be punished with a fine or imprisonment up to two years.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty, such person shall be punished by imprisonment up to three years.

## **Unauthorised Collection of Personal Data**

### Article 146

(1) Whoever without authorisation obtains, communicates to another or otherwise uses information that is collected, processed and used in accordance with law, for purposes other than those for which they are intended, shall be punished with a fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whomever contrary to law collects personal data on citizens and uses data so collected.

(3) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment up to three years.

## **Violation of the Right to Legal Remedy**

### Article 147

(1) Whoever prevents another to exercise the right to submit a plea, petition, complaint, appeal, objection, other legal remedy or other submission, shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment from three months to three years.

## **Violation of Freedom of Speech and Public Appearance**

### Article 148

(1) Whoever unlawfully denies or restricts freedom of speech or public appearance of another,

shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment up to three years.

## **Prevention of Printing and Distribution of Printed Material and Broadcasting**

### Article 149

(1) Whoever without authorisation prevents or hinders printing, recording, sale or distribution of books, magazines, newspapers, audio and video cassettes or other similar printed or recorded materials,

shall be punished with a fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever prevents or hinders without authorisation broadcasting of radio or television program.

(3) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty,

such person shall be punished with imprisonment up to three years.

## **Prevention of Publication of Retort and Correction**

### Article 150

Whoever contrary to final court decision refuses or prevents publication of retort or correction of a published incorrect fact or information which violates someone's right or interest,

shall be punished with a fine or imprisonment up to one year.

## **Prevention of Public Assembly**

### Article 151

(1) Whoever by use of force, threat, deceit or otherwise prevents or hinders a public assembly organised in accordance with law, unless elements of some other serious criminal offence are present, shall be punished with a fine or imprisonment up to two years.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty, such person shall be punished with imprisonment of three months to three years.



## **Prevention of Political, Trade Union or other Alliance and Activity**

### Article 152

(1) Whoever by wilful violation of law or other unlawful manner prevents or disturbs political, trade union or other alliance or activity of citizens or activity of their political, trade union or other alliance,

shall be punished with a fine or imprisonment up to two years.

2) If the act referred to in paragraph 1 of this Article is committed by an official person in the performance of his/her duties,

he/she shall be punished with imprisonment of three months to three years.

## **Prosecution for Criminal Offences against Freedoms and Rights of Man and Citizen**

### Article 153

(1) Prosecution for offences specified in Articles 139, paragraph 1, 142 paragraphs 1 and 2, 143 paragraphs 1 and 2, 144, paragraph 1, 145 paragraph 1, 146 paragraphs 1 and 2 and 147 paragraph 1 hereof shall be conducted against private complaint.

(2) Prosecution for offences specified in Articles 141, 149 paragraphs 1 and 2, 150, 151 paragraph 1 and 152 paragraph 1 hereof are undertaken by prosecutor's office.

## **CHAPTER FIFTEEN**

### **CRIMINAL OFFENCES AGAINST ELECTORAL RIGHTS**

#### **Violation of the Right to Run in Elections**

### Article 154

Whoever by violation of law or other unlawful means prevents or hinders running for election,

shall be punished with a fine or imprisonment up to one year.

#### **Violation of the Right to Vote**

### Article 155

(1) Whoever with intent to prevent another to exercise his voting right, unlawfully fails to enter the name in voters' register, deletes the name from such register or otherwise unlawfully prevents or hinders him to vote,

shall be punished with fine or imprisonment up to one year.

(2) Whoever by use of force or threat coerces another at elections, impeachment vote or referendum to exercise or not to exercise his voting right or to vote for or against a particular candidate or proposal,

shall be punished with imprisonment of three months to three years.

## **Giving and Accepting Bribes in connection with Voting**

### Article 156

(1) Whoever offers, gives, promises reward, gift or other benefit to another in order to vote or not to vote in elections or referendum for or against a particular person or issue, shall be punished with fine or imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever demands or receives a gift or other benefit to vote or not to vote in elections or referendum for or against a particular candidate or issue.

(3) If the offence specified in paragraph 1 of this Article is committed by a member of an electoral board or other person acting in official capacity in respect of voting, such person shall be punished with imprisonment of three months to five years.

(4) A gift or other benefit shall be seized.

## **Abuse of the Right to Vote**

### Article 157

(1) Whoever at elections or at a referendum votes instead of another person under his name or at the same elections votes more than once or uses more than one ballot paper, shall be punished with a fine or imprisonment up to one year.

(2) A member of the electoral board who enables another to commit the offence referred to in paragraph 1 of this Article, shall be punished with a fine or imprisonment up to two years.

## **Compiling of Inaccurate Voters' Lists**

### Article 158

Whoever with the intention to influence the results of elections or a referendum compiles an inaccurate voters' list, shall be punished with a fine or imprisonment up to three years.

## **Prevention of Voting**

### Article 159

(1) Whoever by force, threat or other unlawful manner prevents holding of voting at polling station, shall be punished with imprisonment up to three years.

(2) Whoever obstructs voting by causing disorder at the polling station whereby voting is interrupted, shall be punished with a fine or imprisonment up to two years.

## **Violating the Secrecy of Voting**

### Article 160

(1) Whoever at elections or referendum violates the secrecy of voting, shall be punished with a fine or imprisonment up to six months.

(2) If the offence specified in paragraph 1 of this Article is committed by a member of the electoral board or other person acting in official capacity in respect to voting, such person shall be punished with a fine or imprisonment up to two years.

### **Ballot and Election Fraud**

#### Article 161

A member of an election or referendum administration body or other person acting in official capacity in respect of voting, who by adding or removing ballot papers or votes during counting or otherwise alters the number of ballot papers or votes or publishes false voting results, shall be punished with imprisonment of six months to five years.

### **Destroying of Documentation on Voting**

#### Article 162

(1) Whoever destroys, damages, removes or conceals a ballot paper or other document on voting at elections or referendum, shall be punished with fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by a member of the electoral board or other person acting in official capacity in respect of voting, such person shall be punished with imprisonment of three months to three years.

## **CHAPTER SIXTEEN**

### **CRIMINAL OFFENCES AGAINST LABOUR RIGHTS**

#### **Violation of Labour Rights and Social Security Rights**

#### Article 163

Whoever deliberately fails to comply with law or other regulations, collective agreement and other general acts on labour rights and on special protection of young persons, women and disabled persons at work, or on social insurance rights and thereby deprives or restricts another's guaranteed right, shall be punished with a fine or imprisonment up to two years.

#### **Violation of the Right to Employment and during Unemployment**

#### Article 164

(1) Whoever deliberately contravenes regulations or otherwise unlawfully deprives or restricts a citizen's right to be freely employed under equal conditions in the territory of Serbia, shall be punished with a fine or imprisonment up to one year.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever deliberately fails to comply with law and other regulations or general acts on rights of citizens during unemployment and thereby deprives or restricts a guaranteed right of the unemployed person.

### **Violation of the Right to Manage**

#### Article 165

(1) Whoever by force, threat, deliberate violation of regulations or otherwise unlawfully prevents or obstructs decision-making of managing bodies or a member of a managing body to participate in the work and decision-making of such body,  
shall be punished with a fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official or responsible officer by abuse of position or authority,  
such person shall be punished with a fine or imprisonment up to two years.

### **Violation of the Right to Strike**

#### Article 166

(1) Whoever by force, threat or otherwise unlawfully prevents or obstructs employees to, in accordance with law, organise a strike, participate in strike or otherwise exercise their right to strike, shall be punished with a fine or imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on an employer or responsible officer who lays off one or more employees due to their participation in strike organised in accordance with law, or institutes other measures violating their labour rights.

### **Abuse of the Right to Strike**

#### Article 167

Whoever organises or leads the strike in a way contrary to law or other regulations and thereby endangers human life and health or property of considerable extent, or if grave consequences result therefore, unless elements of some other criminal offence entail, shall be punished with imprisonment up to three years.

### **Abuse of the Right to Social Security Benefits**

#### Article 168

Whoever by malingering or self-inducing of illness or disability for work or otherwise unlawfully becomes eligible to some right to social security benefit that otherwise he would not be entitled to pursuant to law or other regulations or general acts, shall be punished with a fine or imprisonment up to one year.

### **Disregard of Safety Measures at Work**

#### Article 169

(1) A person responsible for undertaking protection measures at work who knowingly fails to observe the law or other regulations or general enactment on safety measures at work, thereby endangering life and health of employees,

shall be punished with imprisonment of up to three years.

(2) If the court pronounces a suspended sentence, it may order the perpetrator to comply with safety measures at work within a specified period of time.

## **CHAPTER SEVENTEEN**

### **CRIMINAL OFFENCES AGAINST HONOUR AND REPUTATION**

#### **Insult**

##### **Article 170**

(1) Whoever insults another person, shall be punished with a fine ranging from twenty to one hundred daily amounts or a fine ranging from forty thousand to two hundred thousand dinars.

(2) If the offence specified in paragraph 1 of this Article is committed through the press, radio, television or other media or at a public gathering, the offender shall be punished with a fine ranging from eighty to two hundred and forty daily amounts or a fine ranging from one hundred and fifty to four hundred and fifty thousand dinars.

(3) If the insulted person returns the insult, the court may punish or remit punishment of both parties or one party.

(4) There shall be no punishment of the perpetrator for offences specified in paragraphs 1 through 3 of this Article if the statement is given within the framework of serious critique in a scientific, literary or art work, in discharge of official duty, journalist tasks, political activity, in defence of a right or defence of justifiable interests, if it is evident from the manner of expression or other circumstances that it was not done with intent to disparage.

#### **Defamation**

##### **Article 171**

Deleted.

#### **Dissemination of Information on Personal and Family Life**

##### **Article 172**

(1) Whoever relates or disseminates information of anyone's personal or family life that may harm his honour or reputation, shall be punished with a fine or imprisonment up to six months.

(2) If the offence specified in paragraph 1 of this Article is committed through press, radio, television or other media or at a public gathering, the offender shall be punished with a fine or imprisonment up to one year.

(3) If what is related or disseminated resulted or could have resulted in serious consequences for the injured party, the offender shall be punished with imprisonment up to three years.

(4) The offender shall not be punished for relating or disseminating information on personal or family life in discharge of official duty, journalist profession, defending a right or defending justifiable public interest, if he proves the veracity of his allegations or if he proves reasonable grounds for belief that the allegations he related or disseminated were true.

(5) Veracity or falsehood of related or disseminated information from the personal or family life of a person may not be evidenced, except in cases specified in paragraph 4 of this Article.

### **Ruining the Reputation of Serbia**

#### Article 173

Whoever publicly ridicules Serbia and her flag, coat of arms or anthem, shall be punished with a fine or imprisonment up to three months.

### **Ruining the Reputation for Racial, Religious, Ethnic or other Affiliation**

#### Article 174

Whoever publicly ridicules a person or group because of a particular race, colour, religion, nationality, ethnic origin or other personal characteristics, shall be punished with a fine or imprisonment up to one year.

### **Ruining the Reputation of a Foreign State or International Organisation**

#### Article 175

(1) Whoever publicly ridicules a foreign state, its flag, coat of arms or anthem, shall be punished with a fine or imprisonment up to three months.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever publicly ridicules the Organisation of the United Nations, International Red Cross or other international organisation where Serbia is a member.

### **Impunity for Criminal Offences referred in Articles 173 through 175**

#### Article 176

There shall be no punishment of the perpetrator for offences specified in Articles 173 through 175 if the statement is given within the framework of serious critique in a scientific, literary or art work, in discharge of official duty, performing journalist duties, political activity, in defence of a right or defence of justifiable interests, if it is evident from the manner of expression or other circumstances that it was not done with intent to disparage or if he proves the veracity of his allegations or that he had reasonable grounds to believe that what he said or disseminated was true.

## **Prosecution for Offences against Honour and Reputation**

### Article 177

(1) Prosecution for offences specified in Articles 170 through 172 hereof is undertaken by private action.

(2) If offences specified in Articles 170 through 172 hereof are committed against a deceased person, prosecution is instituted by private action of the spouse of the deceased or person cohabiting with the deceased, lineal descendant, adoptive parent, adopted child, or the deceased person's sibling.

(3) Prosecution for criminal offence specified in Article 175 hereof is undertaken upon approval of the Republic Public Prosecutor.

## **CHAPTER EIGHTEEN**

### **SEXUAL OFFENCES**

#### **Rape**

### Article 178

(1) Whoever forces another to sexual intercourse or an equal act by use of force or threat of direct attack against the body of such or other person,  
shall be punished with imprisonment from five to twelve years.

(2) If the offence specified in paragraph 1 of this Article is committed under threat of disclosure of information against such person or another that would discredit such person's reputation or honour, or by threat of other grave evil,  
the offender shall be punished with imprisonment from two to ten years.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in grievous bodily harm of the person against whom the offence is committed, or if the offence is committed by more than one person or in a particularly cruel or particularly humiliating manner or against a juvenile or the act resulted in pregnancy,  
the offender shall be punished with imprisonment from five to fifteen years.

(4) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed or if committed against a child,  
the offender shall be punished with imprisonment of minimum ten years *or life sentence*.\*.

#### **Sexual Intercourse with a Helpless Person**

### Article 179

(1) Whoever has sexual intercourse with another or commits an equal act by taking advantage of such person's mental illness, mental retardation or other mental disorder, disability or some other state of that person due to which the person is incapable of resistance,  
shall be punished with imprisonment of five to twelve years.

(2) If the helpless persons suffers serious bodily harm due to the offence specified in paragraph 1 of this Article, or the offence has been committed by several persons or in a particularly cruel or humiliating manner, or against a juvenile or if the act resulted in pregnancy,  
the perpetrator shall be punished with imprisonment of five to fifteen years.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in death of the person against whom it was committed or if committed against a child, the offender shall be punished with imprisonment of minimum ten years *or life sentence*.\*.

### **Sexual Intercourse with a Child**

#### Article 180

(1) Whoever has sexual intercourse or commits an equal act against a child, shall be punished with imprisonment of five to twelve years.

(2) If the offence specified in paragraph 1 of this Article results in grievous bodily harm of the child against whom the act was committed or if the act is committed by several persons or the act resulted in pregnancy, the offender shall be punished with imprisonment of five to fifteen years.

(3) If death of the child results due to the offence specified in paragraphs 1 and 2 of this Article, the offender shall be punished with imprisonment of minimum ten years *or life sentence*\*.

(4) An offender shall not be punished for the offence specified in paragraph 1 of this Article if there is no considerable difference between the offender and the child in respect of their mental and physical development.

### **Sexual Intercourse through Abuse of Position**

#### Article 181

(1) Whoever by abuse of position induces to sexual intercourse or an equal act a person who is in a subordinate or dependant position, shall be punished with imprisonment of three months to three years.

(2) Teacher, tutor, guardian, adoptive parent, stepfather or other person who through abuse of his position or authority has sexual intercourse or commits an act of equal magnitude a juvenile entrusted to him for learning, tutoring, guardianship or care, shall be punished with imprisonment of one to ten years.

(3) If the offence specified in paragraph 2 of this Article is committed against a child, the offender shall be punished with imprisonment of five to twelve years.

(4) If the offence specified in paragraphs 1 through 3 of this Article resulted in pregnancy, the offender shall be punished for the offence specified in paragraph 1 with imprisonment of six months to five years, and for the offence specified in paragraph 2 with imprisonment of two to twelve years, and for the offence specified in paragraph 3 with imprisonment of five to fifteen years.

(5) If death of the child results due to offence specified in paragraph 3 of this Article, the offender shall be punished with imprisonment of minimum ten years *or life sentence*\*.

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## **Prohibited Sexual Acts**

### Article 182

(1) Whoever under conditions specified in Article 178, paragraphs 1 and 2, Article 179, paragraph 1 and Article 181 paragraphs 1 and 2 hereof commits some other sexual act, shall be punished with a fine or imprisonment up to three years.

(2) Whoever under conditions specified in Article 180, paragraph 1 and Article 181 paragraph 3 of this Code commits some other sexual act, shall be punished with imprisonment of six months to five years.

(3) If the offence specified in paragraph 1 and 2 of this Article results in grievous bodily harm of the person against whom the act is committed, or if the act is committed by several persons or in a particularly cruel or degrading manner, the offender shall be punished with imprisonment of two to ten years.

(4) If the offence specified in paragraph 1 and 2 of this Article results in death of the person against whom the act is committed, the offender shall be punished with imprisonment of minimum five years.

## **Sexual Harassment**

### Article 182a

(1) Whoever sexually harasses another person shall be punished with a fine or imprisonment of up to six months.

(2) If the act specified in paragraph 1 of this Article has been committed vis-à-vis a minor, the perpetrator shall be punished with imprisonment of three months to three years.

(3) Sexual harassment shall be each instance of verbal, non-verbal or physical behaviour that is aimed at or that is a violation of dignity of a person in the domain of his/her sexual life, which causes fear or creates a hostile, degrading or offensive environment.

(4) Prosecution for the offence specified in paragraph 1 of this Article shall be undertaken upon proposition.

## **Pimping and Procuring**

### Article 183

(1) Whoever pimps a minor for sexual intercourse or an equal act or other sexual act, shall be punished with imprisonment from one to eight years and fine.

(2) Whoever procures a minor for sexual intercourse or an act of equal magnitude or other sexual act, shall be punished with imprisonment from six months to five years and fine.

## **Mediation in Prostitution**

### Article 184

(1) Whoever causes or induces another person to prostitution or participates in handing over a person to another for the purpose of prostitution, or who by means of media or otherwise promotes or advertises prostitution,

shall be punished with imprisonment of six months to five years and a fine.

(2) If the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished with imprisonment of one to ten years and a fine.

### **Showing, Procuring and Possessing Pornographic Material and Minor Person Pornography**

#### Article 185

(1) Whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a minor or shows to a minor a pornographic performance,  
shall be punished with a fine or imprisonment up to six months.

(2) Whoever uses a minor to produce photographs, audio-visual or other items of pornographic content or for a pornographic show,  
shall be punished with imprisonment of six months to five years.

(3) If the act specified in paragraph 1 and 2 of this Article is committed against child, the offender shall be punished for the act specified in paragraph 1 with imprisonment of six months to three years, and for the act specified in paragraph 2 with imprisonment of one to eight years.

(4) Whoever procures for himself or another and possesses, sells, shows, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting from abuse of minor person,  
shall be punished with imprisonment of three months to three years.

(5) Whoever uses the means of information technologies to deliberately access the photographs, audio-visual or other items of pornographic content resulting from the abuse of a minor  
shall be punished with a fine or imprisonment of up to six months.

(6) The items of pornographic content resulting from the abuse of a minor (child pornography) shall be considered to include each material that is visually representing a minor involved in actual or simulated sexually explicit behaviour, as well as each instance of displaying of a child's genitals for sexual purposes.

(7) Items specified in paragraphs 1 through 4 of this Article shall be confiscated.

### **Inducing a Child to Attend Sexual Acts**

#### Article 185a

(1) Whoever induces a child to attend rape, intercourse or another act equal to intercourse, or some other sexual act  
shall be punished with imprisonment of one to eight years.

(2) If the offence specified in paragraph 1 of this Article is committed by the use of force or threat,  
the offender shall be punished with imprisonment of two to ten years.

**Abuse of Computer Networks or other Technical Means of Communication for  
Committing Criminal Offences against Sexual Freedom of the Minor**

Article 185b

(1) Whoever with intent to commit criminal offence specified in Articles 178, paragraph 4, 179, paragraph 3, 180, paragraphs 1 and 2, 181, paragraphs 2 and 3, 182, paragraph 1, 183 paragraph 2, 184 paragraph 3, 185, paragraph 2 and 185a of this Code, by using computer network or communication with other technical devices makes appointment with a minor and appears on the place of the appointment,

shall be punished with imprisonment of six months to five years and with fine.

(2) Whoever commits criminal offence specified in paragraph 1 of this Article against the child,

shall be punished with imprisonment of one to eight years.

**Prosecution for Criminal Offences against Sexual Freedom**

Article 186

(Deleted)

**CHAPTER NINETEEN**

**OFFENCES RELATING TO MARRIAGE AND FAMILY**

**Bigamy**

Article 187

(1) Whoever enters into a new marriage although already married, shall be punished with a fine or imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whoever enters into marriage with a person whom he/she knows is already married.

**Coercion into Marriage**

Article 187a

(1) Whoever uses force or threat to coerce another person into marriage shall be punished with imprisonment of three months to three years.

(2) Whoever, for the purpose of committing the act specified in paragraph 1 of this Article, takes the other person abroad or leads him/her to go abroad for the same purpose, shall be punished with imprisonment of up to two years.

**Deleted**

Article 188

(Deleted)

## **Deleted**

### Article 189

(Deleted)

## **Cohabiting with a Minor**

### Article 190

(1) An adult cohabiting with a minor, shall be punished with imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on a parent, adoptive parent or guardian who enables or induces a minor to cohabit with another person.

(3) If the offence specified in paragraph 2 of this Article is committed for gain, the offender shall be punished with imprisonment from six months to five years.

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

## **Abduction of Minor**

### Article 191

(1) Whoever unlawfully detains or abducts a minor from a parent, an adoptive parent, a guardian or another person, i.e. an institution entrusted with care of the minor, or whoever prevents enforcement of the decision granting custody of a minor to a particular person shall be punished with a fine or imprisonment of up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed against a newborn, the perpetrator shall be punished with imprisonment of six months to five years.

(3) Whoever prevents enforcement of the decision of a competent authority setting out the manner of maintaining of personal relationships of a minor with a parent or other relative shall be punished with a fine or imprisonment of up to two years.

(4) If the offence specified in paragraphs 1 and 2 of this Article is committed for gain or other base motives, or the offence results in serious impairment of health, care or education of the minor, or where the offence is committed by an organized criminal group, the perpetrator shall be punished with imprisonment of one to ten years.

(5) The court may remit punishment of a perpetrator of the offence specified in paragraphs 1, 2 and 4 of this Article who voluntarily hands over the minor to a person or institution having custody of the minor, or enables enforcement of the custody order.

(6) If the court pronounces a suspended sentence for offences specified in paragraphs 1 through 4 of this Article, the court may order the offender to hand over the minor within a set period of time to a person or institution having custody of the minor, or to comply with enforcement of the decision granting custody of the minor to a particular person or institution, i.e. the decision stipulating the manner of maintaining personal relationship between the minor and a parent or other relative.

## **Change of Family Status**

### Article 192

(1) Whoever by substitution, replacement or otherwise changes the family status of a child,  
shall be punished with imprisonment of six months to five years.

(2) The punishment specified in paragraph 1 of this Article shall also be imposed on the doctor of the healthcare institution who proclaims a living new-born dead for the purpose of changing the family status.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article for gain, through abuse of position, habitually engages in committing of such an offence or if the offence is committed by an organised criminal group,  
shall be punished with imprisonment of one to ten years.

(4) Whoever by replacement or from negligence changes the family status of a child,  
shall be punished with imprisonment up to three months.

## **Neglecting and Abusing a Minor**

### Article 193

(1) A parent, adoptive parent, guardian or other person who by gross dereliction of their duty to provide for and bring up a minor neglects a minor they are obliged to take care of,  
shall be punished with imprisonment of up to three years.

(2) A parent, adoptive parent, guardian or other person who abuses a minor or forces him to excessive labour or labour not commensurate with his age, or to mendacity, or for gain induces him to engage in other activities detrimental to his development,  
shall be punished with imprisonment of three months to five years.

## **Domestic Violence**

### Article 194

(1) Whoever by use of violence, threat of attacks against life or body, insolent or ruthless behaviour endangers the tranquillity, physical integrity or mental condition of a member of his family,  
shall be punished with imprisonment of three months to three years.

(2) If in committing the offence specified in paragraph 1 of this Article weapons, dangerous implements or other means suitable to inflict serious injury to body or seriously impair health are used,  
the offender shall be punished with imprisonment of six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in grievous bodily harm or serious health impairment or if committed against a minor,  
the offender shall be punished with imprisonment of two to ten years.

*(4) If the offence specified in paragraphs 1 and 2 of this Article results in death of a family member, the offender shall be punished with imprisonment of five to fifteen years, and if a family member is a minor, the offender shall be punished by imprisonment of at least ten years.\**

(5) Whoever violates a measure against domestic violence that was imposed on them by the court in accordance with the law regulating family relations

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shall be punished with imprisonment of three months to three years and a fine.

### **Failure to Provide Maintenance**

#### Article 195

(1) Whoever fails to provide support to a person whom he is required by law to support, in the amount and manner established by the final court decision or final settlement before the court or other appropriate authority,

shall be punished with a fine or imprisonment of up to two years.

(2) The perpetrator of the offence specified in paragraph 1 of this Article shall not be punished if failure to provide maintenance is attributable to justifiable reasons.

(3) If the offence specified in paragraph 1 of this Article resulted in serious consequences for the maintained person,

the offender shall be punished with imprisonment of three months to three years.

(4) If the court pronounces a suspended sentence, it may order an obligation to the perpetrator to settle due instalments and to provide maintenance regularly.

### **Violation of Family Duty**

#### Article 196

(1) Whoever violates statutory family duties and thus leaves a family member who is unable to care for himself in dire circumstances,

shall be punished with imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article resulted in serious health impairment of a family member,

the offender shall be punished with imprisonment of one to five years.

(3) If the offence specified in paragraph 1 of this Article results in death of a family member,

the offender shall be punished with imprisonment of one to eight years.

(4) If the court pronounces a suspended sentence for offences specified in paragraphs 1 and 2 of this Article, it may order the offender to discharge his family duties set out by law.

### **Incest**

#### Article 197

An adult who engages in sexual intercourse or an act of equal magnitude with an underage relative by blood in the direct line, or an underage sibling,

shall be punished with imprisonment of six month to five years.

## CHAPTER TWENTY

### CRIMINAL OFFENCES AGAINST INTELLECTUAL PROPERTY

#### **Violation of Moral Right of Author and Performer**

##### Article 198

- (1) Whoever under his name or the name of another publishes or puts into circulation copies of another's copyrighted work or performance or otherwise publicly presents another's copyrighted work or performance, in entirety or in part,  
shall be punished with a fine or imprisonment up to three years.
- (2) Whoever without the author's permission alters or adapts another's copyrighted work or alters another's recorded performance,  
shall be punished with a fine or imprisonment up to one year.
- (3) Whoever puts into circulation copies of another's copyrighted work or performance in a manner insulting the honour and reputation of the author or performer,  
shall be punished with a fine or imprisonment up to six months.
- (4) Things referred to under paragraphs 1 through 3 of this Article shall be seized.
- (5) Prosecution for offences specified in paragraph 2 of this Article is initiated by the prosecution, and for offences referred to in paragraph 3 of this Article by private action.

#### **Unauthorised Use of Copyrighted Work or other Work Protected by Similar Right**

##### Article 199

- (1) Whoever without permission publishes, records, copies or otherwise presents in public, in part or entirety, a copyrighted work, performance, phonogram, videogram, show, computer programme or database,  
shall be punished with imprisonment of up to three years.
- (2) The punishment specified in paragraph 1 of this Article shall also be imposed on a person who puts into circulation or with intent to put into circulation keeps illegally multiplied or illegally put into circulation copies of copyrighted work, performance, phonogram, videogram, show, computer programme or database.
- (3) If the offence referred to in paragraphs 1 and 2 of this Article was committed with intent to acquire material gain for oneself or another,  
the offender shall be punished with imprisonment of six months to five years.
- (4) Whoever produces, imports, puts into circulation, sells, rents, advertises for sale or renting, or keeps for commercial purposes, equipment and devices whose basic or prevailing purpose is to remove, bypass or forestall technological measures intended for prevention of violation of copyright and other similar rights, or who uses such equipment or devices with an aim to violate copyright or other similar right,  
shall be punished with a fine or imprisonment of up to three years.
- (5) The things referred to in paragraphs 1 through 4 shall be seized and destroyed.

## **Unauthorised Removal or Altering of Electronic Information on Copyright and Similar Rights**

### Article 200

(1) Whoever without authorisation removes or alters electronic information on copyright or other similar right, or puts into circulation, imports, exports, broadcasts or otherwise presents in public a copyrighted work or other work protected by similar right, from which electronic information on rights was removed or altered without authorisation,

shall be punished with a fine and imprisonment of up to three years.

(2) The things referred to in paragraph 1 shall be seized and destroyed.

## **Violation of Patent Rights**

### Article 201

(1) Whoever without permission produces, imports, exports, offers for circulation, puts into circulation, stores or uses for commercial operations a patented product or procedure, shall be punished with a fine or imprisonment of up to three years.

(2) If the offence referred to in paragraph 1 results in material gain or damage in an amount exceeding one million dinars, the offender shall be punished with imprisonment of one to eight years.

(3) Whoever without permission publishes or otherwise presents in public the essence of another's patent that has been applied for, before such patent is published in the manner set out by law,

shall be punished with a fine or imprisonment of up to two years.

(4) Whoever without permission applies for a patent or fails to give or gives incorrect name of inventor in the application,

shall be punished with imprisonment of six months to five years.

(5) The things referred to in paragraphs 1 and 2 shall be seized and destroyed.

## **Unauthorised Use of Another's Design**

### Article 202

(1) Whoever on his product in circulation uses without authorisation another's design which has been applied for or protected,

shall be punished with a fine or imprisonment of up to three years.

(2) Whoever without authorisation publishes or otherwise presents in public the essence of another's design before it has been published in the manner set out by law,

shall be punished with a fine or imprisonment of up to one year.

(3) The products referred to in paragraph 1 of this Article shall be seized.



## CHAPTER TWENTY ONE

### OFFENCES AGAINST PROPERTY

#### **Theft**

##### Article 203

(1) Whoever steals another's movable item with intent to obtain unlawful material gain for himself or another by appropriation thereof, shall be punished with fine or imprisonment of up to three years.

(2) The attempt of the offence specified in paragraph 1 of this Article shall be punished.

#### **Aggravated/Compound Larceny**

##### Article 204

(1) A person committing the offence of theft (Article 203) shall be punished with imprisonment of one to eight years, if the theft was committed:

1) By forcing or breaking into closed buildings, apartments, rooms, safes, cabinets or other closed spaces or by overcoming major obstacles, mechanic, electronic or otherwise;

2) By a group;

3) In a particularly dangerous or brazen manner;

4) By someone having on his person a weapon or dangerous implement for attack or defence;

5) During a fire, flood, earthquake or other calamity;

6) By taking advantage of the helplessness or other grave condition of a person;

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to a perpetrator of the offence of theft if the value of stolen items exceeds the amount of four hundred and fifty thousand dinars.

(3) The penalty specified in paragraph 1 of this Article shall also be imposed to a perpetrator of the offence of theft, regardless of the value of a stolen item, if a stolen item is a cultural resource, i.e. a resource that enjoys previous protection or a natural resource or a stolen item represents a public device for water, sewage, heat, gas, electrical or other energy or system of public transport and communications devices, i.e. parts of the devices.

(4) If the offence from paragraph 1 of this Article is committed by the organized criminal group or if the value of stolen items exceeds one million five hundred thousand dinars, the offender shall be punished with imprisonment of two to ten years.

#### **Grand Larceny**

##### Article 205

(1) Whoever caught in the act of theft (Article 203) and with intent to keep the stolen object uses force against a person or threat of direct attack against the life or body, shall be punished with imprisonment of one to ten years.

(2) If the value of stolen goods exceeds one million five hundred thousand dinars, the offender shall be punished with imprisonment of two to twelve years.

(3) If the offence specified in paragraphs 1 through 3 of this Article is committed by a group or intentional serious bodily harm is inflicted to a person, the offender shall be punished with imprisonment of three to fifteen years.

(4) If the criminal offence from paragraphs 1 through 3 of this Article is committed by the organized criminal group,  
the offender shall be punished with imprisonment of minimum five years.

## **Robbery**

### Article 206

(1) Whoever by use of force against a person or threat of direct attack upon the life or body appropriates another's movable object with intent by appropriation thereof to acquire unlawful material gain for himself or another,  
shall be punished with imprisonment of two to ten years.

(2) If the offence specified in paragraphs 1 of this Article is committed by group or intentional serious bodily harm is inflicted to a person or if the value of appropriated goods exceeds the amount of one million five hundred thousand dinars,  
the offender shall be punished with imprisonment of three to fifteen years.

(3) If the offence specified in paragraphs 1 of this Article is committed by group,  
the offender shall be punished with imprisonment of minimum five years.

(4) If the value of appropriated goods specified in paragraph 1 of this Article does not exceed five thousand dinars, and the intent of the offender was to acquire a small material gain,  
the offender shall be punished with imprisonment of up to three years.

(5) The attempt of the offence specified in paragraph 4 of this Article shall be punished.

## **Embezzlement**

### Article 207

(1) Whoever with intent to obtain for himself or another unlawful material gain, appropriates another's movable object entrusted in his care,  
shall be punished with imprisonment of up to two years and a fine.

(2) If the offence specified in paragraph 1 of this Article is committed by a guardian,  
he shall be punished with imprisonment of three months to three years and a fine.

(3) If the value of embezzled goods exceeds the amount of four hundred and fifty thousand dinars,  
the offender shall be punished with imprisonment of six months to five years and a fine.

(4) If the value of embezzled goods, as well as goods with previous protection, exceeds the amount of one million five hundred thousand dinars,  
the offender shall be punished with imprisonment of one to eight years and a fine.

(5) Whoever unlawfully appropriates another's movable object he found or came upon by happenstance in order to obtain material gain for himself or another,  
shall be punished with a fine or imprisonment of up to one year.

(6) Prosecution for offences specified in paragraphs 1 and 5 of this Article, if the embezzled goods represent property of citizens, is instituted upon proposal.

## **Fraud**

### Article 208

(1) Whoever with intent to acquire unlawful material gain for himself or another by false presentation or concealment of facts deceives another or maintains such deception and thus induces such person to act to the prejudice of his or another's property,

shall be punished with imprisonment of six months to five years and a fine.

(2) Whoever commits the offence specified in paragraph 1 of this Article only with intent to cause damage to another,  
shall be punished with imprisonment of up to six months and a fine.

(3) If by the offence specified in paragraph 1 and 2 of this Article material gain is acquired or damages caused exceeding four hundred and fifty thousand dinars,  
the offender shall be punished with imprisonment of one to eight years and a fine.

(4) If by the offence specified in paragraph 1 and 2 of this Article material gain is acquired or damages caused exceeding million five hundred thousand dinars,  
the offender shall be punished with imprisonment of two to ten years and a fine.

### **Fraud in Insurance**

Article 208a

(Deleted)

### **Arranging the Outcome of a Competition**

Article 208b

(1) Whoever arranges the outcome of a sport or other competition with the intention to obtain material gain for himself or for another  
shall be punished with imprisonment of six months to three years and a fine.

(2) If the material gain obtained from the offence referred to in paragraph 1 of this Article exceeds four hundred and fifty thousand dinars,  
the perpetrator shall be punished with imprisonment of one to eight years and a fine.

(3) If the material gain obtained from the offence referred to in paragraph 1 of this Article exceeds one million five hundred thousand dinars,  
the perpetrator shall be punished with imprisonment of two to ten years and a fine.

(4) An attempt of the offence referred to in paragraph 1 of this Article shall be punishable.

### **Obtaining and Using Credit and Other Benefits under False Pretences**

Article 209

(1) Whoever by false presentation of facts or concealment thereof obtains for himself or another a credit, subvention or other benefit although not meeting the relevant requirements,  
shall be punished with a fine or imprisonment of up to two years.

(2) Whoever uses the obtained credit, subvention or other benefit for purposes other than those for which the credit, subvention or other benefit was granted,  
shall be punished with a fine or imprisonment of up to one year.

(3) The responsible officer in an enterprise or other business entity shall also be punished for the offence specified in paragraphs 1 and 2 of this Article if the credit, subvention or other benefit are obtained for the enterprise or business entity or if used by these entities for purposes other than those for which they were granted.

## **Petty Theft, Embezzlement and Fraud**

### Article 210

(1) Whoever commits an act of petty theft, embezzlement or fraud, shall be punished with a fine or imprisonment of up to six months.

(2) A theft, embezzlement or fraud are petty if the value of appropriated or embezzled object, or damages caused by fraud do not exceed the amount of five thousand dinars, and the perpetrator's intent was to acquire a small property gain or cause a small damage.

(3) Prosecution for offences specified in paragraph 1 of this Article if committed against private property is instituted by private action.

## **Appropriation of Another's Object**

### Article 211

(1) Whoever without intent to acquire material gain unlawfully appropriates another's movable object, shall be punished with a fine or imprisonment of up to six months.

(2) If the value of the appropriated object exceeds the amount of one million five hundred thousand dinars or represents a cultural resource, the perpetrator shall be punished with imprisonment of three months to three years and a fine.

(3) Prosecution for the offences specified in paragraphs 1 and 2 of this Article, if the appropriated object is in private property, is instituted by private action.

## **Destruction or Damage of Another's Object**

### Article 212

(1) Whoever destroys, damages or otherwise makes unusable another's object, shall be punished with a fine or imprisonment of up to six months.

(2) If the offence specified in paragraph 1 of this Article results in damages exceeding four hundred and fifty thousand dinars, the offender shall be punished with a fine or imprisonment of up to two years.

(3) If the offence specified in paragraph 1 of this Article results in damages exceeding one million five hundred thousand dinars or is committed against a cultural resource, protected environment of the immovable cultural resources, or a resource which enjoys previous protection, the offender shall be punished with imprisonment of six months to five years.

(4) Prosecution for the offences specified in paragraphs 1 through 3 of this Article, if the damaged object is in private property, is instigated by private action.

## **Unauthorised Use of Another's Vehicle**

### Article 213

(1) Whoever without approval of an authorised person uses another's motor vehicle, shall be punished with a fine or imprisonment of up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed by forcing or breaking into a motor vehicle, or by use of force or threat,

the offender shall be punished with imprisonment of six months to five years and a fine.

(3) An attempt of the offence specified in paragraph 1 of this Article shall be punished.

### **Extortion**

#### Article 214

(1) Whoever with intent to acquire unlawful property gain for himself or another, by force or threat causes another person to act to the prejudice of his or another's property, shall be punished with imprisonment of one to eight years.

(2) If by the offence specified in paragraph 1 of this Article material gain exceeding four hundred and fifty thousand dinars is acquired, the offender shall be punished with imprisonment of two to ten years.

(3) If by the offence specified in paragraph 1 of this Article material gain exceeding one million five hundred thousand dinars is acquired, the offender shall be punished with imprisonment of three to twelve years.

(4) Whoever engages habitually in offences specified in paragraphs 1 to 3 of this Article, or if the offence is committed by a group, shall be punished with imprisonment of five to fifteen years.

(5) If the offence specified in paragraph 1 to 3 of this Article, is committed by an organized group, the offender shall be punished with imprisonment of minimum five years.

### **Blackmail**

#### Article 215

(1) Whoever with intent to acquire material gain for himself or another threatens a third party to reveal something against such party or person close to him that would harm their honour or reputation and thereby forces such person to act to the prejudice of his or another's property, shall be punished with imprisonment of six months to five years.

(2) If by the offence specified in paragraph 1 of this Article material gain exceeding four hundred and fifty thousand dinars is acquired, the offender shall be punished with imprisonment of one to eight years.

(3) If by the offence specified in paragraph 1 of this Article material gain exceeding one million five hundred thousand dinars is acquired, the offender shall be punished with imprisonment of two to ten years.

(4) Whoever engages habitually in offences specified in paragraphs 1 to 3 of this Article, or if the offence is committed by a group, shall be punished with imprisonment of three to twelve years.

(5) If the offence specified in paragraphs 1 to 3 of this Article is committed by an organized criminal group, the offender shall be punished with imprisonment of five to fifteen years.

### **Abuse of Trust**

#### Article 216

(1) Whoever acting as procurator for another person abuses the granted authorisation with intent to acquire for himself or other person, or to cause damages to the person on whose behalf he is acting as procurator, shall be punished with a fine or imprisonment of up to three years.

(2) If by the offence specified in paragraph 1 of this Article material gain exceeding four hundred and fifty thousand dinars is acquired,  
the offender shall be punished with imprisonment of six months to five years.

(3) If by the offence specified in paragraph 1 of this Article material gain exceeding one million five hundred thousand dinars is acquired,  
the offender shall be punished with imprisonment of one to eight years.

(4) If the offence specified in paragraphs 1 through 3 of this Article is committed by a guardian or attorney, he shall be punished for the offence specified in paragraph 1 with imprisonment of six months to five years, and for the offence specified in paragraph 2 with imprisonment of one to eight years, and for the offence specified in paragraph 3 with imprisonment of two to ten years.

## **Usury**

### Article 217

(1) Whoever for loan of money or other consumables to another stipulates for himself disproportionate material gain by abusing another's difficult financial situation, difficult circumstances, need, rashness or insufficient capacity for judgement,  
shall be punished with imprisonment of up to three years and a fine.

(2) If the offences specified in paragraph 1 of this Article resulted in serious consequences for the injured party or the offender acquired material gain exceeding four hundred and fifty thousand dinars,  
the offender shall be punished with imprisonment of six months to five years and a fine.

(3) If the offences specified in paragraph 1 of this Article resulted in acquiring material gain exceeding one million five hundred thousand dinars or is committed by the group,  
the offender shall be punished with imprisonment of one to eight years and a fine.

(4) Prosecution of the offence specified in paragraph 1 of this Article is undertaken by private action.

## **Squatting**

### Article 218

(1) Whoever unlawfully occupies another's land,  
shall be punished with a fine or imprisonment of up to three years.

(2) If the occupied land comprises a part of a protected forest, national park or other land intended for a particular purpose,  
the offender shall be punished with imprisonment of six months to five years.

(3) Prosecution for the offence specified in paragraph 1 of this Article is undertaken upon proposition.

## **Unlawful Occupation of Premises**

### Article 219

(1) Whoever unlawfully occupies another person's building, flat, business or other premises,  
shall be punished with a fine or imprisonment of up to two years.

(2) If the court pronounces a suspended sentence for the offence specified in paragraph 1 of this Article, it shall order the perpetrator to vacate and empty the unlawfully occupied premises within a set period of time.

(3) Prosecution for the offence specified in paragraph 1 of this Article is instituted upon proposition.

### **Construction of Building without a Building Permit**

#### Article 219a

(1) A person who is the contractor or person responsible person in legal entity that perform building construction or performed reconstruction of the existing building without a building permit

shall be punished with imprisonment of three months to three years and a fine.

(2) A person who is an investor or a responsible person in legal entity which the investor of the object that is being built without a building permit

shall be punished with imprisonment of six months to five years and a fine.

(3) When decision on suspension of construction is issued and person specified in paragraph 1 and 2 of this Article, continues with building construction,

shall be punished with imprisonment of one to eight years and a fine.

(4) Person who is responsible designer, or perform technical control in contravention of the regulations authorize final report on performed control without comments or in contravention with regulations confirms by statement that the that a major project is done in accordance with site license,

shall be punished with imprisonment of three months to three years and a fine.

### **Illegal Connection of the Construction Site to Technical Infrastructure**

#### Article 219b

Person or responsible person in legal entity who, in contravention of the regulations on building construction, connects or allows to connect a construction site, or a structure for which a building permit has not been issued to an electrical power infrastructure, water-supply infrastructure, sewage infrastructure and road infrastructure, telecommunication infrastructure

shall be punished with imprisonment of three months to three years.

### **Infringement of Another's Right**

#### Article 220

(1) Whoever with intent to prevent exercising of a right to a thing disposes of, destroys, damages or abstracts his own thing to which another person has pledge rights or right of usufruct and thereby causes damage to such person,

shall be punished with a fine or imprisonment of up to one year.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on whomever with intent to prevent settlement of creditor during enforcement procedure disposes of, destroys, damages or conceals parts of his property and thereby damages the creditor.

(3) Prosecution for offences specified in paragraphs 1 and 2 of this Article, if the injured party are private citizens, is instituted by private action.

## **Reset**

### Article 221

(1) Whoever conceals, circulates, purchases, receives in pawn or otherwise obtains an object he knows was acquired by criminal offence or whatever was obtained for it by sale or exchange,

shall be punished with a fine or imprisonment of up to three years, where the penalty may not exceed the statutory penalty for the offence by whose commission the object was acquired.

(2) Whoever commits the offence specified in paragraph 1 of this Article and could have been aware or should have been aware that the object was obtained through commission of an offence,

shall be punished with a fine or imprisonment of up to one year.

(3) Whoever with intent to acquire unlawful material gain for himself or another, or requires a reward for return of item and could have been aware or should have been aware that the object was obtained through commission of an offence, if characteristic of another more serious criminal acts is not achieved,

shall be punished with a fine or imprisonment of up to two years.

(4) If the offender habitually engages in the criminal offence specified in paragraphs 1 and 3 of this Article, or if the offence specified in paragraph 1 of this Article is committed by a group or a concealed item represents a cultural resource of exceptional or great importance, or enjoys prior protection or a concealed item represents a public device for water, sewage, heat, gas, electrical or other energy or system of public transport and communications devices, i.e. parts of the devices or the value of concealed items exceeds one million five hundred thousand dinars,

the offender shall be punished with imprisonment of six months to five years.

## **Unauthorized Exporting and Importing of Cultural Resources**

### Article 221a

(1) Whoever takes or exports abroad or brings to Serbia a cultural resource or a resource that enjoys prior protection, without prior approval of authorized authority,

shall be punished with imprisonment of six months to five years.

(2) If the criminal offence specified in paragraph 1 of this Article is committed against a cultural resource of exceptional or great importance,

the offender shall be punished with imprisonment of one to eight years.

## **Prosecution in Case when the Perpetrator is Closely Related to the Injured Party**

### Article 222

Prosecution for criminal offences specified in Articles 203, 204, 208, 213, 216 paragraph 1 through 3 and 221 hereof, if committed against a spouse, a person with whom the perpetrator is in cohabitation, lineal blood relative, sibling, adoptive parent or adopted child, or other persons with whom the offender lives in a common household, is instituted by private action.



## CHAPTER TWENTY TWO

### OFFENCES AGAINST ECONOMIC INTERESTS

#### **Fraud in Conducting Business Activity**

##### Article 223

(1) Whoever, in conducting of a business activity, with the intention of obtaining unlawful material gain for himself or for another person, misleads somebody by false presentation or by concealing of facts, or maintains such false conviction and thus leads him to do something or not to do something thus incurring damage to the assets of a business entity for which or with which he works or of another legal entity

shall be punished with imprisonment of six months to five years and fined.

(2) If through the offence specified in paragraph 1 of this Article material gain is acquired or damage incurred exceeding four hundred and fifty thousand dinars,  
the offender shall be punished with imprisonment of one to eight years and fined.

(3) If through the offence specified in paragraph 1 of this Article material gain is acquired or damage incurred exceeding one million five hundred thousand dinars,  
the offender shall be punished with imprisonment of two to ten years and fined.

#### **Fraud in Insurance**

##### Article 223a

(1) Whoever destroys, damages or hides an insured object and then reports damage with the intention of collecting an agreed sum from an insurance company  
shall be punished with imprisonment of three months to three years.

(2) Punishment specified in paragraph 1 of this Article shall also be imposed on anyone who, intending to collect the agreed sum from an insurance company for a case of a bodily harm, bodily injury or impaired health, inflicts such harm, injury or impairment of health to himself/herself and then files a request to the insurance company.

(3) If through the offence specified in paragraphs 1 and 2 of this Article material gain is acquired or damage incurred exceeding four hundred and fifty thousand dinars,  
the perpetrator shall be punished with imprisonment of one to eight years.

(4) If through the offence specified in paragraphs 1 and 2 of this Article material gain is acquired or damage incurred exceeding one million five hundred thousand dinars,  
the perpetrator shall be punished with imprisonment of two to ten years.

#### **Fraud in Conducting Business Activity**

##### Article 224

(1) Whoever misappropriates money, securities or other movable objects entrusted to him at work in a business entity with an intention of acquiring illegal material gain to himself/herself or to another person

shall be punished with imprisonment of three months to five years.

(2) If through the offence specified in paragraph 1 of this Article material gain is acquired exceeding four hundred and fifty thousand dinars,  
the offender shall be punished with imprisonment of one to eight years.

(3) If through the offence specified in paragraph 1 of this Article material gain is acquired exceeding one million five hundred thousand dinars,  
the offender shall be punished with imprisonment of two to twelve years.

### **Abuse of Trust in Conducting Business Activity**

#### Article 224a

(1) Whoever with the intention of acquiring illegal material gain for himself/herself or for other person causes material damage to a business entity on behalf of which he/she is acting as the attorney-in-fact or the property of which he/she is taking care of  
shall be punished with imprisonment of up to three years.

(2) If through the offence specified in paragraph 1 of this Article material gain is acquired or damage incurred exceeding four hundred and fifty thousand dinars,  
the offender shall be punished with imprisonment of one to eight years.

(3) If through the offence specified in paragraph 1 of this Article material gain is acquired or damage incurred exceeding one million five hundred thousand dinars,  
the offender shall be punished with imprisonment of two to ten years.

### **Tax Avoidance**

#### Article 225

(1) Whoever with intent that he/she or another person fully or partially avoid payment of taxes, contributions or other statutory dues, gives false information on income earned, on objects and other facts relevant for determination of such liabilities, or who with the same intent, in case of mandatory filing of returns, fails to report the income earned, i.e. objects or other facts relevant for determination of such liabilities, or who with the same intent conceals in some other manner the information pertaining to determination of the aforementioned liabilities, and the amount of liability evaded exceeds *million\** dinars,  
shall be punished with imprisonment of *one\** to five years and fined.

(2) If the amount of the liability specified in paragraph 1 of this Article the payment of which is evaded exceeds *five million\** dinars,  
the offender shall be punished with imprisonment of *two\** to eight years and fined.

(3) If the amount of the liability specified in paragraph 1 of this Article whose payment is avoided exceeds *fifteen million\** dinars,  
the offender shall be punished with imprisonment of three to ten years and fined.

### **Avoidance of Withholding Tax**

#### Article 226

(1) The responsible person in the legal entity – tax-payer and an entrepreneur- tax payer who, with the intention of avoiding payment of withholding tax, mandatory social security withholding contribution or other prescribed duties, does not pay into the prescribed payment account of public revenues the withholding tax amount calculated, i.e. mandatory social security withholding contribution, or fails to pay other prescribed duties  
shall be punished with imprisonment of up to three years and fined.

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(2) If the amount of calculated and unpaid tax, i.e. contributions specified in paragraph 1 of this Article exceeds one million five hundred thousand dinars,  
the offender shall be punished with imprisonment of six months to five years and fined.

(3) If the amount of calculated and unpaid tax, i.e. contributions specified in paragraph 1 of this Article exceeds seven million five hundred thousand dinars,  
the offender shall be punished with imprisonment of one to ten years and fined.

### **Abuse of Position of a Responsible Person**

#### Article 227

(1) The responsible person who, by abusing his/her position or powers, exceeding the limits of his/her powers or failing to perform his/her duties, acquires unlawful material gain for himself/herself or for another natural person or legal entity, or incurs material damage to another person, providing that this has not constituted elements of another criminal offence,  
shall be punished with imprisonment of three months to three years.

(2) If the material gain acquired through the offence specified in paragraph 1 of this Article exceeds four hundred and fifty thousand dinars,  
the offender shall be punished with imprisonment of six months to five years.

(3) If the amount of material gain acquired exceeds one million five hundred thousand dinars,  
the offender shall be punished with imprisonment of two to ten years.

### **Abuse Concerning Public Procurement**

#### Article 228

(1) Whoever, concerning a public procurement, submits a bid based on false information, or makes unlawful arrangements with other bidders, or takes other unlawful actions with the intention of influencing the decision-making by the buyer in the public procurement  
shall be punished with imprisonment of six months to five years.

(2) The punishment specified in paragraph 1 of this Article shall also be pronounced to a person with the buyer in the public procurement who, by abusing his/her position or powers, exceeding the limits of his/her powers or failing to perform his/her duty, violates the law or other regulations governing public procurements and thus damages public funds.

(3) If the offence specified in paragraphs 1 and 2 of this Article was committed in relation to a public procurement worth more than one hundred and fifty million dinars,  
the offender shall be punished with imprisonment of one to ten years.

(4) The offender specified in paragraph 1 of this Article who voluntarily discloses that the bid is based on false information or on an unlawful agreement with other bidders, or that he/she had undertaken other unlawful actions with the intention of influencing the decision-making of the buyer prior to making their decision on contract awarding, may be remitted from punishment.

### **Abuse in Privatisation Procedure**

#### Article 228a

(1) Whoever in a privatisation procedure influences the course of the procedure or decision-making by the organisation competent for conducting privatisation procedure, by submitting an offer based on false information, or by making unlawful arrangements with other participants in the privatisation procedure, or by taking other unlawful activity,

shall be punished with imprisonment of six months to five years.

(2) The punishment specified in paragraph 1 of this Article shall be imposed upon the official who, by abusing his/her position or powers, by exceeding the limits of his/her powers or by failing to perform his/her duty, breaches the law or other regulations governing privatisation and thus causes damage to the capital or impairs the property that is subject to privatisation.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed in relation to privatisation of capital or property with estimated value exceeding three hundred million dinars, the perpetrator shall be punished with imprisonment of one to ten years.

### **Conclusion of a Restrictive Agreement**

#### Article 229

(1) Whoever in a business entity concludes a restrictive agreement that is not exempt from the ban within the meaning of the law regulating protection of competition, whereby the prices are determined, production or sales is restricted, i.e. market is divided, shall be punished with imprisonment of six months to five years and fined.

(2) The offender specified in paragraph 1 of this Article who fulfils the conditions for release from the obligation set out in the competition protection measure within the meaning of the law regulating protection of competition, may be remitted from punishment.

### **Accepting Bribes in Conducting of Business Activity**

#### Article 230

(1) Whoever in conducting a business activity for himself/herself or for another person, directly or indirectly, solicits or accepts a gift or some other benefit, or whoever accepts a promise of a gift or some other benefit to conclude a contract or to achieve a business agreement or to render a service or to refrain from such an action or through violating other duties in conducting a business activity to the detriment or for the benefit of a business entity, or some other legal entity for which or with which he/she works, or of another person, shall be punished with imprisonment of one to eight years.

(2) The offender specified in paragraph 1 of this Article who, following the conclusion of contract or achieving of a business agreement or following the service rendered or refraining from such an action, for himself/herself or for another person, solicits or accepts a gift or some other benefit or accepts a promise of a gift or some other benefit, shall be punished with imprisonment of up to three years.

(3) The gift and the material gain received shall be seized.

### **Giving Bribe in Conducting of Business Activity**

#### Article 231

(1) Whoever makes, offers or promises a gift or some other benefit to a person so that he/she, in conducting of a business activity, concludes a contract, or achieves a business agreement, or renders a service, or refrains from such an action, or violates other duties in conducting of a business activity to the detriment or for the benefit of a business entity for which or with which he/she works, or to the detriment or for the benefit of another legal entity or natural person, or whoever acts as an intermediary in such making of a gift or some other benefit,

shall be punished with imprisonment of three months to three years.

(2) The offender specified in paragraph 1 of this Article who gave a gift or provided another benefit at the request of a person so that he/she, in conducting of a business activity, concludes a contract, achieves a business agreement, renders a service or violates a duty, and has reported the offence before having learnt that it was uncovered, may be remitted from punishment.

(3) The gift and the material gain received shall be seized.

### **Causing Bankruptcy**

#### Article 232

Whoever in a business entity having the capacity of a legal entity, through mismanagement of assets or through disposal thereof for a pittance, through excessive borrowing, undertaking disproportionate obligations, concluding of imprudent contracts with the persons incapable of payment, omitting timely collection of claims, destroying or concealing assets or through other actions contrary to conducting of business with due diligence, causes bankruptcy and thereby incurs damage to another person, shall be punished with imprisonment of six months to five years.

### **Causing False Bankruptcy**

#### Article 232a

(1) Whoever in a business entity having the capacity of a legal entity, with the intention of avoiding discharging of liabilities by that entity, causes bankruptcy of such an entity through fictitious or actual impairment of assets, by:

1) Concealing, fictitiously selling, selling below the market price or by relinquishing without compensation all or part of the assets of the business entity;

2) Concluding fictitious contracts on debt or by recognizing non-existent claims;

3) Concealing, destroying or altering the business books that the business entity is legally obliged to maintain in such a manner that it is impossible to discern the business results or the state of assets or liabilities or such a state by fabricating false documents or by otherwise presenting such status that, based on it, bankruptcy may be instituted, shall be punished with imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article results in some grave consequences for the creditor, the perpetrator shall be punished with imprisonment of two to ten years.

### **Damaging Creditors**

#### Article 233

(1) Whoever in a business entity, while knowing that such an entity has become insolvent, by paying a debt or otherwise, deliberately puts a creditor in a more favourable position, thus significantly damaging another creditor, shall be punished with imprisonment of three months to three years.

(2) The person specified in paragraph 1 of this Article who, despite knowing that the entity has become insolvent, and with the intention of deceiving or damaging the creditor,

recognises false claims, effectuates a false contract or otherwise fraudulently damages the creditor,

shall be punished with imprisonment of three months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in damages of a large scale to the creditor or, if an enforced settlement or bankruptcy procedure is instituted against the injured party due to that,

the offender shall be punished with imprisonment of one to eight years.

## **Illegal Production**

### Article 234

(1) Whoever without authorisation produces or processes goods for the production or processing of which an approval of a competent authority is required

shall be fined or punished with imprisonment of up to two years.

(2) Whoever produces or processes goods the production or processing of which is prohibited

shall be punished with imprisonment of up to three years.

(3) The goods and means of production or processing shall be seized.

## **Illegal Trade**

### Article 235

(1) Whoever, without an authorization for trading, procures goods or other objects of a substantial value for the purpose of sale, or who without authorisation and to a substantial degree engages in trade or in mediation in trade, or engages in representation of organisations in domestic or foreign movement of goods and services,

shall be fined or punished with imprisonment of up to two years.

(2) Whoever engages in the sale of goods the production of which he has illegally organised,

shall be punished with imprisonment of three months to three years.

(3) The punishment specified in paragraph 2 of this Article shall also be imposed on whoever unlawfully sells, buys or barter goods or objects the movement of which is prohibited or restricted.

(4) If the perpetrator of the offences specified in paragraphs 1 through 3 of this Article has organised a network of dealers or middlemen, or has acquired material gain exceeding four hundred and fifty thousand dinars,

he/she shall be punished with imprisonment of six months to five years.

(5) The goods and objects in unlawful trade shall be seized.

## **Smuggling**

### Article 236

(1) Whoever takes goods across the customs line evading customs control measures or who takes goods across the customs line evading customs control measures while armed, in a group or using force or threat,

shall be punished with imprisonment of six months to five years and fined.

(2) Whoever engages in the sale, distribution or concealment of uncleared goods or organises a network of dealers or middlemen for distribution of such goods,

shall be punished with imprisonment of one to eight years and fined.

(3) The goods that are subject to the offence specified in paragraphs 1 and 2 of this Article shall be seized.

(4) A vehicle or another means of transportation whose secret or hidden compartments were used for the transport of goods subject to the offence specified in paragraph 1 of this Article or that which is intended for committing of such criminal offences shall be impounded if the owner or user of such a vehicle was aware or could have been aware and was obliged to be aware thereof.

## **Preventing Control**

### *Article 237*

Whoever prevents a controlling authority from gaining access to the business books or other documentation or prevents an inspection of objects, premises or other facilities, shall be fined or punished with imprisonment of up to one year.

## **Unauthorized Use of Another Person's Business Name and Other Special Designation of Goods or Services**

### *Article 238*

(1) Whoever, with the intention of deceiving buyers or consumers of services, uses another person's business name, another person's geographical indication of origin, another person's trademark or another person's special designation for goods or services, or incorporates individual features of these designations in his business name, his geographical indication of origin, his trademark or in his special designation for goods or services, shall be fined or punished with imprisonment of up to three years.

(2) Whoever obtains, produces, processes, puts into circulation, rents or stores goods specified in paragraph 1 of this Article for the purpose of sale of a larger quantity or value thereof, or engages in rendering services by using another person's designations without authorization, shall be punished with imprisonment of six months to five years.

(3) If the perpetrator specified in paragraph 2 of this Article has organized a network of dealers or middlemen, or has acquired material gain exceeding one million five hundred thousand dinars, he/she shall be punished with imprisonment of one to eight years.

(4) The objects specified in paragraphs 1 through 3 of this Article shall be seized.

## **Damaging of Business Reputation and Credit Rating**

### *Article 239*

(1) Whoever, with the intention of impairing another person's business reputation or credit rating, spreads false information about them or falsely presents their business activity shall be fined or punished with imprisonment of up to one year.

(2) If the offence specified in paragraph 1 of this Article results in some grave consequences,

the offender shall be punished with imprisonment of three months to three years.

(3) Prosecution for offences specified in paragraphs 1 and 2 of this Article shall be initiated by private action.

## **Disclosing of a Business Secret**

### Article 240

(1) Whoever without authorisation communicates to another, hands over or in any other manner makes available information comprising a business secret or who obtains such information with the intention of handing it over to an unauthorised person, shall be punished with imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed for expediency or in respect of highly confidential information, the offender shall be punished with imprisonment of two to ten years and fined.

(3) Whoever commits the offence specified in paragraph 1 of this Article through negligence shall be punished with imprisonment of up to three years.

(4) A business secret shall be considered to include the information and documents proclaimed to be a business secret by the law, other regulation or a decision of a competent authority adopted pursuant to the law, the disclosure of which would cause or could cause adverse consequences for the business entity.

## **Counterfeiting Money**

### Article 241

(1) Whoever counterfeits money with the intention of placing it in circulation as genuine or who with the same intention alters genuine money shall be punished with imprisonment of two to twelve years and fined.

(2) Whoever procures counterfeit money with the intention of placing it in circulation as real or who puts counterfeit money in circulation shall be punished with imprisonment of one to ten years and fined.

(3) If by the offence specified in paragraphs 1 and 2 of this Article counterfeit money is produced, altered, circulated or procured in an amount exceeding one million five hundred thousand dinars, i.e. a corresponding amount in a foreign currency, the offender shall be punished with imprisonment of five to fifteen years and fined.

(4) Whoever, having accepted counterfeit money as genuine, and upon having learnt that it is counterfeit, puts it in circulation or whoever knows that counterfeit money has been produced or that counterfeit money has been placed in circulation, and fails to report it, shall be fined or punished with imprisonment of up to three years.

(5) Counterfeit money shall be seized.



## **Counterfeiting Securities**

### Article 242

(1) Whoever counterfeits securities or alters genuine securities with the intention of using them as genuine, or giving them to another to use, or whoever uses such counterfeit securities as genuine or procures them with such intention

shall be punished with imprisonment of one to eight years and fined.

(2) If the total nominal amount of counterfeit securities specified in paragraph 1 of this Article exceeds one million five hundred thousand dinars,

the offender shall be punished with imprisonment of two to twelve years and fined.

(3) Whoever receives counterfeit securities as genuine and, upon having learnt that these are counterfeit, places them in circulation

shall be punished with imprisonment of up to three years and fined.

(4) Counterfeit securities shall be seized.

## **Forgery and Abuse of Payment Cards**

### Article 243

(1) Whoever forges a fake payment card or who alters a genuine payment card with the intention of using it as genuine or who uses such fake card as genuine shall be punished with imprisonment of six months to five years and fined.

(2) If the perpetrator of the offence specified in paragraph 1 of this Article has acquired unlawful material gain through the use of the card,

he/she shall be punished with imprisonment of one to eight years and fined.

(3) If the perpetrator of the offence specified in paragraph 1 of this Article has acquired unlawful material gain exceeding one million five hundred thousand dinars,

he/she shall be punished with imprisonment of two to twelve years and fined.

(4) The punishment specified in paragraphs 2 and 3 of this Article shall also be imposed upon the perpetrator who commits such offence through unauthorized use of another person's card or confidential data that uniquely regulate such a card in payment transactions.

(5) Whoever acquires a fake payment card with the intention of using it as genuine or who acquires data with the intention of abusing them for fabrication of a fake payment card shall be fined or punished with imprisonment of up to three years.

(6) Fake payment cards shall be seized.

## **Forging Value Tokens**

### Article 244

(1) Whoever fabricates fake or alters genuine value tokens with the intention of using them as genuine, or gives them to another to use, or who uses such fake tokens as genuine or obtains them to such end

shall be punished with imprisonment of up to three years.

(2) If the total value of the tokens specified in paragraph 1 of this Article exceeds one million five hundred thousand dinars,

the offender shall be punished with imprisonment of one to eight years.

(3) Whoever by removing a stamp invalidating value tokens or otherwise attempts to give such value token an appearance as if unused in order to re-use them, or who re-uses the already used value tokens or sells them as valid

shall be fined or punished with imprisonment of up to one year.

(4) Fake tokens of value shall be seized.

### **Forging Symbols, i.e. State Hallmarks for Marking of Goods, Measuring Instruments and Objects Made of Precious Metals**

#### Article 244a

(1) Whoever, with the intention of using as genuine, makes fake stamps, seals, brands or other symbols for marking domestic or foreign products that are used for branding wood, cattle or other goods, or whoever, with the same intention, alters such genuine symbols or who uses such fake or altered symbols as genuine

shall be fined or punished with imprisonment of up to three years.

(2) Whoever, with the intention of using as genuine, makes fake certificates on the approval of the type of measuring instruments and certificates on stamping of measuring instruments or hallmarks and other indications of compliance used to brand measuring instruments and objects made of precious metals within the meaning of regulations governing metrology and control of objects made of precious metals or whoever, with the same intention, alters the original certificates or state hallmarks and other indications of compliance, or whoever uses such fake or altered certificates or state hallmarks and other indications of compliance as original,

shall be fined or punished with imprisonment of up to two years.

(3) The fake certificates, state hallmarks and symbols, measuring instruments and objects made of precious metals bearing fake indications shall be seized.

### **Making, Procuring and Providing Means for Counterfeiting for Other Persons**

#### Article 244b

(1) Whoever makes, procures, sells or gives to other persons for use the means for counterfeiting of money or securities

shall be punished with imprisonment of six months to five years and fined.

(2) Whoever makes, procures, sells or gives to other persons for use the means for fabricating fake payment cards or fake tokens of value

shall be fined or punished with imprisonment of up to three years.

(3) The means specified in paragraphs 1 and 2 of this Article shall be seized.

### **Money Laundering**

#### Article 245

(1) Whoever converts or transfers assets knowing that such assets originate from a criminal offence, with the intention of concealing or misrepresenting the unlawful origin of the assets, or conceals and misrepresents facts on the assets knowing that such assets originated

from a criminal offence, or obtains, keeps or uses assets with foreknowledge, at the moment of receiving, that such assets originated from a criminal offence

shall be punished with imprisonment of six months to five years and fined.

(2) If the amount of money or value of assets specified in paragraph 1 of this Article exceeds one million five hundred thousand dinars,

the offender shall be punished with imprisonment of one to ten years and fined.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article with the assets that he/she himself/herself obtained through a criminal offence

shall be punished with punishment prescribed in paragraphs 1 and 2 of this Article.

(4) Whoever commits the offence specified in paragraphs 1 and 2 of this Article in a group

shall be punished with imprisonment of two to twelve years and fined.

(5) Whoever commits the offence specified in paragraphs 1 and 2 of this Article, and could have been aware and was obliged to know that the money or assets are proceeds acquired through a criminal offence

shall be punished with imprisonment of up to three years.

(6) The responsible person with the legal entity who commits the offence specified in paragraphs 1, 2 and 5 of this Article shall be punished with the punishment prescribed for such an offence if he/she was aware, i.e. could know and was obliged to know that the money or assets were proceeds from a criminal offence.

(7) The money and assets specified in paragraphs 1 through 6 of this Article shall be seized.

## CHAPTER TWENTY THREE

### OFFENCES AGAINST HUMAN HEALTH

#### Unlawful Production and Circulation of Narcotics

##### Article 246

(1) Whoever unlawfully produces, processes, sells or offers for sale, or whoever purchases, keeps or transports for sale, or who mediates in sale or buying or otherwise unlawfully puts into circulation substances or preparations that are declared narcotics,

shall be punished by imprisonment of three to twelve years.

(2) Whoever unlawfully has grown *opium*\* poppy seeds or psychoactive hemp or other plants that contain narcotic drugs,

shall be punished by imprisonment of *two to eight years*\*.

(3) If the offence specified in paragraph 1 of this Article is committed by a group, or if the offender has organized a network of dealers or middlemen,

the offender shall be punished by imprisonment of five to fifteen years.

(4) *A penalty from paragraph 3 of this Article shall be imposed to those selling, offering for sale or free of charge, for the purpose of further marketing, give narcotics to a minor, or a mentally incompetent person, or a person who is temporarily mentally disturbed, or a person who is severely mentally disabled or a person suffering from drug addiction, or who markets narcotics mixed with a substance that could lead to severe deterioration of health, or who commits an offence from paragraph 1 of this Article in an institution for education and upbringing or in its immediate vicinity or an institution for the commission of criminal sanctions or in public premises or at a public event, or if the offence from paras. 1 and 2 of this*

\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

*Article is committed by an official, doctor, social worker, priest or a person employed at an institution for education and upbringing, by abusing its position, or whoever uses a minor for the commission of such offence.\**

(5)\* If the offence specified in paragraph 1 of this Article is committed by an organized criminal group,  
the offender shall be punished by imprisonment of minimum ten years.

(6)\* The offender specified in paragraphs 1 through 5\* of this Article who discloses from whom he obtained narcotics may be remitted from punishment.

(7)\* Whoever unlawfully manufactures, obtains, possesses or gives for use equipment, material and substances that are known to be intended for production of narcotics,  
shall be punished by imprisonment of *two to eight\** years.

(8)\* Narcotics and means for production thereof and processing shall be seized.

### **Unauthorized Possession of Narcotics**

#### *Article 246a\**

(1) *Whoever unlawfully keeps for self-use small quantity of substances or preparations that are declared narcotics,*

*shall be punished by fine or imprisonment up to three years, and may be remitted from punishment.\**

(2) *Whoever unlawfully keeps large quantity of substances or preparations that are declared narcotics,*

*shall be punished by imprisonment of three to ten years.\**

(3) *Offender from paras. 1 and 2 of this Article, who reveals from whom he purchases narcotics, may be remitted of punishment.\**

(4) *If the offender of the criminal offence from paragraph 2 of this Article has been pronounced imprisonment, such penalty cannot be executed in the manner specified in Article 45, paragraph 3 of this Code.\**

(5) *Narcotics shall be seized.\**

### **Facilitating the Taking of Narcotics**

#### *Article 247*

(1) *Whoever induces another person to take narcotics or gives him narcotics for his or another's use or places at disposal premises for taking of narcotics or otherwise enables another to take narcotics,*

*shall be punished by imprisonment of six months to five years.*

(2) *If the offence from paragraph 1 of this Article has been committed against a minor, or a mentally incompetent person, or a person who is temporarily mentally disturbed, or a person who is severely mentally disabled or a person suffering from drug addiction, or towards several persons, or who commits such offence in an institution for education and upbringing or in its immediate vicinity or an institution for the commission of criminal sanctions or in a public premises or at a public event, or if the offence from paras. 1 and 2 of this Article is committed by an official, doctor, social worker, priest or a person employed at an institution for education and upbringing, by abusing his position,*

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

*the offender will be punished by imprisonment of two to ten years.\**

(3) If the offences specified in paragraph hereof result in death of a person, the offender shall be punished by imprisonment of three to fifteen years.

Deleted.

(4) Narcotics shall be seized.

### **Failure to Act Pursuant to Health Regulations during Epidemic**

#### Article 248

Whoever during an epidemic of a dangerous contagious disease fails to act pursuant to regulations, decisions or orders setting forth measures for suppression or prevention thereof, shall be punished by fine or imprisonment up to three years.

### **Transmitting Contagious Disease**

#### Article 249

Whoever fails to act pursuant to regulations, decisions or orders for suppression or prevention of contagious disease and thereby a contagious disease is transmitted, shall be punished by imprisonment up to three years.

### **Transmitting HIV Infection**

#### Article 250

(1) Whoever wittingly endangers another with infection by HIV virus, shall be punished by imprisonment up to two years.

(2) Whoever wittingly fails to observe regulations and measures relating to prevention of spreading of HIV infection to another person and thereby from negligence effectuates transmission of HIV infection to another person, shall be punished by imprisonment of one to five years.

(3) Whoever knowing that he/she is infected with HIV wittingly transmits the infection to another person, shall be punished by imprisonment of two to twelve years.

(4) If the offence specified in paragraph 3 of this Article results in death of the infected person, the offender shall be punished by imprisonment of five to fifteen years.

(5) If the offence specified in paragraph 3 of this Article is committed from negligence, the offender shall be punished for the offence specified in paragraph 3 of this Article by imprisonment up to three years, and for the offence specified in paragraph 4 of this Article by imprisonment of six months to five years.

### **Medical Malpractice**

#### Article 251

(1) A doctor who in providing medical services uses an evidently inadequate means or an evidently unsuitable treatment or fails to observe appropriate hygiene standards or evidently proceeds unconscientiously and thereby causes deterioration of a person's health,

shall be punished by imprisonment of three months to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed to other medical staff who in rendering medical assistance or care or performing other medical activity proceeds in an obviously unconscientious manner thereby causing deterioration of a person's medical condition.

(3) If the offence specified in paragraphs 1 and 2 of this Article are committed from negligence,  
the offender shall be punished by fine or imprisonment up to one year.

### **Illegal Conducting of Medical Experiments and Testing of Drugs**

#### Article 252

(1) Whoever contrary to regulations conducts medical or similar experiments on humans, shall be punished by imprisonment of three months to five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on whoever clones human beings or conducts experiments to that purpose.

(3) Whoever contrary to regulations conducts clinical testing of a drug, shall be punished by imprisonment of three months to three years.

### **Failure to Provide Medical Assistance**

#### Article 253

(1) A doctor who contrary to his duty refuses to render medical assistance to a person in need of such assistance, and whose life is in immediate and present danger or is in danger of onset of grave bodily harm or serious deterioration of health,  
shall be punished by fine or imprisonment up to two years.

(2) If due to the offence specified in paragraph 1 of this Article, the person to whom medical assistance was not provided sustains grave bodily harm or serious deterioration of health,  
the offender shall be punished by imprisonment of six months to five years.

(3) If the offence specified in paragraph 1 of this Article results in death of the person to whom medical assistance was not provided,  
the offender shall be punished by imprisonment of one to eight years.

### **Quackery**

#### Article 254

(1) Whoever without appropriate qualification engages in providing medical treatment or rendering other medical services,  
shall be punished by fine or imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed to whoever without appropriate qualification engages in preparing or issuing of medicaments.

## **Malpractice in Preparing and Issuing Medicaments**

### Article 255

(1) A person competent to issue medicaments for use in medical treatment who issues another medicament instead of the prescribed or requested medicament, if replacement is not allowed, or who fails to prepare the medicament in prescribed proportion or quantity or who obviously proceeds unconscientiously in issuing medicaments and thereby causes deterioration of a person's health,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

## **Production and Putting in Circulation of Harmful Products**

### Article 256

(1) Whoever produces for sale, sells or puts in circulation harmful foodstuff, edibles or drink, medicine or medical devices, or other harmful products, shall be punished by imprisonment of six months to five years and fine.

(2) Whoever releases into circulation products specified in paragraph 1 of this Article without inspection by an authorised official, when such inspection is provided by regulations, or puts them in circulation after expiry of shelf-life,

shall be punished by imprisonment of up to three years and a fine.

(3) If the offence specified in paragraphs 1 and 2 are committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

(4) Items specified in paragraphs 1 and 2 of this Article shall be seized.

## **Unconscientious Inspection of Foodstuffs**

### Article 257

(1) An authorised person who unconscientiously inspects livestock for slaughter, meat intended for food and other foodstuff or contrary to regulations fails to perform inspection and thereby enables release for circulation of meat and other foodstuff harmful to human health, shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

## **Pollution of Drinking Water and Foodstuffs**

### Article 258

(1) Whoever by harmful substance pollutes drinking water or foodstuff, shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to three years.

## **Grave Offences against Health**

### **Article 259**

(1) If due to offences specified in Articles 249, 251 paragraphs 1 and 2, 252, 254, 255 paragraph 1, 256 paragraphs 1 and 2, 257 paragraph 1 and 258 paragraph 1 hereof, a person sustains grievous bodily harm or serious health impairment,

the offender shall be punished by imprisonment of one to eight years.

(2) If the offences specified in Articles 249, 251 paragraphs 1 and 2, 252, 254, 255 paragraph 1, 256 paragraphs 1 and 2, 257 paragraph 1 and 258 paragraph 1 hereof result in death of one or more persons,

the offender shall be punished by imprisonment of two to twelve years.

(3) If the offences specified in Articles 251 paragraph 3, 255 paragraph 2, 256 paragraph 3, 257 paragraph 2 and 258 paragraph 2 hereof result in grievous bodily harm or serious health impairment of a person,

the offender shall be punished by imprisonment up to three years.

(4) If the offences specified in Articles 251 paragraph 3, 255 paragraph 2, 256 paragraph 3, 257 paragraph 2 and 258 paragraph 2 hereof result in death of a person,

the offender shall be punished by imprisonment of one to eight years.

## **CHAPTER TWENTY FOUR**

### **CRIMINAL OFFENCES AGAINST THE ENVIRONMENT**

#### **Environmental Pollution**

### **Article 260**

(1) Whoever by violating the regulations on protection, preservation and improvement of the environment pollutes air, water or soil to larger extent or over a wider area, shall be punished by imprisonment of six months to five years and fine.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to two years.

(3) If the offence specified in paragraph 1 of this Article results in destruction or damage to animal and plant life to large extent or environmental pollution in such extent that clean-up requires longer period of time or great expense,

the offender shall be punished by imprisonment of one to eight years and fine.

(4) If the offence specified in paragraph 2 of this Article results in destruction or damage to animal and plant life to large extent or environmental pollution in such extent that clean-up requires longer period of time or great expense,

the offender shall be punished by imprisonment of six months to five years and fine.

(5) If the court pronounces a suspended sentence for offences specified in paragraphs 1 through 4 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures for environmental protection, preservation and improvement.



## **Failure to undertake Environmental Protection Measures**

### Article 261

(1) An official or responsible person who fails to undertake the stipulated environmental protection measures, or fails to proceed according to orders of competent authority in respect of environmental protection,

shall be punished by fine or imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in environmental pollution, the offender shall be punished for the offence specified under Article 260 hereof.

(4) If the court pronounces a suspended sentence for offences specified in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures for environmental protection, preservation and improvement.

## **Illegal Construction and Operation of Facilities and Installations Polluting the Environment**

### Article 262

(1) An official or responsible person who contrary to regulations on environmental protection, preservation and improvement allows construction, start-up and operation of facilities and installations or use of technologies that to larger extent and over a wider area pollute the environment,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article results in destruction of animal and plant life to high extent or pollution of the environment to such degree that clean-up would require a long period of time or great expense,

the offender shall be punished by imprisonment of one to eight years.

(3) If the court pronounces a suspended sentence for offences specified in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures for environmental protection, preservation and improvement.

## **Damaging Environmental Protection Facilities and Installations**

### Article 263

(1) Whoever damages, destroys, removes or otherwise makes inoperable facilities or installations for environmental protection,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 is committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

(3) If the offence specified in paragraph 1 resulted in air, water or soil pollution to larger extent or over a wider area,

the offender shall be punished by imprisonment of six months to five years.

(4) If the offence specified in paragraph 2 resulted in air, water or soil pollution to larger extent or over a wider area,

the offender shall be punished by imprisonment up to three years.

(5) If the offence specified in paragraph 1 and 3 of this Article result in destruction or damage of animal and plant life to high extent or pollution of the environment to such degree that clean-up would require a long period of time or great expense,  
the offender shall be punished by imprisonment of one to eight years.

(6) If the offence specified in paragraph 2 and 4 of this Article result in destruction or damage of animal and plant life to high extent or pollution of the environment to such degree that clean-up would require a long period of time or great expense,  
the offender shall be punished by imprisonment of six months to five years.

(7) If the court pronounces a suspended sentence for offences specified in paragraphs 1 through 6 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures for environmental protection, preservation and improvement.

### **Damaging the Environment**

#### Article 264

(1) Whoever by violating regulations, through use of natural resources, construction of buildings, executing works or otherwise causes damage to the environment to large extent or over a wider area,  
shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 is committed from negligence,  
the offender shall be punished by fine or imprisonment up to one year.

(3) If the court pronounces a suspended sentence for offences specified in paragraphs 1 and 2 of this Article, it may order the offender to undertake within a set period of time particular measures to correct the detrimental consequences to the environment.

### **Destroying, Damaging, Taking abroad and bringing in Serbia a Protected Natural Asset**

#### Article 265

(1) Whoever destroys or damages a protected natural asset,  
shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence,  
the offender shall be punished by fine or imprisonment up to six months.

(3) Whoever contrary to regulations exports or takes abroad a protected or particularly protected plant or animal, or import or bring in to Serbia foreign plant or animal protected by the international treaty or documents,  
shall be punished by imprisonment of three months to three years and fine.

(4) The attempt of the offence specified in paragraph 3 of this Article shall be punished.

(5) Particularly protected or protected plant or animal specified in paragraph 3 of this Article shall be seized.

## **Bringing Dangerous Substances into Serbia and Unlawful Processing, Depositing and Stockpiling of Dangerous Substances**

### Article 266

(1) Whoever contrary to regulations brings into Serbia radioactive or other hazardous materials or hazardous waste, or whoever transports, processes, deposits, collects or stockpiles such materials or waste,

shall be punished by imprisonment of six months to five years and fine.

(2) Whoever by abuse of his position or powers allows or facilitates bringing into Serbia materials or waste specified in paragraph 1 of this Article, or enables transport, processing, depositing or stockpiling of such materials or waste,

shall be punished by imprisonment of one to eight years and fine.

(3) If the offence specified in paragraphs 1 and 2 of this Article result in destruction of animal and plant life to high extent or pollution of the environment to such degree that clean-up would require a long period of time or great expense,

the offender shall be punished by imprisonment of two to ten years and fine.

(Deleted)

(4) If the court pronounces a suspended sentence for offences specified in paragraphs 1 through 3 of this Article, it may order the offender to undertake within a set period of time particular stipulated measures of protection from ionising radiation or other stipulated protection measures.

(5) Whoever organises committing of offences specified in paragraph 1 of this Article, shall be punished by imprisonment of three to ten years and fine.

(Deleted)

## **Illegal Construction of Nuclear Plants**

### Article 267

Whoever contrary to regulations permits or commences to construct nuclear power plant, a nuclear fuel production plant or processing plant for used nuclear fuel, shall be punished by imprisonment of six months to five years.

## **Violation of the Right to be Informed on the State of the Environment**

### Article 268

Whoever contrary to regulations withholds information or gives false information on the state of the environment and events that is required for evaluation of environmental hazard and undertaking measures for protection of human life and health,

shall be punished by fine or imprisonment up to one year.

## **Killing and Wanton Molesting to Animals**

### Article 269

(1) Whoever in violation of regulations kills, injures, tortures or in some other way molests an animal,

shall be punished by fine or imprisonment up to *two*\* years.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

(2) If the offence specified in paragraph 1 of this Article resulted in killing, torture or injuring a number of animals, or if the offence is committed against an animal belonging to a specially protected species,

the offender shall be punished by fine or imprisonment up to three years.

(3) Whoever organizes, finances or is a host to animal fights of the same or the different species or whoever organizes or involves himself in bet on these fights

shall be punished with imprisonment of *six months*\* to three years and with fine.

## **Transmitting of Contagious Animal and Plant Diseases**

### Article 270

(1) Whoever during an epidemic of livestock disease that may endanger cattle breeding fails to observe regulations, decisions or orders determining measures for suppression or prevention of the disease,

shall be punished by fine or imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also to whoever fails to, during threat of disease or pests that may endanger plant life, observe regulations, decisions or orders setting out measures for suppression or prevention of disease or pest-control.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in death of animals, destruction of plants or other considerable damage,

the offender shall be punished by imprisonment up to three years.

(4) if the offence specified in paragraphs 1 through 3 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

## **Malpractice in Veterinary Services**

### Article 271

(1) A veterinarian or authorised veterinary staff who in rendering veterinary assistance prescribes or applies an obviously inadequate means or obviously inadequate method of treatment or otherwise acts unconscientiously in treating animals thereby causing death of animals or other considerable damage,

shall be punished with a fine or imprisonment of up to two years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished with a fine or imprisonment of up to six months.

## **Producing Harmful Products for Treating Animals**

### Article 272

(1) Whoever produces for sale or puts into circulation by way of trade products for treatment or prevention of disease of animals that are dangerous to life or health of animals, shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article results in death of animals or other considerable damage,

the offender shall be punished by fine or imprisonment up to two years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,  
the offender shall be punished by fine or imprisonment up to six months.

### **Pollution of Livestock Fodder and Water**

#### *Article 273*

(1) Whoever contaminates livestock fodder or water by a harmful substance and thereby endangers animal life or health,  
shall be punished by fine or imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on whoever by harmful substance contaminates water in fish-pond, lake, river or canal, or by stocking with fish from contaminated waters causes danger to survival of fish or other aquatic animals.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in loss of life of animals or other considerable damage,  
the offender shall be punished by fine or imprisonment up to three years.

(4) If the offence specified in paragraphs 1 of this Article is committed from negligence,  
the offender shall be punished by fine or imprisonment up to six months.

### **Devastation of Forests**

#### *Article 274*

(1) Whoever contrary to regulations and orders of competent authorities cuts or clears forest, or who damages trunks or otherwise devastates forests or cuts down one or more trees in a park, avenue of trees or elsewhere where cutting down of trees is prohibited,  
shall be punished by fine or imprisonment up to one year.

(2) Whoever commits the offence specified in paragraph 1 of this Article in a protected forest, national park or other forest intended for special purpose,  
shall be punished by imprisonment of three months to three years.

### **Forrest Theft**

#### *Article 275*

(1) Whoever, by reason of theft, fells one or more trees in a forest, park or avenue of trees and the quantity of timber exceeds one cubic metre,  
shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed with intent to sell the felled tree, or if the quantity of felled timber exceeds five cubic metres or if the offence is committed in a national park, protected forest or other forest intended for special purpose,  
the offender shall be punished by fine or imprisonment up to three years.

(3) The attempt of the offence specified in paragraphs 1 and 2 of this Article shall be punished.

## **Poaching Game**

### Article 276

- (1) Whoever hunts game during closed season or in territory where hunting is prohibited, shall be punished by fine or imprisonment up to six months.
- (2) Whoever poaches on another's hunting preserve or kills or wounds game or catches it alive, shall be punished by fine or imprisonment up to one year.
- (3) If the offence specified in paragraph 2 of this Article is committed against large game, the offender shall be punished by fine or imprisonment up to two years.
- (4) Whoever hunts game whose hunting is prohibited or whoever hunts particular game without a special permit when such permit is required, or whoever hunts in a manner or with means which destroy game in large numbers, shall be punished by imprisonment up to three years.
- (5) The bagged game and hunting implements will seized.

## **Poaching Fish**

### Article 277

- (1) Whoever catches fish or other aquatic animals during closed season or in waters where fishing is forbidden, shall be punished by fine or imprisonment up to six months.
- (2) Whoever fishes or catches other aquatic animals by explosive, electricity, poison, stunning or in manner otherwise damaging to breeding of such fauna or whereby mass destruction of such fauna results, shall be punished by imprisonment up to three years.
- (3) The penalty specified in paragraph 2 of this Article shall be imposed also on whoever catches fish or other aquatic animals of significant biological value or in larger quantity, or while fishing destroys large quantities of fish or other aquatic animals.
- (4) The catch and the fishing implements shall be seized.

## **CHAPTER TWENTY FIVE**

### **CRIMINAL OFFENCES AGAINST GENERAL SAFETY OF PEOPLE AND PROPERTY**

#### **Causing of General Danger**

### Article 278

- (1) Whoever by fire, flood, explosive, poison or poisonous gas, radioactive or other ionising radiation, electric power, engine power or other generally dangerous act or generally dangerous means causes danger to life or body of people or to property of larger scale, shall be punished by imprisonment of six months to five years and with fine.
- (2) The penalty specified in paragraph 1 of this Article shall also be imposed to an official or responsible person who fails to install prescribed equipment for protection against

fire, flood, explosion, poison or poisonous gas, radioactive or other ionising radiation, electrical power or other harmful substances, or fails to maintain these in proper order, or fails to use the equipment in time of need, or generally fails to observe regulations or technical protection standards and thereby causes danger to life or body or to property of a larger extent.

(3) If the venue of offences specified in paragraphs 1 and 2 of this Article is where a number of people are gathered,

the offender shall be punished by imprisonment of one to eight years and fine.

(4) If criminal act specified in paragraph 1 of this Article is committed by using a firearm,

the offender shall be punished with imprisonment of two to ten years.

(5) If the offence specified in paragraphs 1, 3 and 4 of this Article is committed from negligence,

the offender shall be punished by imprisonment up to three years.

### **Destroying and Damaging Public Infrastructure**

#### Article 279

(1) Whoever destroys, damages, alters, makes useless or removes public device for water, sewage, heat, gas, electrical or other energy or system of public transport and communications devices, i.e. parts of the devices,

shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article caused disruption in lives of citizens or in functioning of economy, i.e. public transport,

the offender shall be punished by imprisonment of one to eight years.

### **Endangering of Safety at Workplace by Failing to Ensure Safety Measures**

#### Article 280

(1) Whoever in mines, factories, workshops, construction sites or other work place damages or removes safety equipment and thereby causes danger to life or body or to property of larger scale,

shall be punished by imprisonment of six months to five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed to a responsible person in a mine, factory, workshop, at a construction site or in some other work place who fails to install safety equipment or does not maintain them in working order, or fails to use it in time of need, or does not observe regulations and technical standards on safety at work and thereby causes danger to life or body or property of a larger extent.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,

the offender shall be punished with imprisonment of up to three years.

(4) If the court pronounces a suspended sentence for an offence specified in paragraph 2 of this Article, the court may order the offender to, within a set period of time, ensure installing, maintenance and use of safety equipment.

### **Construction Work, which does not Comply with Regulations and Standards**

#### Article 281

(1) A person responsible for designing, managing or executing construction or construction works, who does not observe regulations and generally-accepted technical standards thereby causing danger to life and body or property of a larger value, shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to three years.

### **Damage to Dams and Water Economy Facilities**

#### Article 282

(1) Whoever damages, destroys or otherwise renders unusable a dam, embankment or other water economy facility or equipment for protection against natural disasters, shall be punished by imprisonment of three months to three years and fine.

(2) If the offence specified in paragraph 1 of this Article is committed against a facility or equipment of greater importance, the offender shall be punished by imprisonment of six months to five years and with fine.

(3) If the offence specified in paragraph 2 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to three years.

### **Destroying, Damaging or Removing Danger Warning Signs**

#### Article 283

Whoever destroys, damages or removes a sign warning of any kind of danger, shall be punished by fine or imprisonment up to three years.

### **Abuse of Telecommunication Signals**

#### Article 284

(1) Whoever abuses or unnecessarily transmits an international signal for help or a signal warning of danger or who by telecommunication signal deceives that no danger exists or who abuses an international communication signal, shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article resulted in danger to life of persons or property of larger scale, the offender shall be punished by imprisonment of six months to five years.

### **Failure to Eliminate Danger**

#### Article 285

(1) Whoever fails to report to a competent authority or other competent body the existence of fire, flood, explosion, traffic accident or other danger to life and body or property of larger scale, or fails to undertake measures to eliminate such danger although in position to do so without risk to himself or another, shall be punished by fine or imprisonment up to two years.

(2) Whoever prevents another in undertaking measures to eliminate a fire, flood, explosion, traffic accident or other danger to life or body or property of larger scale,



shall be punished by imprisonment of six months to five years.

### **Unauthorised Handling of Explosive and Flammable Material**

#### Article 286

(1) Whoever contrary to regulations stores, keeps, transports or hands over for transportation by public means of transport, explosives or highly flammable material or transports such material himself using public means of transport,  
shall be punished by fine or imprisonment up to two years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever unlawfully brings explosives or highly flammable material into premises or other facility where a large number of persons are gathered or where such a gathering is pending.

(3) Whoever brings or attempts to bring into a methane pit or pit with other flammable gas or hazardous carbon dust, highly flammable material or other items whose bringing to such a pit or facility is prohibited,  
shall be punished by imprisonment of six months to five years.

(4) The penalty specified in paragraph 3 of this Article shall be imposed also on whoever in entering a storeroom, warehouse or explosive storage premises fails to observe the statutory protective measures.

(5) If the offence specified in paragraphs 3 and 4 of this Article is committed from negligence,  
the offender shall be punished by fine or imprisonment up to three years.

### **Unlawful Acquiring and Endangerment of Safety with Nuclear Material**

#### Article 287

(1) Whoever by force or threat, commission of criminal offence or otherwise unlawfully acquires, possesses, uses, transports or gives to another nuclear materials or enables another to obtain them,  
shall be punished by imprisonment up to three years.

(2) Whoever threatens to use nuclear material with intent to force someone to do or refrain from doing something and thereby endangers the safety of people,  
shall be punished by imprisonment of one to ten years.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in grievous bodily harm or property damage of large extent,  
the offender shall be punished by imprisonment of two to twelve years.

(4) If the offence specified in paragraphs 1 and 2 of this Article resulted in death of one or more persons,  
the offender shall be punished by imprisonment of three to fifteen years.

### **Grave Offences against General Safety**

## Article 288

(1) If the offence specified in Articles 278 paragraphs 1 through 3, 279 paragraphs 1 and 2, 280 paragraphs 1 and 2, 281 paragraph 1 and 284 hereof, resulted in grievous bodily harm of a person property damage of large extent,

the offender shall be punished by imprisonment of one to eight years.

(2) If the offence specified in Articles 278 paragraph 1 through 4, 279 paragraphs 1 and 2, 280 paragraphs 1 and 2, 281 paragraph 1 and 284 hereof, resulted in death of one or more persons,

the offender shall be punished by imprisonment of two to twelve years.

(3) If the offence specified in Articles 278 paragraph 5, 280 paragraph 3 and 281 paragraph 2 hereof, resulted in grievous bodily harm of a person or property damage of large extent,

the offender shall be punished by imprisonment of six months to five years.

(4) If the offence specified in Articles 278 paragraph 5, 280 paragraph 3 and 281 paragraph 2 hereof, resulted in death of one or more persons,

the offender shall be punished by imprisonment of one to eight years.

## CHAPTER TWENTY SIX

### CRIMINAL OFFENCES AGAINST ROAD TRAFFIC SAFETY

#### Endangering Road Traffic

##### Article 289

(1) Whoever in traffic on public roads fails to observe traffic regulations and thereby endangers road traffic to extent to compromise life and body or property of larger extent, and this consequently results in minor bodily injury or property damage exceeding two hundred thousand dinars,

shall be punished by imprisonment up to three years.

(2) Whoever fails to observe traffic regulations and consequently endangers railway, streetcar, trolley bus, bus traffic or cable-car transport so as to imperil life and body or property of larger extent,

shall be punished by imprisonment of six months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,

the offender shall be punished by fine or imprisonment up to one year.

#### Endangering Traffic by Dangerous Acts or Means

##### Article 290

(1) Whoever by destroying, removing or severe damage of traffic equipment, means or signalling devices or protective railing used for safety of road traffic, or by giving wrong signs or signals, setting barricades on roadways, stopping means of transport in rail transport contrary to regulations or otherwise in similar manner endangers public traffic and thereby endangers life and body or property of larger extent,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

## **Endangering Air Traffic Safety**

### **Article 291**

(1) Whoever controls flight of an aircraft improperly or contrary to regulations, by failure of duty or control in respect of air traffic safety, by giving incorrect information significant for safe flight of aircraft or otherwise endangers air traffic safety, shall be punished by imprisonment of one to eight years.

(2) If the offence specified in paragraph 1 of this Article is committed from negligence or negligent destruction or damage of navigation equipment or other negligent damage to an aircraft, the offender shall be punished by imprisonment of six months to five years.

(3) *Whoever commits an act of violence aimed against a person at the airport for international civil air traffic, causing or which could cause severe bodily harm or death of a person,*

*shall be punished by imprisonment of six months to five years. \**

(4) *Penalty from paragraph 3 of this Article shall be imposed on those as well who destroy or damage devices at airport for international civil air traffic or aircraft that is not in traffic and is located at that airport or interrupts the work of the services at the airport, or if such act endangers or could endanger the safety at such airport. \**

## ***Endangering Safety of Air or Sea Traffic or Immovable Platform \****

### ***Article 292\****

(1) *Whoever uses violence against a person in an aircraft, on a ship or immovable platform found in the epicontinental belt, i.e. their cargo, by installing or loading into an aircraft, on a ship or immovable platform explosive or other hazardous devices or substances or by destroying or endangering or interfering navigation devices or by causing other damage to an aircraft, ship or immovable platform, endangers the safety of air traffic or seafare or safety to an immovable platform*

*shall be punished by imprisonment of two to ten years. \**

(2) *If due to an offence specified in paragraph 1 of this Article, grievous bodily harm occurred of a person or extensive damage has been caused,*

*the offender shall be punished by imprisonment of two to twelve years. \**

(3) *If the offence specified in paragraph 1 of this Article resulted in death of one or more persons,*

*the offender shall be punished by imprisonment of five to fifteen years. \**

(4) *Whoever threatens by commission of an offence from paragraph 1 of this Article, shall be punished by imprisonment from six months to five years. \**

## **Hijacking an Aircraft, Ship or Other Means of Transport**

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

#### Article 293

(1) Whoever by force or threat of force takes over control of an aircraft in flight or over a ship at sea or other means of public transport while in motion *or over an immovable platform in the epicontinental belt\**,

shall be punished by imprisonment of two to ten years.

(2) If the offence specified in paragraph 1 of this Article resulted in grievous bodily harm or caused extensive damage,

the offender shall be punished by imprisonment of two to twelve years.

(3) If the offence specified in paragraph 1 of this Article resulted in death of one or more persons, the offender shall be punished by imprisonment of five to fifteen years.

### **Piracy**

#### Article 294

(1) A crew member or passenger of a ship at open seas or location not under authority of any state commits violence or robbery against persons on another ship, retains, hijacks, damages or destroys the other ship or goods therein or causes damage of great extent, shall be punished by imprisonment of two to twelve years.

(2) If the offence specified in paragraph 1 of this Article resulted in death of one or more persons,

the offender shall be punished by imprisonment of five to fifteen years.

### **Dereliction of Duty in Supervising Public Traffic**

#### Article 295

(1) An official or responsible person entrusted with supervision of the state and maintenance of roadways and pertaining facilities, means of transport or public transport or over monitoring compliance with statutory requirements for work of drivers, or who is entrusted with management of driving, who by dereliction in performance of duty endangers life or body or property to large extent,

shall be punished by imprisonment of six months to five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also to a responsible person who issues a driving order or allows driving although aware that the driver, due to fatigue, effects of alcohol or otherwise, is unfit to safely drive the vehicle or that the vehicle is defective and thereby endangers life and body or property to large extent.

(3) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by imprisonment up to three years.

### **Failure to Render Aid to Person Injured in Traffic Accident**

#### Article 296

(1) A driver of a motor vehicle or other means of transport who abandons a person injured by such vehicle or whose injury was caused by such vehicle, shall be punished by fine or imprisonment up to three years.

(2) If failure to render aid resulted in grievous bodily harm of the injured person, the offender shall be punished by imprisonment of six months to five years.

(3) If failure to render aid resulted in death of the injured person, the offender shall be punished by imprisonment of one to eight years.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

## **Grave Offences against Traffic Safety**

### Article 297

(1) If the offences specified in Articles 289 paragraphs 1 and 2, 290 paragraphs 1 and 2, 291 paras. 1, 3 and 4\* and 295 paragraphs 1 and 2 hereof result in grievous bodily harm of a person or property damage to large extent,

the offender shall be punished by imprisonment of one to eight years.

(2) If the offences specified in Articles 289 paragraphs 1 and 2, 290 paragraphs 1 and 2, 291 paras. 1, 3 and 4\* and 295 paragraphs 1 and 2 hereof result in death of one or more persons,

the offender shall be punished by imprisonment of two to twelve years.

(3) If the offence specified in Articles 289 paragraph 3, 290 paragraph 3, 291 paragraph 2 and 295 paragraph 3 results in grievous bodily harm of a person or property damage to large extent,

the offender shall be punished by imprisonment up to four years.

(4) If the offences specified in Articles 289 paragraph 3, 290 paragraph 3, 291 paragraph 2 and 295 paragraph 3 result in death of one or more persons,

the offender shall be punished by imprisonment of one to eight years.

(5) Pronouncing of the security measure of ban on driving a motor vehicle is mandatory in cases specified in paragraphs 1 through 4 of this Article.

## **CHAPTER TWENTY SEVEN**

### **CRIMINAL OFFENCE AGAINST SECURITY OF COMPUTER DATA**

#### **Damaging Computer Data and Programs**

### Article 298

(1) Whoever without authorisation deletes, alters, damages, conceals or otherwise makes unusable a computer datum or program,

shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article results in damages exceeding four hundred and fifty thousand dinars,

the offender shall be punished by imprisonment of three months to three years.

(3) If the offence specified in paragraph 1 of this Article results in damages exceeding one million five hundred thousand dinars,

the offender shall be punished by imprisonment of three months to five years.

(4) Equipment and devices used in perpetration of the offence specified in paragraphs 1 and 2 of this Article shall be seized.

#### **Computer Sabotage**

### Article 299

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

Whoever enters, destroys, deletes, alters, damages, conceals or otherwise makes unusable computer datum or program or damages or destroys a computer or other equipment for electronic processing and transfer of data, with intent to prevent or considerably disrupt the procedure of electronic processing and transfer of data that are of importance for government authorities, enterprises or other entities,

shall be punished by imprisonment of six months to five years.

## **Creating and Introducing of Computer Viruses**

### **Article 300**

(1) Whoever makes a computer virus with intent to introduce it into another's computer or computer network,

shall be punished by fine or imprisonment up to six months.

(2) Whoever introduces a computer virus into another's computer or computer network thereby causing damage,

shall be punished by fine or imprisonment up to two years.

(3) Equipment and devices used for committing of the offence specified in paragraphs 1 and 2 of this Article shall be seized.

## **Computer Fraud**

### **Article 301**

(1) Whoever enters incorrect data, fails to enter correct data or otherwise conceals or falsely represents data and thereby affects the results of electronic processing and transfer of data with intent to acquire for himself or another unlawful material gain and thus causes material damage to another person,

shall be punished by fine or imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars,

the offender shall be punished by imprisonment of two to ten years.

(4) Whoever commits the offence specified in paragraph 1 of this Article from malicious mischief,

shall be punished by fine or imprisonment up to six months.

## **Unauthorised Access to Computer, Computer Network or Electronic Data Processing**

## Article 302

(1) Whoever, by circumventing protection measures, accesses a computer or computer network without authorisation, or accesses electronic data processing without authorisation, shall be punished by fine or imprisonment up to six months.

(2) Whoever records or uses data obtained in manner provided under paragraph 1 of this Article, shall be punished by fine or imprisonment up to two years.

(3) If the offence specified in paragraph 1 of this Article results in hold-up or serious malfunction in electronic processing and transfer of data or of the network, or other grave consequences have resulted, the offender shall be punished by imprisonment up to three years.

## **Preventing or Restricting Access to Public Computer Network**

### Article 303

(1) Whoever without authorisation prevents or hinders access to a public computer network, shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed by an official in discharge of duty, such official shall be punished by imprisonment up to three years.

## **Unauthorised Use of Computer or Computer Network**

### Article 304

(1) Whoever uses computer services or computer network with intent to acquire unlawful material gain for himself or another, shall be punished by fine or imprisonment up to three months.

(2) Prosecution for the offence specified in paragraph 1 of this Article shall be instigated by private action.

## **Creating, Obtaining and Providing another Person with Means for the Committing Criminal Offences against the Security of Computer Data**

### Article 304a

(1) Whoever manufactures, sells, procures for use, imports, distributes and in some other manner puts at the disposal:

1) Devices and computer programmes designed or primarily for the purpose of committing an offence specified in Articles 298 through 303 of this Code;

2) Computer codes or similar data through which access can be gained to a computer system as a whole or to a part thereof with the intention of using it in committing an offence specified in Articles 298 through 303 of this Code;

shall be punished with imprisonment of six months to three years.

(2) Whoever possesses any of the means specified in paragraph 1 of this Article, with the intention of using them for the purpose of committing an offence specified in Articles 298 through 303 of this Code

shall be fined or punished with imprisonment of up to one year.

(3) The items specified in paragraphs 1 and 2 of this Article shall be seized.

## **CHAPTER TWENTY EIGHT**

### **CRIMINAL OFFENCES AGAINST THE CONSTITUTIONAL ORDER AND SECURITY OF THE REPUBLIC OF SERBIA**

#### **Compromising Independence**

##### Article 305

Whoever attempts to unconstitutionally bring Serbia into a position of subjugation or dependence in respect of another state,

shall be punished by imprisonment of three to fifteen years.

#### **Recognition of Capitulation or Occupation**

##### Article 306

A citizen of Serbia who signs or recognises capitulation or accepts or recognises occupation of Serbia, or part thereof,

shall be punished by imprisonment of minimum ten years.

#### **Compromising Territorial Integrity**

##### Article 307

(1) Whoever by force or other unconstitutional manner attempts to cede a part of the territory of Serbia or to annex a part of such territory to another state,

shall be punished by imprisonment of three to fifteen years.

(2) Deleted.

#### **Attack against the Constitutional Order**

##### Article 308

Whoever by force or threat of force attempts to change the constitutional order of Serbia or overthrow the highest state authorities,

shall be punished by imprisonment of three to fifteen years.

#### **Sedition**

##### Article 309



(1) Whoever with intent to compromise the constitutional order or security of Serbia calls for or incites to change her constitutional order by use of force, overthrow the highest state authorities or representatives thereof,

shall be punished by imprisonment of six months to five years.

(2) Whoever commits the offence specified in paragraph 1 of this Article with foreign assistance,

shall be punished by imprisonment of one to eight years.

(3) Whoever with intent to disseminate, produces or copies material that is by content such that it calls for or instigates committing of offences specified in paragraph 1 of this Article, or whoever sends or transfers to territory of Serbia such material or keeps a larger quantity of such material with intent to distribute by himself or another,

shall be punished by imprisonment of three months to three years.

## **Assassination of the Highest Government Officials**

### Article 310

Whoever with intent to compromise the constitutional order or security of Serbia assassinate the Republic president, speaker of the Parliament, prime minister, member of Government, president of the Constitutional Court, president of the highest State Court or the Republic Public Prosecutor

shall be punished by imprisonment of minimum ten years or *life sentence*.\*

## **Insurrection**

### Article 311

(1) Whoever participates in insurrection directed against constitutional order, security or territorial integrity of Serbia,

shall be punished by imprisonment of three to fifteen years.

(2) The organiser or ringleader of the insurrection,

shall be punished by imprisonment of minimum five years.

## **Terrorism**

### Article 312

Deleted.

## **Malicious Destruction**

### Article 313

Whoever with intent to undermine the constitutional order or security of Serbia by demolishing, setting fire or otherwise destroying or damaging industrial, agricultural or other economic facility, transportation means, equipment or plant, communications equipment, public utility equipment for water, heating, gas or power supply, a dam, warehouse, building or other structure of importance for security or supply of citizens or to the economy or functioning of public services,

shall be punished by imprisonment of five to fifteen years.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

## **Sabotage**

### Article 314

Whoever with intent to undermine the constitutional order or security of Serbia covertly, insidiously or in other similar manner while discharging official duties or work duty causes damage exceeding one million five hundred thousand dinars to a government authority or organisation where he is employed, or to another government body or other organisation, shall be punished by imprisonment of five to fifteen years.

## **Espionage**

### Article 315

(1) Whoever discloses, hands over or makes available military secrets, economic or official information or documents to a foreign state, foreign organisation or person in their service,

shall be punished by imprisonment of three to fifteen years.

(2) Whoever establishes or runs an intelligence network in Serbia for a foreign state, shall be punished by imprisonment of five to fifteen years.

(3) Whoever joins a foreign intelligence service, collects information for such service or otherwise supports its work,

shall be punished by imprisonment of one to ten years.

(4) Whoever obtains secret information or documents with intent to disclose or hand them over to a foreign state, foreign organisation or person in their service,

shall be punished by imprisonment of one to eight years.

(5) If the offences specified in paragraphs 1 and 2 of this Article resulted in serious consequences for the security, economic or military power of the country, the offender shall be punished by imprisonment of minimum ten years.

(6) Such military, economic or official information or document are deemed secret that are by law, other regulations or decision of competent authority passed pursuant to law declared secret, as well as information and documents accessible only to a particular circle of persons and whose disclosure would or could cause harm the security, defence or political, military or economic interests of the country.

## **Disclosing a State Secret**

### Article 316

(1) Whoever without authorisation discloses, hands over or makes available to another, information or documents that are entrusted to him or that he acquired otherwise and that represent a state secret,

shall be punished by imprisonment of one to ten years.

(2) Whoever discloses to another person information or documents that he knows are a state secret, and which he unlawfully acquired,

shall be punished by imprisonment of six months to five years.

(3) If the offence specified in paragraph 1 of this Article is committed during state of war or state of emergency, or has resulted in compromising security, economic or military power of Serbia,

the offender shall be punished by imprisonment of three to fifteen years.

(4) If the offence specified in paragraph 1 is committed from negligence, the offender shall be punished by imprisonment of six months to five years.

(5) Such information or documents shall be considered a state secret that are by law, other regulations or decision of competent authority passed pursuant to law declared a state secret, and whose disclosure would or could cause harm to the security, defence or political, military or economic interests of Serbia.

(6) A state secret in terms of paragraph 5 of this Article shall not be deemed information or documents directed at serious violation of fundamental rights of man, or at compromising the constitutional order and security of Serbia, as well as information and documents that are aimed at concealing a committed criminal offence punishable by law with imprisonment up to five or more years.

### **Instigating National, Racial and Religious Hatred and Intolerance**

#### Article 317

(1) Whoever instigates or exacerbates national, racial or religious hatred or intolerance among the peoples and ethnic communities living in Serbia, shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed by coercion, maltreatment, compromising security, exposure to derision of national, ethnic or religious symbols, damage to other persons, goods, desecration of monuments, memorials or graves, the offender shall be punished by imprisonment of one to eight years.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article by abuse of position or authority, or if these offences result in riots, violence or other grave consequences to co-existence of peoples, national minorities or ethnic groups living in Serbia, shall be punished for the offence specified in paragraph 1 of this Article by imprisonment of one to eight years, and for the offence specified in paragraph 2 of this Article by imprisonment of two to ten years.

### **Violation of Territorial Sovereignty**

#### Article 318

Whoever by violating international law invades the territory of Serbia, shall be punished by imprisonment of one to eight years.

### **Conspiracy for Unconstitutional Activity**

#### Article 319

(1) Whoever forms a group or an organized criminal group to commit criminal offences specified in Article 305 through 310, Article 313 and Article 314 hereof, shall be punished by the penalty set forth for the offence for whose commitment group or organised criminal group was organised.

(2) Whoever becomes member of a group or organized criminal group specified in paragraph 1 of this Article, shall be punished by imprisonment of six months to five years.

(3) The offender specified in paragraph 1 of this Article who by disclosing the group or organized criminal group or otherwise prevents commission of criminal offences specified in paragraph 1 of this Article,

shall be punished by imprisonment up to three years, and may be remitted from punishment.

(4) A member of an association or organized criminal group specified in paragraph 3 of this Article who discloses the conspiracy prior to becoming part thereof or committing a criminal offence specified in paragraph 1 of this Article,

shall be punished by imprisonment up to one year, and may be remitted from punishment.

### **Plotting of Offences against the Constitutional Order and Security of Serbia**

#### Article 320

(1) Whoever plots to commit criminal offences specified in Articles 305 through 314 and Article 314 paragraphs 1 and 2 hereof,

shall be punished by imprisonment of one to five years.

(2) Plotting specified in paragraph 1 of this Article comprises procurement and making usable means for committing of offence, removing obstacles for committing of offence, making arrangements, planning or organising with others commitment of the offence or other activities related to establishing prerequisites for direct commission of the offence.

(3) Whoever dispatches or transports to the territory of Serbia persons or weapons, explosives, poisons, equipment, ammunition or other material for commission of one or more criminal offences specified in this Chapter,

shall be punished by imprisonment of two to ten years.

### **Grave Offences against the Constitutional Order and Security of Serbia**

#### Article 321

(1) If the offence specified in Articles 307 through 309 and 313 through 315 hereof that resulted in death of one or more persons, or endangered lives of people, or was accompanied by severe violence or massive devastation or has resulted in compromising the security, economic or military power of the country,

the offender shall be punished by imprisonment of minimum ten years.

(2) If in committing the offence specified in paragraph 1 of this Article the offender deprived of life one or more persons with intent,

the offender shall be punished by imprisonment of minimum ten years or *life sentence*\*.

(3) The penalty specified in paragraph 2 of this Article shall be imposed to whoever commits a criminal offence specified in Articles 307, 309 through 311, Articles 314 through 319, and Article 320 paragraph 2 hereof during state of war, armed conflict or state of emergency.

## **CHAPTER TWENTY NINE**

## CRIMINAL OFFENCES AGAINST GOVERNMENT AUTHORITIES

### Preventing an Official in Discharge of Duty

#### Article 322

(1) Whoever by force or threat of force prevents an official in discharge of duty undertaken within his competencies or forces such person to undertake an official action, shall be punished by imprisonment of *one to five years*\*.

(2) If during commission of the offence specified in paragraph 1 of this Article the offender insults or maltreats the official or inflicts light bodily injury or threatens to use a weapon, the offender shall be punished by imprisonment of *two to eight*\* years.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article against an official discharging duties of public or state security or keeping of public peace and order, preventing or detecting a criminal offence, apprehending perpetrators of criminal offences or detaining persons deprived of liberty, shall be punished by imprisonment of *three to ten*\* years.

(4) If during commission of the offence specified in paragraph 1 and 3 of this Article the offender inflicts grave bodily injury to an official, the offender shall be punished by *imprisonment of three to twelve*\* years.

(5) The attempt of the offence specified in paragraph 1 of this Article shall be punished.

(6) If the perpetrator of offences specified in paragraphs 1 through 3 of this Article was provoked by unlawful or rough behaviour of an official, punishment may be remitted.

### Attack on an Official in Performance of Duty

#### Article 323

(1) Whoever attacks or threatens to attack an official performing his duty, shall be punished by imprisonment of *one to five years*\*.

(2) If in the commission of the offence specified in paragraph 1 of this Article light bodily injury is inflicted to an official or if the offence is aggravated by threat of use of weapon, the offender shall be punished by imprisonment of *two to eight*\* years.

(3) If the offence specified in paragraphs 1 and 2 of this Article are committed against an official performing public or state security duties, the offender shall be punished by imprisonment of *three to ten*\* years.

(4) If during commission of the offence specified in paragraph 1 and 3 of this Article the offender inflicts grave bodily injury to an official, the offender shall be punished by *imprisonment of three to twelve*\* years.

(5) The attempt of the offence specified in paragraph 1 of this Article shall be punished.

(6) If the perpetrator of offences specified in paragraphs 1 through 3 of this Article was provoked by unlawful or rough behaviour of an official, punishment may be remitted.

### Participating in a Group Preventing an Official in Performance of Duty

#### Article 324

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

(1) Whoever as part of a group preventing by joint action an official in performing an official act or likewise forces an official to undertake an official act, shall be punished for participation by imprisonment *of six months to three years*\*.

(2) The attempt shall be punished.

(3) The ringleader of the group committing the offence specified in paragraph 1 of this Article, shall be punished by imprisonment of *one*\* to five years.

### **Calling for Resistance**

Article 325

(Deleted)

### **Failure to Take Part in Eliminating a General Hazard**

Article 326

Whoever contrary to orders of a competent authority or other competent body refuses without justification to participate in eliminating a general hazard resulting from fire, flood, earthquake or other calamity,

shall be punished by fine or imprisonment up to three months.

### **Removal and Damaging of Official Seal and Sign**

Article 327

(1) Whoever removes or damages an official seal or sign placed by an official to secure an object or premises or whoever, without removing or damaging the seal or sign, enters such premises or opens an object with an official seal or sign,

shall be punished by fine or imprisonment up to one year

(2) The attempt shall be punished.

### **Seizure and Destruction of Official Seal and Document**

Article 328

(1) Whoever unlawfully seizes, conceals, destroys, damages or otherwise makes useless an official seal, book, file or document belonging to a government authority, enterprise, institution or other entity exercising administrative authority or in their keeping,

shall be punished by imprisonment up to three years.

(2) The attempt shall be punished.

### **Impersonation**

Article 329

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

(1) Whoever with intent to acquire for himself or another any benefit or cause damage to a third person, impersonates an official or member of the military or wears insignia of an official or member of the military without authorisation, shall be punished by fine or imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on whoever performs an act that is under exclusive authority of an official or member of the military.

## **Vigilantism**

### Article 330

(1) Whoever arbitrarily assumes a right for himself or a right he considers that he is entitled to, shall be punished by fine or imprisonment of one year to five years.

(2) Whoever commits the offence specified in paragraph 1 of this Article for another, shall be punished by the penalty stipulated for such offence.

(3) If the offence specified in paragraphs 1 and 2 is committed to detriment of citizens, prosecution is instigated by private action.

## **CHAPTER THIRTY**

### **CRIMINAL OFFENCES AGAINST THE JUDICIARY**

#### **Failure to Report Preparation of a Criminal Offence**

##### Article 331

(1) Whoever knows that a criminal offence is being prepared that is punishable under law by imprisonment of five or more years, but fails to report this during the time when its commission could have still been prevented, and the offence is committed or attempted, shall be punished by fine or imprisonment up to one year.

(2) For failure to report preparation of a criminal offence punishable by *life sentence*\*, the offender shall be punished by imprisonment of three months to three years.

(3) A spouse, common-law spouse, lineal blood relative, sibling, adoptive parent or adoptee of the offender as well as a spouse of any of the former or person cohabiting with any of the former shall not be punished for the offence specified in paragraph 1 of this Article.

#### **Failure to Report a Criminal Offence or Offender**

##### Article 332

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

(1) Whoever knows that another person has committed a criminal offence punishable under law by *life sentence*\* or only knows of such offence and fails to report it before the offence or perpetrator thereof are detected,

shall be punished by imprisonment up to three years.

(2) An official or authorized person who knowingly fails to report a criminal offence he became aware of in performance of duty, if such offence is punishable under law by imprisonment of five or more years,

shall be punished with imprisonment of six months to five years.

(3) An official or responsible person who knowingly fails to report a criminal offence of his subordinate who committed the offence in discharge of his official, military or work duty, if such an offence is punishable by *life sentence*\*,

shall be punished by imprisonment of one to eight years.

(4) A spouse, common-law consort, lineal blood relative, sibling, adoptive parent or adoptee of the offender as well as a spouse of any of the former or person cohabiting with any of the former, as well as the offender's defence attorney, doctor or confessor shall not be punished for the offence specified in paragraphs 1 and 2 of this Article.

### **Accessory After the Fact**

#### Article 333

(1) Whoever hides an offender or by concealing the means of commission of the offence, or traces or otherwise aids the offender in order not to be detected, or who harbours a convicted person or undertakes other acts directed at preventing enforcement of penalty, security measure or rehabilitation measure of remand to a rehabilitation or correctional facility,

shall be punished by fine or imprisonment up to three years.

(2) Whoever aids a perpetrator of a criminal offence punishable under law by imprisonment of more than five years,

shall be punished by imprisonment of six months to five years.

(3) Whoever aids a perpetrator of a criminal offence punishable under law by *life sentence*\*,

shall be punished by imprisonment of one to eight years.

(4) The penalty for the offence specified in paragraph 1 of this Article may not be more severe in terms of kind and duration than the penalty set forth for the offence committed by the aided and abetted person.

(5) Consort, common-law spouse, lineal blood relative, sibling, adoptive parent or adoptee of the offender as well as consort of any of the former or person cohabiting with any of the former, shall not be punished for the offence specified in paragraphs 1 through 3 of this Article.

### **False Reporting**

#### Article 334

(1) Whoever reports a person of committing an offence prosecuted *ex officio*, while aware that such person is not the offender,

shall be punished by imprisonment of three months to three years.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.



(2) Whoever plants traces of the criminal offence or otherwise causes instigation of criminal proceedings for an offence prosecuted *ex officio* against a person whom he knows is not the perpetrator of that offence,

shall be punished with imprisonment of six months to five years.

(3) Whoever reports himself as perpetrator of an offence prosecuted *ex officio* although aware that he is not the offender,

shall be punished by fine or imprisonment up to one year.

(4) The penalty specified in paragraph 3 of this Article shall also be imposed on whoever reports commission of an offence prosecuted *ex officio* although aware that such an offence has not been committed.

## **Perjury**

### Article 335

(1) A witness, expert witness, translator or interpreter who gives false testimony before a court, in disciplinary, misdemeanour or administrative proceeding or other procedure established by law,

shall be punished by imprisonment up to three years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed on the party who, during presentation of evidence by testimony of parties in judicial or administrative proceedings, gives a false statement and such statement serves as grounds for disposition in such proceedings.

(3) If perjury is committed in criminal proceedings \*,

the offender shall be punished by imprisonment of three months to five years.

(4) If the offences specified in paragraph 3 resulted in particularly grave consequences for the accused,

the offender shall be punished by imprisonment of one to eight years.

(5) The offender who voluntarily revokes false testimony prior to final disposition may be remitted from punishment.

## **Subornation of Perjury**

### Article 336

(1) Whoever gives or promises a gift or other benefit to a witness or an expert witness or another party to the proceedings before a court or other government authority, or by force or threat of force (deleted) against such person with intent to induce such person to give false testimony and thereby affect the outcome of the proceeding,

shall be punished by imprisonment of six months to five years and by fine.

(2) Whoever with intent to prevent or hinder proving, conceals, destroys, damages or makes partially or completely unusable another person's document or other items serving as proof,

shall be punished imprisonment of three months to three year and by fine.

(3) The penalty specified in paragraph 2 of this Article shall be also imposed on whoever removes, destroys, damages, moves or relocates a boundary stone, a soil survey sign or any

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other mark indicating ownership of real property or easement for use of water, or who with same intent falsely places such mark.

(4) If the offence specified in paragraph 2 is committed in criminal proceedings, the offender shall be punished by imprisonment of six months to five years and by fine.

## **Unauthorized Public Comment on Court Proceedings**

Article 336a

Deleted.

## **Obstruction of Justice**

Article 336b

(1) Whoever calls to the resistance or failure of judicial decision or otherwise interfere with the conduct of judicial proceedings, shall be punished by imprisonment of up to three years and fined.

(2) Whoever insults, by force, threat or otherwise interfere with or prevent a judge, public prosecutor or deputy public prosecutor or a lawyer in the exercise of judicial or prosecutorial duties or the profession of a lawyer, shall be punished by imprisonment from six months to five years and fined.

(3) If during the committing of criminal offence specified in paragraph 2 this Article, the perpetrator inflict light bodily injury to the judge, public prosecutor or deputy public prosecutor or a lawyer or threatened use of weapons, shall be punished by imprisonment from one to eight years.

(4) If during the execution of works specified in paragraph 2 this Article, the perpetrator inflict grave bodily injury to the judge, public prosecutor or a lawyer or deputy public prosecutor, shall be punished by imprisonment from two to ten years.

## ***Assault on a Lawyer\****

Article 336c\*

*(1) Whoever assaults a lawyer or a member of his family, and in relation to the profession of a lawyer,*

*shall be punished by imprisonment of three months to three years.\**

*(2) If, during the commission of an offence from paragraph 1 of this Article, the offender inflicts light bodily injury to a lawyer or a member of his family or threatens with use of weapon,*

*he/she shall be punished by imprisonment of six months to five years.\**

*(3) If, during the commission of the offence from paragraph 1 of this Article, the offender inflicts heavily bodily injury to a lawyer or a member of his family,*

*he/she shall be punished by imprisonment of one to eight years.\**

*(4) Whoever destroys, damages or makes an item in the ownership of lawyer or his family member, useless,*

*he/she shall be punished by a fine or imprisonment of two years.\**

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*(4) If an offence from paragraph 4 of this Article caused damage exceeding four hundred and fifty thousand dinars,*

*the offender shall be punished by imprisonment of six months to five years.\**

*(5) The offence from paras. 4 and 5 of this Article exists if committed against a lawyer or a member of his family, in relation to the profession of a lawyer.\**

## **Violation of Confidentiality of Proceeding**

### **Article 337**

(1) Whoever without authorisation discloses what he has learned in court, misdemeanour, administrative or other procedure established under law, when the law stipulates that such information may not be publicised or if declared secret by decision of the court or other relevant body,

shall be punished by fine or imprisonment up to one year.

(2) Whoever without permission of the court publishes the course of proceedings against a juvenile or the disposition reached in such proceedings or who publishes the name of the juvenile against whom proceedings were conducted or information that may reveal the identity of the juvenile

shall be punished with imprisonment up to two years.

(3) Whoever without authorisation discloses information on the identity or personal data of a person protected in criminal proceedings or data regarding special protection program,

shall be punished by imprisonment of six months to five years.

(4) If the offence specified in paragraph 3 of this Article results in serious consequences for the protected person or the criminal proceedings are prevented or hindered to considerable extent,

shall be punished by imprisonment from one to eight years.

## **Prison Riot**

### **Article 338**

(1) Persons lawfully deprived of freedom who gather with intent to set themselves free by use of force, or to jointly attack persons guarding them, or by use of force or immediate threat thereof force such persons to do or refrain from doing something in contravention of their duty,

shall be punished by imprisonment up to three years.

(2) The offender specified in paragraph 1 of this Article who uses force or threat, shall be punished by imprisonment of six months to five years.

## **Escape and Facilitating Escape of Person in Custody**

### **Article 339**

(1) A person who escapes from lawful custody by use of force against a person or direct threat of attack against life and body,

shall be punished by imprisonment of six months to five years.

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\* Published in the *Službeni glasnik RS*, No. 35/19 of 21 May 2019.

(2) The penalty specified in paragraph 1 of this Article shall be pronounced to whomever by force, threat, deception or otherwise facilitates escape of a person lawfully deprived of freedom.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by a group or an escape of a number of persons is facilitated,  
the perpetrator shall be punished by imprisonment of one to eight years.

### **Failure to Enforce a Decision**

#### Article 340

(1) An official or responsible person who declines to enforce a final court decision or fails to enforce it within the deadline specified by law or decision,  
shall be punished by imprisonment of three months to three years and by fine.

(2) If the person specified in paragraph 1 of this Article enforces the final court decision,  
may be remitted of punishment.

### **Violation of a Ban Laid Down in a Safety Measure**

#### Article 340a

Whoever violates a ban laid down in a pronounced safety measure  
shall be fined or punished with imprisonment of up to six months.

### **Unlawful Facilitating to Engage in Particular Profession, Function, Duty, Tasks and Activities**

#### Article 341

Whoever enables another to engage in a profession, function, duty, tasks or activities,  
although aware that such engagement is prohibited to such person by final decision ordering the relevant security measure or protective measure or that such a ban took effect as a legal consequence of the judgement,  
shall be punished by fine or imprisonment up to two years.

### **Unlicensed Practise of Law**

#### Article 342

Whoever unauthorized and provides legal services for compensation,  
shall be punished by fine or imprisonment up to two years.

## CHAPTER THIRTY ONE

### OFFENCES AGAINST PUBLIC PEACE AND ORDER

#### Causing Panic and Disorder

##### Article 343

(1) Whoever by disclosing or disseminating untrue information or allegations causes panic, or serious disruption of public peace and order or frustrates or significantly impedes enforcing of decisions of government authorities or organisations exercising administrative authority,

shall be punished by imprisonment of three months to three years and by fine.

(2) If the offence specified in paragraph 1 of this Article is committed through media or similar means or at public gathering,

the offender shall be punished by imprisonment of six months to five years.

#### Violent Behaviour

##### Article 344

(1) Whoever by rude insults or maltreatment of another, violence directed against another, instigating a brawl or insolent or ruthless behaviour causes significant distress of citizens or seriously violates public peace and order,

shall be punished by imprisonment of up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed by a group or if during commission of the offence a person sustains light bodily injury or if grave degradation of citizens results,

the offender shall be punished by imprisonment of six months to five years.

#### Violent Behaviour during Sports Event or Public Gathering

##### Article 344a

(1) Whoever violently assaults or physically attacks participants of a sports event or a public gathering, performs violence or damages assets of greater value upon arrival or departure from a sports event or a public gathering, brings in a sports facility or casts on the sport ground or among the spectators objects, pyrotechnic means or other explosive, flammable or harmful substances that can cause bodily injury or endanger the health of participants in sports events, damaging the sports facility, its equipment, devices and installations, their behaviour or slogans on sports events causing national, racial and religious hatred, or intolerance based on some discriminatory principle that results in physical violence with participants in sports events,

shall be punished by imprisonment from *one*\* to five years and fined.

(2) If the criminal offence specified in the paragraph 1 of this Article is committed by a group,

the perpetrator shall be punished by imprisonment from *two*\* to eight years.

(3) Leader of the group that commits the criminal offence specified in the paragraph 1 of this Article

shall be punished by imprisonment from three to twelve years.

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(4) If committing the criminal offence specified in the paragraph 1 of this Article has caused riots during which someone suffered grave bodily injury or the assets of greater value were damaged,

the perpetrator shall be punished by imprisonment from *three to twelve*\* years.

(5) The responsible person or official who while organizing a sports event or a public gathering fails to apply the security measures in order to prevent or stop the riots and therefore endangers the lives or bodies of great number of people or the assets of greater value,

shall be punished by imprisonment from three months to three years and with fine.

(6) An obligatory security measure of prohibition from attending certain sports events shall be ordered to the perpetrator of the offence from paragraphs 1 to 4 of this Article which was performed during a sports event.

## **Conspiracy to Commit a Crime**

### *Article 345\**

(1) *Whoever conspires with another to commit a criminal offence punishable by imprisonment of five years or a more severe punishment,*

*shall be punished by a fine or imprisonment of up to one year.\**

(2) *In case conspiracy from paragraph 1 of this Article refers to the commission of a specific criminal offences, for which a life sentence can be pronounced,*

*the perpetrator shall be punished by imprisonment from three months up to three years.\**

## **Criminal Alliance**

### *Article 346*

(1) Whoever organizes a group whose purpose is committing criminal offences punishable by imprisonment of three or more years,

shall be punished by imprisonment of six months to five years, if severe punishment for such organizing is not specified by the Law.

(2) Whoever organizes organized criminal group, if more severe punishment is not provided by the Law,

shall be punished by imprisonment from one to eight years.

(3) A member of the group specified in paragraph 1 of this Article,

shall be punished by imprisonment of three months to three years.

(4) A member of the organized criminal group specified in paragraph 2 of this Article,

shall be punished by imprisonment of six months to five years.

(5) If the offence specified in paragraph 1 and 2 of this Article refers to a group or other organized criminal group whose objective is committing of offences punishable by imprisonment of twenty years or *life sentence*\*,

the organizer of the group or organized criminal group shall be punished by minimum ten years imprisonment or thirty to forty years' imprisonment, and a member of the group or organized criminal group by imprisonment of six months to five years.

(6) The organizer of the group or organized criminal group specified in paragraphs 1, 2 and 5 of this Article who by exposing the group or organized criminal group or otherwise prevents commission of the offences for which the group was organized,

shall be punished by imprisonment up to three years and may be remitted from punishment.

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(7) A member of the group or organized criminal group specified in paragraphs 3 to 5 of this Article who exposes the group before committing as a member or on behalf of such group an offence specified in paragraphs 3 to 5 of this Article for whose commission the alliance was organized,

shall be punished by fine or imprisonment up to one year, and may be remitted from punishment.

### **Making and Obtaining Weapons and Tools Intended for Commission of an Offence**

#### *Article 347\**

*Whoever, with the aim of committing a criminal offence, manufactures, procures or enables another to acquire weapons, ammunition, explosive substances or blasting and explosive agents, as well as the means required for their manufacturing or poison, shall be punished with imprisonment of one to five years.\**

### **Illegal Production, Possession, Carrying and Circulation of Weapons and Explosives**

#### Article 348

(1) Whoever, without authorization, manufactures, modifies, sells, procures, exchanges or possesses firearms, convertible or disabled weapons, the parts thereof, ammunition, explosive substances or blasting and explosive agents

shall be punished with imprisonment of six months to five years and fined.

(2) If the subject of the offence specified in paragraph 1 of this Article comprises firearms, ammunition, explosive substances, blasting and explosive agents or agents made from explosive substances or gas weapons the manufacture, sale, procurement, exchange or possession of which is prohibited to citizens,

the offender shall be punished with imprisonment of one to eight years and fined.

(3) If the subject of the offence specified in paragraphs 1 and 2 of this Article comprises a larger amount of weapons, ammunition or agents, or weapons and other agents of substantial destructive power, or where the criminal offence is committed against the rules of international law,

the offender shall be punished with imprisonment of two to twelve years.

(4) Whoever carries without authorization the items specified in paragraphs 1 and 2 of this Article

shall be punished with imprisonment of two to twelve years.

(5) Whoever carries without authorisation the items specified in paragraph 1 of this Article, for the procurement and keeping of which he/she holds an authorisation of a competent authority,

shall be punished with imprisonment of six months to five years.

(6) The weapons, the parts thereof, ammunition, substances and agents specified in paragraphs 1 through 5 of this Article shall be seized.

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## **Participation in a Group Committing an Offence**

### Article 349

(1) Whoever participates in a group that by joint action kills a person or inflicts grave bodily harm, damages property to large extent or commits other criminal offence punishable by imprisonment of five or more years or attempts to commit one of these offences, shall be punished for participation by imprisonment of three months to five years.

(2) The ringleader of the group committing the offence specified in paragraph 1 of this Article, shall be punished by imprisonment of one to eight years.

## **Illegal Crossing of State Border and Human Trafficking**

### Article 350

(1) Whoever without a required permission crosses or attempts to cross the border of Serbia, under arms or by use of force, shall be punished with imprisonment of up to one year.

(2) Whoever enables another illegal crossing of the Serbia border or illegal sojourn or transit through Serbia with intent to acquire a benefit for himself or another person shall be punished with imprisonment of one to eight years.

(3) If the offence specified in paragraph 2 of this Article is committed by an group, by abuse of authority or in a manner endangering the lives and health of persons whose illicit crossing of the Serbian border, sojourn or transit is being facilitated or if a larger number of persons is being smuggled the perpetrator shall be punished with imprisonment of two to twelve years.

(4) If the offence specified in paragraph 2 of this Article is committed by an organized group, the offender shall be punished with imprisonment of three to fifteen years.

(5) The means intended or used for commission of the offence specified in paragraphs 1 through 3 of this Article shall be impounded.

## **Enabling Abuse of the Right to Asylum in a Foreign State**

### Article 350a

(1) Whoever, with the intent to acquire material gain for himself or other, carries out or organises transport, transfer, acceptance, accommodation, hiding or otherwise enables a Serbian citizen, by false appearance of his human rights and freedoms being jeopardized, seek asylum in a foreign country, shall be punished by imprisonment of from three months to three years.

(2) If the offence from paragraph 1 hereof was committed by a group or by abuse of power, the perpetrator shall be punished by imprisonment of six months to five years.

(3) The organiser shall be punished for the criminal offence referred to in paragraph 1 hereof by imprisonment of one to eight years.



(4) Objects, means of transport and other means intended for or used to commit the offence referred to in paragraphs 1 to 3 hereof shall be seized.

### **Wasting Time of Emergency Services**

#### Article 351

Whoever makes false representation of a signal for help or a signal for emergency or makes an unwarranted call for help and thereby causes unnecessary diversion of services of government authorities, fire brigade or other competent authority or causes disruption of traffic, shall be punished by fine or imprisonment up to one year.

### **Illegal Organisation of Gaming**

#### Article 352

(1) Whoever without a license issued by competent authority organises games of chance, shall be punished by fine or imprisonment up to two years.

(2) An organiser of games of chance or participant in a game specified in paragraph 1 of this Article who uses deceit, shall be punished by imprisonment of three months to five years.

(3) The means intended or used in committing the offence specified in paragraphs 1 and 2 of this Article, as well as monies and other items used in the game of chance, shall be seized.

### **Unlicensed Practise of a Profession**

#### Article 353

Whoever without license and for reward practises a particular profession that requires by law or other regulation enacted pursuant to law a license issued by competent authority or body, shall be punished by fine or imprisonment up to one year.

### **Unauthorized Performing of Archaeological Works**

#### Article 353a

(1) Whoever performs unauthorized archaeological excavations and researches, shall be punished with imprisonment of up to three years and fined.

(2) If the criminal offence specified in paragraph 1 this Article, is committed on archaeological or other immovable cultural resource that enjoys previous protection, or archaeological or immovable cultural resource is devastated, or a resource that enjoys previous protection, or during the performance of these works is used equipment or device for detecting and the finding of archaeological objects, shall be punished with imprisonment of six months to five years and fined.

(3) The objects originated from the criminal offence specified in paragraphs 1 and 2 this Article shall be seized.

## **Desecration of a Grave**

### Article 354

(1) Whoever without authorisation digs out, demolishes, damages or defiles a grave or other place where a deceased person is buried,  
shall be punished with a fine or imprisonment of up to three years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to whoever without authorisation demolishes, damages or removes or defiles a gravestone or other monument to the deceased.

(3) If the offence specified in paragraphs 1 and 2 of this Article establishes elements of a more serious offence, the offender shall be punished for that offence.

## **CHAPTER THIRTY TWO**

### **OFFENCES AGAINST LEGAL INSTRUMENTS**

#### **Forging a Document**

##### Article 355

(1) Whoever makes a forged document or alters a real document with intent to use such document as real or uses a forged or altered document as real or obtains such document to use,  
shall be punished with imprisonment of up to three years.

(2) If the offence specified in paragraph 1 of this Article is committed in respect of a public document, testament, bill of exchange, cheque, public or official record or other record that is kept under law,  
the offender shall be punished with imprisonment of three months to five years.

(3) The attempt of the offence specified in paragraph 1 of this Article shall be punished.

#### **Special Cases of Forging Documents**

##### Article 356

The following shall be deemed to be forging documents and shall be punished pursuant to Article 355 hereof:

1) Whoever without authorisation fills in a statement having affect as legal instrument in legal relations by using a blank form, paper or other document signed by another;

2) Whoever deceives another in respect of content of a document and such party affixes their signature on such document believing that he/she is signing another document or another content;

3) Whoever issues a document on behalf of another without authorisation of that person or on behalf of a person who does not exist;

4) Whoever as an issuer of a document affixes with his signature a position, rank or title although he holds no such position, rank or title, thereby granting crucial force of evidence to such document;

5) Whoever produces a document by using a genuine seal or sign without authorisation.

## **Forging an Official Document**

### *Article 357*

(1) An official who enters false data or fails to enter important data in an official document, record or file, or who certifies by his signature or official seal an official document, record or file with false content, or who with his signature or official seal enables another to produce an official document, record or file with false content,

shall be punished with imprisonment of three months to five years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to an official who in service uses a forged document, record or file as true, or who destroys, conceals or considerably damages an official document, record or file or makes it otherwise unusable.

(3) The responsible officer in an enterprise, institution or other entity who commits the offence specified in paragraphs 1 and 2 of this Article shall be punished with the penalty prescribed for that offence.

## **Inducing to Certify False Content**

### *Article 358*

(1) Whoever by deceiving competent authority induces such authority to certify in a public document, minutes or record false data that may serve as proof in legal transaction, shall be punished with imprisonment of three months to five years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to whoever uses such a document, minutes or record knowing that it is a forgery.

## **CHAPTER THIRTY THREE**

### **OFFENCES AGAINST OFFICIAL DUTY**

#### **Abuse of Office**

### *Article 359*

(1) An official who by abuse of office or authority, by exceeding the limits of his official (deleted) authority or by dereliction of duty acquires for himself or another physical or legal entity any benefit, or causes damages to a third party or seriously violates the rights of another, shall be punished with imprisonment of six months to five years.

(2) If the commission of the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars, the offender shall be punished with imprisonment of one to eight years.

(3) If the value of acquired material gain exceeds one million five hundred thousand dinars, the offender shall be punished with imprisonment of two to twelve years.

(4) Deleted.

## **Violation of Law by a Judge, Public Prosecutor or his Deputy**

### Article 360

(1) A judge or lay judge, public prosecutor or his deputy who in court proceedings with intent to acquire a benefit or to cause damages to another issues an unlawful act or otherwise violates the law,

shall be punished with imprisonment of six months to five years.

(2) If the commission of the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars,

the offender shall be punished with imprisonment of one to eight years.

(3) If the value of acquired material gain exceeds one million five hundred thousand dinars,

the offender shall be punished with imprisonment of two to twelve years.

## **Dereliction of Duty**

### Article 361

(1) An official who, by violating the law or other regulations or general acts, through omission to carry out his/her supervisory duty or otherwise through obvious negligence in conducting his/her duty, despite being aware or being obliged to be aware and despite that he/she could have been aware that such acts may result in serious infringement of another person's rights or material damage, and where such violation and/or damage exceeding four hundred and fifty thousand dinars occurs,

shall be fined or punished with imprisonment of up to three years.

(2) If the offence specified in paragraph 1 of this Article resulted in serious violation of rights of another person or material damage exceeding one million five hundred thousand dinars,

the offender shall be punished with imprisonment of six months to five years.

(3) A responsible officer in an institution or another entity, with the exception of those engaging in commercial activity, who commits the offence specified in paragraphs 1 and 2 of this Article,

shall be punished with the penalty prescribed for that offence.

## **Unlawful Collection and Payment**

### Article 362

An official who collects money from another who is not obliged to pay or charges another more than such person is obliged to pay, or who when paying or handing over items to another fails to pay, pays less or fails to hand over or hands over less,

shall be punished by fine or imprisonment up to three years.

## **Improper Use of Budget Funds**

### Article 362a

The responsible person of users of budgetary funds or responsible person in the organization of compulsory social insurance, who create obligations or approves payment of expenses and expenditures on budget account over the amount of one million dinars compared

to the amount determined by the budget, financial plan, or act of government which determines the amount of loan funds,  
shall be punished by fine or imprisonment up to one year.

### **Fraud in Service**

#### Article 363

(1) An official or responsible person who in discharge of duty, with intent to acquire unlawful material gain for himself or another by submitting false accounts or otherwise misleads an authorised official to effect unlawful payment,  
shall be punished by imprisonment of six months to five years and by fine.

(2) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars,  
the offender shall be punished by imprisonment of one to eight years and by fine.

(3) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars,  
the offender shall be punished by imprisonment of two to twelve years and by fine.

(4) Deleted.

### **Embezzlement**

#### Article 364

(1) Whoever with intent to acquire for himself/herself or another unlawful material gain appropriates money, securities or other movables entrusted to him/her by virtue of office or position in a government authority, institution or some other entity not involved in pursuit of an economic activity,  
shall be punished with imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding four hundred and fifty thousand dinars,  
the offender shall be punished with imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article results in acquiring material gain exceeding one million five hundred thousand dinars,  
the offender shall be punished with imprisonment of two to twelve years.

### **Unauthorised Use**

#### Article 365

Whoever without authorisation uses money, securities or other entrusted to him by virtue of his office or under terms of his position in a government authority, enterprise, institution, or other organisation or store or without authorisation gives such items to another for use,  
shall be punished by imprisonment of six months to five years.

## **Trading in Influence**

### Article 366

(1) Whoever solicits or accepts, directly or through the third party, for himself/herself or another a gift or other benefit to, by using his/her official or social position or his/her actual or assumed influence to intercede in performance or omission of an official action, shall be punished with imprisonment of six months to five years.

(2) Whoever promises, offers or gives, directly or through the third party, a gift or other benefit to another to intercede by using his/her official or social position or his/her actual or assumed influence in performance or omission of an official action, shall be punished with imprisonment of up to three years.

(3) Whoever by using his/her official or social position or his/her actual or assumed influence intercedes in performance of an official action that should not be performed or in omission of an official act that should have been performed, shall be punished with imprisonment of one to eight years.

(4) Whoever promises, offers or gives, directly or through the third party, a gift or other benefit to another to intercede by using his/her official or social position or his/her actual or assumed influence in performance of an official action that should not be performed or in omission of an official action that should be performed, shall be punished with imprisonment of six months to five years.

(5) If for intercepting specified in paragraph 3 of this Article, any solicited or received gift or any other benefit has been received, the offender shall be punished with imprisonment of two to ten years.

(6) A foreign official who commits the offence specified in paragraphs 1 through 4 of this Article shall be punished with the penalty prescribed for that offence.

(7) The gift and material gain shall be seized.

## **Soliciting and Accepting Bribes**

### Article 367

(1) An official who, directly or indirectly, solicits or accepts a gift or other benefit, or promise of a gift or other benefit for himself or another to perform an official act within his competence or in relation to his competence that should not be performed or not to perform an official act that should be performed, shall be punished with imprisonment of two to twelve years.

(2) An official who, directly or indirectly, solicits or accepts a gift or other benefit or a promise of a gift or benefit for himself or another to perform an official act within his competence or in relation to his competence that he is obliged to perform or not to perform an official act that should not be performed, shall be punished with imprisonment of two to eight years.

(3) An official who commits the offence specified in paragraphs 1 and 2 of this Article in respect of uncovering of a criminal offence, instigating or conducting criminal proceedings, pronouncement or enforcement of criminal sanction, shall be punished with imprisonment of three to fifteen years.

(4) An official who after performing or failure to perform an official act specified in paragraphs 1, 2 and 3 of this Article solicits or accepts a gift or other benefit in relation thereto, shall be punished with imprisonment of three months to three years.

(5) A foreign official who commits the offence specified in paragraphs 1 through 4 of this Article shall be punished with the penalty prescribed for that offence.

(6) A responsible officer in an institution or other entity not involved in pursuit of an economic activity, and who commits the offence specified in paragraphs 1, 2 and 4 of this Article

shall be punished with penalty prescribed for that offence.

(7) The received gift or material gain shall be seized.

## **Bribery**

### **Article 368**

(1) Whoever makes or offers a gift or other benefit to an official or another person, to within his/her official competence or in relation to his/her competence perform an official act that should not be performed or not to perform an official act that should be performed, or who acts as intermediary in such bribing of an official,

shall be punished with imprisonment of six months to five years.

(2) Whoever makes or offers a gift or other benefit to an official or another person to, within his official competence or in relation to his competence, perform an official act that he/she is obliged to perform or not to perform an official act that he/she may not perform or who acts as intermediary in such bribing of an official,

shall be punished with imprisonment of up to three years.

(3) Provisions of paragraphs 1 and 2 of this Article shall apply also when a bribe is given, offered or promised to a foreign official.

(4) The offender specified in paragraphs 1 through 3 of this Article who reports the offence before becoming aware that it has been detected, may be remitted from punishment.

(5) Provisions of paragraphs 1, 2 and 4 of this Article shall apply also when a bribe is given, offered or promised to a responsible officer in an institution or other entity not involved in pursuit of an economic activity.

(6) (Deleted)

## **Revealing of Official Secret**

### **Article 369**

(1) An official who without authorisation communicates, conveys or otherwise makes available information representing an official secret or whoever obtains such information with intent to convey it to an unauthorised person,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information or for publishing or use abroad, the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by imprisonment up to three years.

(4) An official secret is information and documents declared by law, other regulation or decision of the competent authority issued pursuant to law as an official secret and whose disclosure would cause or could cause damage to the service.

(5) Data or documents directed at serious violation of fundamental rights of man, or at endangering the constitutional order and security of Serbia, as well as data or documents that have as objective concealing of a committed criminal offence punishable under law by imprisonment of five years or more severe punishment shall not be deemed an official secret in terms of paragraph 4 of this Article.

(6) Provisions specified in paragraphs 1 through 4 of this Article shall also be applied to a person who has disclosed an official secret after his position of an official has ceased.

## **CHAPTER THIRTY FOUR**

### **CRIMINAL OFFENCES AGAINST HUMANITY AND OTHER RIGHT GUARANTEED BY INTERNATIONAL LAW**

#### **Genocide**

##### Article 370

Whoever with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such, orders killing or causing serious bodily or mental harm to members of the group, or deliberately inflicts on the group conditions of life calculated to bring about its physical destruction in whole or in part, or imposes measures intended to prevent births within the group or forcibly transfers children of the group to another group or who with same intent commits one of the aforementioned acts,

shall be punished by minimum five years imprisonment or *life sentence*\*.

#### **Crimes against Humanity**

##### Article 371

Whoever in violation of the rules of international law, as part of a wider and systematic attack against civilian population orders: murder; inflicts on the group conditions of life calculated to bring about its complete or partial extermination, enslavement, deportation, torture, rape; forcing to prostitution; forcing pregnancy or sterilisation aimed at changing the ethnic balance of the population; persecution on political, racial, national, ethical, sexual or other grounds; enforced disappearance; detention or abduction of persons without disclosing information on such acts in order to deny such person legal protection; oppression of a racial group or establishing domination or one group over another; or other similar inhumane acts that intentionally cause serious suffering or serious endangering of health, or whoever commits any of the above-mentioned offences,

shall be punished with imprisonment of minimum five years or *life sentence*\*.

#### **War Crimes against Civilian Population**

##### Article 372

(1) Whoever in violation of international law at time of war armed conflict or occupation orders an attack on civilian population, settlement, particular civilians, persons incapacitated for combat or members or facilities of humanitarian organisations or peace mission; wanton attack without target selection harming civilian population or civilian buildings under special protection of international law; attack against military targets knowing that such attack would cause collateral damage among civilians or damage to civilian buildings that is obviously disproportionate with the military effect; ordering against civilian population inflicting of bodily injury, torture, inhumane treatment, biological, medical or other research experiments, or taking of tissue or organs for transplantation or performing other acts causing harm to health or

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inflicting great suffering or who orders deportation or relocation or forced change of nationality or religion; forcing to prostitution or rape; applying intimidation and terror measures, taking of hostages, collective punishment, unlawful depriving of freedom and detention; depriving of the rights to a fair and impartial trial; proclaiming the rights and acts of enemy nationals prohibited, suspended or non-allowed in court proceedings; compelling into service of a hostile power or its intelligence or administration services; compelling to military service persons under seventeen years of age; forced labour; starving of population; unlawful seizure, appropriation or destruction of property not justified by military necessity; taking unlawful and disproportionate contributions and requisitions; devaluing of local currency or unlawful issuing of currency, or whoever commits any of the above offences,

shall be punished by imprisonment of minimum five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed to whoever, in violation of international law at time of war, armed conflict or occupation, orders: attack on facilities particularly protected under international law and installations and facilities with dangerous power such as dams, embankments and nuclear power plants; strikes against civilian facilities under special protection of international law, undefended places and demilitarised zones; long-term and extensive damage to environment that may be detrimental to health of persons or survival of population or whoever commits any of these offences.

(3) Whoever at time of war, armed conflict or occupation orders murder of civilian population or whoever commits such offence,

shall be punished by imprisonment of minimum ten years or *life sentence*\*.

(4) Whoever, in violation of the rules of international law at time of war, armed conflict or occupation, as an occupying power orders or undertakes relocation of part of its civilian population to occupied territories,

shall be punished by imprisonment of minimum five years.

(5) Whoever threatens to commit any of the offences specified in paragraphs 1 and 2 of this Article,

shall be punished by imprisonment of six months to five years.

## **War Crimes against the Wounded and Sick**

### Article 373

(1) Whoever in violation of international law at time of war, armed conflict or occupation orders inflicting bodily injuries, torture, inhuman treatment, biological, medical or other research experiment, taking of tissue or body organs for transplantation or other acts causing harm to health or serious suffering against the wounded, sick, shipwrecked or medical staff or religious staff, or orders destroying or appropriation of large extent of materials, medical transportation means and stocks of medical institutions or units that is not justified by military necessity or whoever commits any of the above offences,

shall be punished by imprisonment of minimum five years.

(2) Whoever at time of war, armed conflict or occupation orders murder of civilian population or whoever commits such offence,

shall be punished by imprisonment of minimum ten years or *life sentence*\*.

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## War Crimes against Prisoners of War

### Article 374

(1) Whoever in violation of international law orders injury, torture, inhuman treatment, biological, medical or other research experiments, taking of tissues or body organs for transplantation or commission of other acts harmful to health and causing serious suffering against prisoners of war, or compels prisoners of war to service in forces of a hostile power or deprives them of the rights to fair and regular trial; or whoever commits any of such offences, shall be punished by imprisonment of minimum five years.

(2) Whoever orders murder of prisoners of war or whoever commits such an offence, shall be punished by imprisonment of minimum ten years or *life sentence* \*.

## Organising and Incitement to Genocide and War Crimes

### Article 375

(1) Whoever conspires with another to commit any of the crimes specified in Articles 370 through 374 hereof, shall be punished by imprisonment of three months to three years.

(2) Whoever organises a group to commit the criminal offences specified in Article 1 of this Article, shall be punished by imprisonment of five to fifteen years.

(3) Whoever organizes a criminal group to commit the criminal offences specified in Article 1 of this Article, shall be punished by imprisonment of minimum five years.

(4) Whoever becomes member of a group specified in paragraph 2 of this Article, shall be punished by imprisonment of one to eight years.

(5) Whoever becomes member of an organized criminal group specified in paragraph 1 of this Article, shall be punished by imprisonment of two to ten years.

(6) The offender specified in paragraphs 1,4 and 5 of this Article who discloses the conspiracy prior to committing an offence as part of the group or for the group, or an offender specified in paragraph 2 and 3 of this Article who prevents commission of the offence specified in paragraph 1 of this Article may receive mitigation of punishment.

(7) Whoever calls for or incites to commission of offences specified in Articles 370 through 374 hereof, shall be punished by imprisonment of one to ten years.

## Employment of Prohibited Means of Warfare

### Article 376

(1) Whoever during time of war or armed conflict orders employment of means or methods of warfare that are banned under rules of international law or who uses such means or methods,

shall be punished by imprisonment of two to ten years.

(2) If the offence specified in paragraph 1 of this Article results in killing of a number of persons, the offender shall be punished by minimum five years imprisonment or *life sentence* \*.

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(3) Whoever calls for employment or prepares the use of weapons specified in paragraph 1 of this Article,  
shall be punished by imprisonment of six months to five years.

### **Unlawful Production, Trading and Keeping of Forbidden Weapons**

#### Article 377

(1) Whoever contrary to law, other regulations or rules of international law manufactures, buys, sells, imports, exports or otherwise procures or gives to another, stocks or transports weapons whose production or use is forbidden, or means for production thereof,  
shall be punished by imprisonment of one to eight years.

(2) An official or responsible person who orders or enables a legal entity to engage in activities provided under paragraph 1 of this Article,  
shall be punished by imprisonment of two to ten years.

### **Unlawful Killing and Wounding of Enemy**

#### Article 378

(1) Whoever in violation of international law at time of war or armed conflict kills or wounds an enemy who has laid down his weapons or has surrendered unconditionally or has no means of defence,  
shall be punished by imprisonment of one to fifteen years.

(2) If the murder specified in paragraph 1 of this Article is committed in a perfidious manner or from base motives,  
the offender shall be punished by imprisonment of minimum ten years.

(3) If the murder specified in paragraph 1 of this Article is committed in a cruel manner or for gain or if several persons have been killed,  
the offender shall be punished by imprisonment of minimum ten years or *life sentence*\*.

(4) The penalty specified in paragraph 3 of this Article shall be imposed also on whoever by violation of rules of international law in times of war or armed conflict orders that no enemy may be taken alive or conducts operations with such aim.

### **Unlawful Appropriation of Objects from Bodies**

#### Article 379

(1) Whoever orders unlawful appropriation of objects from the dead or wounded on the battlefield or who commits such an offence,  
shall be punished by imprisonment of one to five years.

(2) If the offence specified in paragraph 1 of this Article is committed in a cruel manner or if the value of appropriated objects exceeds four hundred and fifty thousand dinars,  
the offender shall be punished by imprisonment of one to eight years.

(3) If the value of appropriated objects specified in paragraph 1 of this Article exceeds one million,  
the offender shall be punished by imprisonment of two to ten years.

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## **Violation of Protection Granted to Bearer of Flag of Truce/Emissary**

### Article 380

Whoever in violation of international law at time of war or armed conflict abuses, mistreats or detains a bearer of a flag of truce/emissary or his escort or prevents their return or otherwise infringes their inviolability or orders such acts committed, shall be punished by imprisonment of six months to five years.

## **Cruel Treatment of the Wounded, Sick and Prisoners of War**

### Article 381

Whoever in violation of international law cruelly treats the wounded, sick or prisoners of war or prevents or obstructs exercising of their rights guaranteed by such rules, or whoever orders such acts committed, shall be punished by imprisonment of six months to five years.

## **Unjustified Delay of Repatriation of Prisoners of War**

### Article 382

Whoever in violation of international law delays without justification repatriation of prisoners of war or civilians after the end of war or armed conflict, or orders such delay, shall be punished by imprisonment of six months to five years.

## **Destroying Cultural Heritage**

### Article 383

(1) Whoever in violation of international law in time of war or armed conflict, destroys cultural or historic monuments or other objects of culture or religious facilities or institutions or facilities intended for the arts, sciences, education or humanitarian causes, or orders such acts committed,

shall be punished by imprisonment of three to fifteen years.

(2) If the offence specified in paragraph 1 of this Article results in destruction of a cultural facility or institution enjoying special protection under international law, the offender shall be punished by imprisonment of five to fifteen years.

## **Failure to Prevent Crimes against Humanity and other Values Protected under International Law**

### Article 384

(1) A military commander or person who in practise is discharging such function, knowing that forces under his command or control are preparing or have commenced committing offences specified in Article 370 through 374, Article 376. Articles 378 through 381 and Article 383 hereof fails to undertake measures that he could have taken or was obliged to take to prevent commission of such crimes, and this results in actual commission of that crime,

shall be punished by the penalty prescribed for such offence.

(2) Any other superior who knowing that forces under his command or control are preparing or have commenced committing of offences specified in Article 370 through 374, Article 376, Articles 378 through 381 and Article 383 hereof fails to undertake measures that

he could have taken or was obliged to take to prevent commission of such crimes, and this results in actual commission of that crime,  
shall be punished by the penalty prescribed for such offence.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,  
the offender shall be punished by imprisonment of six months to five years.

### **Violation of the Sanctions Imposed by the International Organizations**

#### Article 384a

(1) Whoever contrary to the decisions of international organizations of which Serbia is a member and which are binding for Serbia, its citizens and legal entities registered in its territory, and to which certain restrictions in terms of economic operations with certain countries or territories are introduced, imports, exports, transports or mediates the transport of goods, provides technical support, transfer of technology and knowledge of, or otherwise act contrary to the established prohibitions,  
shall be punished by imprisonment from three months to three years and fined.

(2) If the criminal offence specified in paragraph 1 this Article resulted in material loss to Serbia or harmful consequences are caused to the reputation and interests of Serbia,  
the offender shall be punished by imprisonment from one to eight years and a fine.

### **Abuse of International Signs**

#### Article 385

(1) Whoever abuses or carries without authorisation the flag or sign of the United Nations Organisation or the flag or symbol of the Red Cross Organisation or symbols corresponding thereto or other internationally recognised signs for designating particular facilities for their protection during military operations, or who orders such acts committed,  
shall be punished by imprisonment up to three years.

(2) Whoever commits the offence specified in paragraph 1 of this Article within the zone of war operations,  
shall be punished by imprisonment of six months to five years.

### **War of Aggression**

#### Article 386

(1) Whoever calls for or instigates a war of aggression,  
shall be punished by imprisonment of two to twelve years.

(2) Whoever orders waging a war of aggression,  
shall be punished by imprisonment of minimum ten years or *life sentence*\*.

### **Participation in War or Armed Conflict in a Foreign Country**

#### Article 386a

(1) Serbian citizen who participates in war or armed conflict in a foreign state, as a member of the military or paramilitary forces parties to the conflict, and is not a citizen of the

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foreign state, nor a member of the official mission of an international organisation of which Serbia is a member,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article has been committed within a group,

the perpetrator shall be punished by imprisonment of one to eight years.

### **Organising Participation in War or Armed Conflict in a Foreign State**

#### Article 386b

(1) Whoever with intent to commit the criminal offence referred to in Article 386a of this Code in the territory of Serbia recruits or encourages another person to commit the offence, organises a group or trains another person or group for commission of the offence, equips or puts at disposal the equipment for commission of the offence or gives or collects funds for commission of the offence,

shall be punished by imprisonment of two to ten years.

(2) For the offence specified in paragraph 1 of this Article the perpetrator shall be punished by the penalty prescribed for that offence even if the persons who organise are not citizens of Serbia.

### **Racial and Other Discrimination**

#### Article 387

(1) Whoever on grounds of race, colour, religion, nationality, ethnic origin or other personal characteristic violates fundamental human rights and freedoms guaranteed by universally accepted rules of international law and international treaties ratified by Serbia,

shall be punished with imprisonment of six months to five years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed on whoever persecutes organisations or individuals due to their commitment for equality of people.

(3) Whoever propagates ideas of superiority of one race over another or propagates racial intolerance or instigates racial discrimination,

shall be punished with imprisonment of three months to three years.

(4) Who spreads or otherwise makes publicly available texts, images or any other representation of ideas or theories advocated or encourages hatred, discrimination or violence against any person or group of persons based on race, colour, religious affiliation, nationality, ethnic origin or other personal property,

shall be punished with imprisonment of three months to three years.

(5) Whoever publicly approves of, denies the existence or significantly impairs the gravity of genocide, crimes against humanity and war crimes committed against a group of persons or a member of the group designated on the grounds of their race, colour of skin, religion, origin, state, national or ethnic affiliation, in the manner that may lead to violence or inciting hatred towards such a group of persons or a member of such a group, where such criminal offences are determined by a final judgement of a court in Serbia or of the International Criminal Court,

shall be punished with imprisonment of six months to five years.

(6) Whoever publicly threatened that, against a person or group of persons because of a particular race, colour, religion, nationality, ethnic origin or because of other personal property, committed a criminal offence punishable with imprisonment of four and more years,

shall be punished with imprisonment of three months to three years.

## **Human Trafficking**

### **Article 388**

(1) Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts,  
shall be punished with imprisonment of three to twelve years.

(2) When the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.

(3) If the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished with imprisonment of minimum five years.

(4) If the offence specified in paragraphs 1 and 2 of this Article resulted in grave bodily injury of a person,  
the offender shall be punished with imprisonment of five to fifteen years, and if a grave bodily injury of a minor had resulted from the offence referred to in paragraph 3 of this Article, the perpetrator shall be punished with imprisonment of at least five years.

(5) If the offence specified in paragraphs 1 and 3 of this Article resulted in death of one or more persons,  
the offender shall be punished with imprisonment of minimum ten years.

(6) Whoever habitually engages in offences specified in paragraphs 1 and 3 of this Article or if the offence is committed by a group,  
shall be punished with imprisonment of minimum five years.

(7) If the offence specified in paragraphs 1 to 3 of this Article, is committed by an organized group,  
the offender shall be punished with imprisonment of minimum ten years.

(8) Whoever knows or should know that the person is a victim of trafficking, and abuse its position or allow to another to abuse its position for the exploitation envisaged in paragraph 1 this Article,  
shall be punished with imprisonment of six months to five years.

(9) If the offence specified in paragraph 8 of this Article is committed against a person for whom an offender knew or could have known to be a minor,  
the offender shall be punished with imprisonment of one to eight years.

(10) Endorsement of persons to exploitation or establishing slavery or similar relation to it specified in paragraph 1 this Article, shall not affect the existence of crime specified in paragraphs 1, 2 and 6 of this Article.

## **Trafficking in Minors for Adoption**

### **Article 389**

(1) Whoever abducts a child under sixteen years of age for the purpose of adoption contrary to laws in force or whoever adopts such a child or mediates in such adoption or whoever for that purpose buys, sells or hands over another person under sixteen years of age or transports such a person, provides accommodation or conceals such a person,  
shall be punished with imprisonment of one to five years.

(2) Whoever habitually engages in activities specified in paragraph 1 of this Article or if the offence is committed by a group, shall be punished with imprisonment of minimum three years.

(3) If the offence specified in paragraph 1 of this Article, is committed by an organized group, the offender shall be punished with imprisonment of minimum five years.

### **Holding in Slavery and Transportation of Enslaved Persons**

#### Article 390

(1) Whoever in violation of international law enslaves another person or places a person in similar position, or holds a person in slavery or similar position, or buys, sells, hands over to another or mediates in buying, selling and handing over of such person or induces another to sell his freedom or freedom of persons under his support or care, shall be punished with imprisonment of one to ten years.

(2) Whoever transports persons in slavery or other similar position from one country to another, shall be punished with imprisonment of six months to five years.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article against a minor, shall be punished with imprisonment of five to fifteen years.

### **Endangering Persons under International Legal Protection**

#### Article 390a

(Deleted)

### **Terrorism**

#### Article 391

(1) Whoever with intent to seriously intimidate the population or to coerce Serbia, a foreign state or an international organisation to do or not to do something, or to seriously harm or violate the main constitutional, political, economic or social structures of Serbia, a foreign country or an international organisation:

1) attacks a life, body or liberty of another;  
2) commits abduction or takes hostages;  
3) destroys a state or a public object, traffic system, infrastructure, including information systems, an immovable platform in a continental shelf, a public good or private property in a manner that can jeopardize the lives of people or causes considerable damage to the economy;

4) abducts an aircraft, a ship or other means of public transport or goods transport:

5) produces, owns, acquires, transports, supplies or uses nuclear, biological, chemical or other weapon, explosive, nuclear or radioactive material or device, including research and development of nuclear, biological or chemical weapon;

6) releases dangerous matters or causes fire, explosion or flood or commits other generally dangerous acts that may jeopardize human life:

7) disturbs or interrupts the supply of water, electric energy or other basic natural resource that may jeopardize human life,

shall be punished with imprisonment of five to fifteen years.



(2) Whoever threatens to commit the offence specified in paragraph 1 of this Article, shall be punished with imprisonment of six months to five years.

(3) If the offence specified in paragraph 1 of this Article resulted in death of one or more persons or if it resulted in considerable devastation, the offender shall be punished with imprisonment of at least ten years.

(4) If in commission of the offence specified in paragraph 1 of this Article the offender kills one or more persons with intent, the offender shall be punished with imprisonment of minimum twelve years or *life sentence*\*.

(5) Whoever procures or reconditions the means for committing the criminal offence specified in paragraph 1 of this Article or removes obstacles for committing thereof or with another person agrees, plans or organizes committing thereof or takes any other action whereby conditions are created for direct commission thereof,

shall be punished with imprisonment of one to five years.

(6) Whoever, for the purpose of committing the offence specified in paragraph 1 of this Article, forwards or transports to the territory of Serbia any persons or weapons, explosive, poisons, equipment, ammunition or other materials,

shall be punished with imprisonment of two to ten years.

### **Public Inciting to Commission of Terrorist Offences**

#### Article 391a

Whoever publicly expresses or disseminates ideas which directly or indirectly incite the committing of the criminal offence from Article 391 hereof

shall be punished with imprisonment of one to ten years.

### **Recruiting and Training for the Committing of Terrorist Act**

#### Article 391b

(1) Whoever, intending to commit the criminal offence from Article 391 hereof recruits another to commit or to take part in committing of such offence or to join a terrorist organisation in order to take part in the committing of such offence

shall be punished with imprisonment of one to ten years.

(2) Punishment referred to in paragraph 1 hereof shall also be pronounced to whoever, intending to commit the criminal offence referred to in Article 391 hereof, gives instruction on the making or use of explosive devices, firearms or other weapons or harmful or dangerous substances or whoever trains another for committing or taking part in the committing of such criminal offence.

(3) *Whoever intends to commit a criminal offence specified in Article 391 of this Code, travels abroad for the purpose of preparation, training, planning or participation in the commission of such offence,*

*shall be punished by imprisonment of six months to five years.\**

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## Use of Lethal Device

### Article 391c

(1) Whoever, intending to deprive another of life, cause grave bodily injury or destroy or considerably damage state or public facility, public transportation system or other object of greater importance for the security or supply of citizens or for the economy or for the functioning of public services, makes, transports, holds, gives to another, sets up or activates a lethal device (explosive, chemicals, biological substances or poisons or radioactive substances) in a public place or in a facility or next to such facility

shall be punished with imprisonment of one to eight years.

(2) If, when committing the offence referred to in paragraph 1 hereof the perpetrator had intentionally caused grave bodily injury to a person or has destroyed or considerably damaged a public facility, he

shall be punished with imprisonment of five to fifteen years.

(3) If, when committing the offence referred to in paragraph 1 the perpetrator has deprived one or more persons of life, he

shall be punished with imprisonment of at least ten years or *life sentence*\*.

## Destruction of or Damage to a Nuclear Facility

### Article 391d

(1) Whoever, intending to deprive another of life, causes grave bodily injury, jeopardizes the environment or causes considerable material damage, destroys or damages a nuclear facility in the manner which releases or may release radioactive material,

shall be punished with imprisonment of two to ten years.

(2) If, when committing the offence referred to in paragraph 1 hereof, the perpetrator had intentionally caused grave bodily injury to another person or had destroyed or considerably damaged a nuclear facility,

shall be punished with imprisonment of five to fifteen years.

(3) If, when committing the offence referred to in paragraph 1 hereof the perpetrator intentionally deprives one or more persons of life, he

shall be punished with imprisonment of at least ten years or *life sentence*\*.

## Jeopardizing Persons under International Protection

### Article 392

(1) Whoever commits abduction or other violence against a person under international protection *or member of his/her family*\*, or attacks his official premises, private apartment or means of transport,

shall be punished with imprisonment of one to ten years.

(2) If the offence referred to in paragraph 1 results in death of one or more persons, the perpetrator

shall be punished with imprisonment of at least five years.

(3) If, when committing the offence referred to in paragraph 1 hereof the perpetrator intentionally deprives another of life, he

shall be punished with imprisonment of at least ten years or *life sentence*\*.

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(4) Whoever jeopardizes the safety of the person referred to in paragraph 1 hereof by a serious threat of attacking him, his official premises, personal apartment or means of transport, shall be punished with imprisonment of six months to five years.

## **Financing Terrorism**

### *Article 393\**

*(1) Whoever directly or indirectly provides or collects funds intended for financing or knowing they will be used for financing, fully or partially, for the commission of criminal offences specified in Articles 134, 287, 290, 291, 292, 293 and Articles 391 through 392 hereof, or for the financing of a organisations intending to commit such offences or members of such organisations or persons intending to commit such offences, shall be punished by imprisonment of one to ten years. \**

*(2) Funds from paragraph 1 of this Article shall be the funds, tangible or intangible, movable or immovable, regardless of the manner of obtaining thereof and the form of documents or instruments, including electronic or digital, proving ownership or interest in relation to such funds, including banking loans, travel cheques, monetary orders, securities, letter of credits and other funds. \**

*(3) The funds specified in paragraph 1 of this Article shall be seized. \**

## **Terrorist Association**

### *Article 393a*

(1) If two or more persons associate for a longer period for the purpose of committing criminal offences referred to in Articles 391 through 393 hereof, they shall be punished with the sentence prescribed for the committing of the offence for which the association was organised.

(2) The perpetrator of the offence referred to in paragraph 1 hereof who by disclosing the association or in another manner prevents the committing of criminal offences referred to in paragraph 1 hereof or who contributes to their discovery, shall be punished with imprisonment of up to three years, and may also be remitted of punishment.

## **CHAPTER THIRTY FIVE**

### **CRIMINAL OFFENCES AGAINST THE ARMY OF SERBIA**

#### **Evasion of Military Service**

##### *Article 394*

(1) Whoever, without justifiable cause, fails to comply with summons for military conscription, for compulsory military service or reserve military staff training, or avoids to receive call-up papers for such service, shall be punished by fine or imprisonment up to one year.

(2) Whoever hides in order to avoid the duty specified in paragraph 1 of this Article,

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shall be punished by imprisonment of three months to three years.

(3) Whoever leaves the country or remains abroad in order to avoid military duty specified in paragraph 1 of this Article,  
shall be punished by imprisonment of one to eight years.

(4) Whoever calls upon or instigates several persons to commit the offence specified in paragraphs 1 through 3 of this Article,  
shall be punished for the offence specified in paragraph 1 by imprisonment up to three years, and for the offence specified in paragraphs 2 and 3 by imprisonment of two to twelve years.

(5) The offender specified in paragraphs 1 through 3 of this Article who voluntarily reports himself to competent government authority may be remitted from punishment.

### **Evasion of Registration and Inspection**

#### Article 395

(1) Whoever contrary to statutory duty, without justifiable grounds, fails to comply with the summons of the competent government authority for registration or inspection or opposes inspection or registration of manpower or material resources necessary for defence of the country, or whoever provides false information during such registration or inspection,  
shall be punished by fine or imprisonment up to one year.

### **Failure to Provide Material Resources**

#### Article 396

(1) Whoever contrary to statutory duty, without justifiable grounds, fails to deliver at a designated location and specified time, and in state required for their intended purpose, material resources or livestock,  
shall be punished by fine or imprisonment up to one year.

(2) If the offence specified in paragraph 1 of this Article is committed during state of war, armed conflict or state of emergency,  
the offender shall be punished by imprisonment of six months to five years.

### **Evasion of Military Service by Self-disablement or Deceit**

#### Article 397

(1) Whoever with intent to evade military service or to be assigned to easier duty injures himself or otherwise temporarily incapacitates himself for military service, or allows another to temporarily incapacitate him, as well as whoever temporarily incapacitates another with or without that person's permission with same intent,  
shall be punished by imprisonment of three months to five years.

(2) If the offence specified in paragraph 1 of this Article results in permanent disability for military service,  
the offender shall be punished by imprisonment of one to eight years.

(3) Whoever with intent specified in paragraph 1 of this Article simulates an illness or uses false documents for himself or another or otherwise acts fraudulently,  
shall be punished by imprisonment of three months to five years.

## **Unlawful Exemption from Military Service**

### Article 398

Whoever by abuse of his position or authority makes possible for a serviceman subject to military duty to be exempted from service or to be assigned to easier duty, shall be punished by imprisonment of six months to five years.

## **Absence without Leave and Desertion from the Army of Serbia**

### Article 399

(1) A serviceman who is absent without leave from his unit or service for minimum five days or less if such absence occurs several time in one year, or who deserts his unit or service during execution of an important assignment or during increased combat readiness of the unit, shall be punished by fine or imprisonment up to one year.

(2) A serviceman who hides in order to evade service in the army or who is absent without leave from his unit or service for more than thirty days, shall be punished by imprisonment of three months to three years.

(3) A serviceman who leaves the country or remains abroad in order to evade military service, shall be punished by imprisonment of one to eight years.

(4) A serviceman who prepares to desert abroad in order to evade military service, shall be punished by imprisonment of three months to three years.

(5) Whoever calls upon or instigates several persons to commit the offence specified in paragraph 1 of this Article, shall be punished by imprisonment of one to eight years.

(6) Whoever calls upon or instigates several persons to commit the offence specified in paragraphs 2 and 3 of this Article, shall be punished by imprisonment of two to twelve years.

(7) The offender specified in paragraphs 2 and 3 who voluntarily reports to competent government authority to discharge his military service may be remitted of punishment.

## **Failure and Refusal to Obey an Order**

### Article 400

(1) A serviceman who fails or refuses to obey an order of a superior in relation to service, and thereby serious detrimental consequences result for the service or the service is seriously compromised, shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article results in serious consequences for the military service or the order relates to accepting and use of arms, the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraphs 1 and 2 is committed from negligence, the offender shall be punished for the offence specified in paragraph 1 by fine or imprisonment up to one year, and for the offence specified in paragraph 2 by imprisonment of three months to three years.

## **Opposing a Superior**

### Article 401

(1) A serviceman who together with other servicemen opposes an order of a superior related to service and refuses to obey such order or refuses to do his duty, shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 is committed in organised manner, the offender shall be punished by imprisonment of one to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article is committed by use of weapons, the offender shall be punished by imprisonment of one to eight years.

(4) A serviceman who in perpetrating the offence specified in paragraphs 1 through 3 of this Article commits manslaughter, shall be punished by imprisonment of two to ten years.

(5) The organiser and ringleader of the offence specified in paragraph 2 of this Article, shall be punished by imprisonment of two to ten years.

(6) Whoever makes preparations for committing of the offence specified in paragraph 2 of this Article, shall be punished by imprisonment of three months to three years.

(7) A military officer who, within his powers, and in cases of offences specified in paragraphs 1 through 4 of this Article, fails to undertake necessary, ordered or obviously required measures to restore order, shall be punished by imprisonment of one to five years.

## **Resistance to Serviceman on Special Military Duty**

### Article 402

Whoever resists a serviceman on sentry, patrol, on watch, guard or similar assignment or fails to obey his challenge or fails or refuses to obey his order and thereby serious detrimental consequences result for the service or the service is seriously compromised, shall be punished by imprisonment of three months to three years.

## **Compulsion against a Serviceman on Duty**

### Article 403

(1) Whoever by force or threat of use of force prevents a serviceman in performance of duty or compels him in the same manner to act contrary to official duty, shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article results in serious consequences for the service, the offender shall be punished by imprisonment of one to eight years.

(3) The attempt of the offence specified in paragraph 1 of this Article shall be punished.

## **Assault against a Serviceman on Duty**

### Article 404

- (1) Whoever assaults or threatens to assault a serviceman on duty, shall be punished by imprisonment of three months to three years.
- (2) If in commission of the offence specified in paragraph 1 of this Article the offender inflicts light bodily harm to a serviceman or threatens use of weapons, the offender shall be punished by imprisonment of three months to five years.
- (3) If in commission of the offence specified in paragraph 1 of this Article the offender inflicts grave bodily harm to a serviceman or has caused serious consequences to the service from negligence, the offender shall be punished by imprisonment of one to eight years.
- (4) If the commission of the offence specified in paragraph 1 of this Article resulted in manslaughter of a serviceman, the offender shall be punished by imprisonment of two to ten years.

## **Remittance of Punishment for Offences under Articles 400 through 404**

### Article 405

An offender specified in Articles 400, 401 paragraph 1, 402, 403 paragraph 1 and 404 paragraphs 1 and 2 hereof who was provoked by unlawful and rude treatment of a serviceman may be remitted from punishment.

## **Maltreating of Subordinate or Junior**

### Article 406

- (1) A superior officer who in service or in relation to service maltreats a subordinate or serviceman of junior rank or treats them in a way that offends dignity, shall be punished by imprisonment of three months to three years.
- (2) If the offence specified in paragraph 1 of this Article results in grave bodily harm or serious impairment of health of the subordinate or junior or if the offence is committed against several persons, the offender shall be punished by imprisonment of one to five years.

## **Violation of Special Military Duty**

### Article 407

- (1) A serviceman who acts contrary to regulations governing sentry, patrol, duty, guard or similar assignment and thereby serious consequences to the service occur or the service is seriously compromised, shall be punished by imprisonment of three months to three years.
- (2) If the offence specified in paragraph 1 of this Article is committed at weapons, ammunition or explosives depot or other important facility, the offender shall be punished by imprisonment of three months to five years.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in grave bodily harm or extensive property damage or other serious consequences, the offender shall be punished by imprisonment of one to eight years.

(4) If the offence specified in paragraphs 1 and 2 results in death of one or more persons, the offender shall be punished by imprisonment of two to twelve years.

(5) If the offences specified in paragraphs 1 through 4 have been committed from negligence,

the offender shall be punished for the offence specified in paragraph 1 by fine or imprisonment of up to one year, for the offence specified in paragraph 2 by fine or imprisonment up to two years, for the offence specified in paragraph 3 by imprisonment of three months to three years and for the offence specified in paragraph 4 by imprisonment of one to eight years.

### **Violation of Border Guard Duty**

#### Article 408

(1) An official who in discharge of duty at the state border acts in contravention of regulations governing guarding of state border, and thereby serious detrimental consequences occur or the service is seriously compromised,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article was committed during discharge of duty under special circumstances or if due to the offence grave bodily harm or extensive property damage or other serious consequences resulted,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article resulted in death of one or more persons,

the offender shall be punished by imprisonment of two to twelve years.

(4) If the offence specified in paragraph 1 of this Article was committed from negligence, the offender shall be punished by fine or imprisonment up to one year.

(5) If the offence specified in paragraph 4 of this Article results in consequences specified in paragraph 2 of this Article,

the offender shall be punished by imprisonment of three months to three years, and if the offence results in consequences specified in paragraph 3 of this Article, the offender shall be punished by imprisonment of one to eight years.

### **Submission of False Reports**

#### Article 409

(1) A serviceman who officially reports to a superior, whether orally or in writing, false information of importance to the service or omits an important fact or forwards such report although aware that information contained therein is false, and thereby causes serious detrimental consequences to the service or the service is seriously compromised,

shall be punished by imprisonment of three months to three years.

(2) If the offence specified in paragraph 1 of this Article is committed by submitting of a report of particular significance or if serious consequences result,

the offender shall be punished by imprisonment of one to eight years.



(3) If the offence specified in paragraphs 1 and 2 of this Article was committed from negligence,  
the offender shall be punished for the offence in paragraph 1 by fine or imprisonment up to one year, and for the offence specified in paragraph 2 by imprisonment of three months to three years.

### **Failure to Undertake Measures for Security of a Military Unit**

#### Article 410

(1) A military commander who within his purview fails to undertake measures that are prescribed, ordered or other measures obviously necessary to ensure the security of the unit, protection of life and health of persons entrusted to him, security and maintenance in proper condition of facilities, objects and resources for combat readiness, regular provision of food or military equipment or keeping and caring of livestock, or timely and proper repair work or security of facilities entrusted to him, and thereby endangers the life or health of people or property of large value,

shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article results in a grave bodily harm or extensive damage to property, or other grave consequences,  
the offender shall be punished by imprisonment of six months to five years.

(3) If the offence specified in paragraph 1 of this Article results in death of one or more persons,  
the offender shall be punished by imprisonment of one to ten years.

(4) If the offence specified in paragraph 1 of this Article is committed from negligence,  
the offender shall be punished by fine or imprisonment up to one year.

(5) If the offence specified in paragraph 4 of this Article results in consequences specified in paragraph 2 of this Article,  
the offender shall be punished by imprisonment up to three years, and if it results in consequences specified in paragraph 3 of this Article, the offender shall be punished by imprisonment up to five years.

### **Unconscientious Manufacture and Acceptance of Weapons and other Military Equipment**

#### Article 411

(1) A serviceman or other official entrusted in an enterprise of other legal person in defence industry with management of the production or technological process or supervision thereof, who by unconscientious discharge of service or duty entrusted to him causes that weapons, ammunition or other military equipment are not manufactured in due time or of required quality,

shall be punished by imprisonment of three months to three years.

(2) The penalty specified in paragraph 1 of this Article shall be imposed also on a serviceman or other person who by unconscientious discharge of duty accepts weapons or other military equipment that does not meet requirements or contracted terms.

(3) If the offence specified in paragraphs 1 and 2 of this Article results in serious consequences,  
the offender shall be punished by imprisonment of one to eight years.

(4) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,  
the offender shall be punished by fine or imprisonment up to one year.

(5) If the offence specified in paragraph 4 of this Article results in consequences specified in paragraph 3 of this Article,  
the offender shall be punished by imprisonment of three months to three years.

### **Improper Care of Weapons**

#### Article 412

(1) Whoever improperly keeps, stores or handles weapons, ammunition or explosives belonging to a military unit or military institution and thereby causes damage thereof of considerable extent, destruction or disappearance,  
shall be punished by imprisonment up to one year.

(2) The supervisor of the weapons, ammunition, explosives, and other combat means depot who fails to undertake measures for their security and maintenance, and thereby extensive damage, destruction or disappearance of such combat means results,  
shall be punished by imprisonment of three months to five years.

(3) If the offence specified in paragraph 2 of this Article results in extensive material damages,  
the offender shall be punished by imprisonment of one to ten years.

(4) If the offence specified in paragraphs 1 and 2 of this Article is committed from negligence,  
the offender shall be punished by fine or imprisonment up to two years.

(5) If the offence specified in paragraph 4 of this Article results in consequences specified in paragraph 3 of this Article,  
the offender shall be punished by imprisonment of three months to five years.

### **Unlawful Disposal with Entrusted Weapons**

#### Article 413

Whoever appropriates, disposes of, pawns, hands over to another to use, damages or destroys weapons, ammunition or explosives entrusted to him to use and that serve for defence purposes,  
shall be punished by imprisonment of three months to five years.

### **Theft of Weapons or Parts of Combat Equipment**

#### Article 414

(1) Whoever steals weapons, ammunition, explosives, combat means or part thereof serving for defence,  
shall be punished by imprisonment of six months to five years.

(2) If the value of items specified in paragraph 1 of this Article exceeds four hundred and fifty thousand dinars or if the theft was committed by breaking and entering of locked buildings, rooms, safes, cabinets or other closed premises or committed by a group or in a particularly dangerous or insolent manner or by a person carrying a weapon or dangerous implement for attack or defence, or during fire, flood, earthquake or other calamity,

the offender shall be punished by imprisonment of two to ten years.

(3) If the value of items specified in paragraph 1 of this Article exceeds one million five hundred thousand dinars,

the offender shall be punished by imprisonment of two to twelve years.

### **Disclosing a Military Secret**

#### Article 415

(1) Whoever without authorisation communicates, hands over or otherwise makes available information representing a military secret or whoever obtains such information with intent to hand it over to an unauthorised person,

shall be punished by imprisonment of six months to five years.

(2) If the offence specified in paragraph 1 of this Article is committed for gain or in respect of particularly confidential information or for publishing or use of such information abroad,

the offender shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by imprisonment up to three years.

(4) A military secret is information declared by law, other regulations or decision of a competent authority pursuant to law as a military secret and whose disclosure would or could cause damage to the Army of Serbia or to the defence and security of the country.

(5) Information or documents directed at serious violation of fundamental rights of man or at compromising the constitutional order and security of Serbia, as well as information and documents aimed at concealing a committed criminal offence punishable under law by imprisonment of five years or more severe punishment shall not be deemed a military secret in terms of paragraph 4 of this Article.

### **Unauthorised Access to Military Facilities**

#### Article 416

Whoever without authorisation enters a military facility or makes sketches or drawings of the military facility or combat means or takes photographs thereof or otherwise makes photographic record, although knowing that this is prohibited,

shall be punished by imprisonment up to three years.

### **Penalties for Criminal Offences Committed During State of War, Armed Conflict and State of Emergency**

#### Article 417

(1) For criminal offences specified in Articles 394 paragraph 1, 399 paragraph 1 and 4, 400 paragraph 1 and 3, 401 paragraph 1, 6 and 7, 402, 403, 404 paragraph 1 and 2, 406, 407 paragraph 1, 2 and 5, 408 paragraph 1, 4 and 5, 409, 410 paragraph 1 and 4, 411 paragraph 1, 2, 4 and 5, 412 paragraph 1, 2, 4 and 5, 413, 414 paragraph 1, 415 paragraph 1 and 3 and 416 hereof, if committed during state of war, armed conflict or state of emergency,

the offender shall be punished by imprisonment of two to ten years.

(2) For the criminal offences specified in Articles 394 paragraph 2 through 4, 397, 398, 399 paragraph 2, 3, 5 and 6, 400 paragraph 2, 401 paragraph 2 through 5, 404 paragraph 3 and 4, 407 paragraph 3, 408 paragraph 2, 410 paragraph 2 and 5, 411 paragraph 3, 412 paragraph 3, 414 paragraph 2 and 3 and 415 paragraph 2 hereof, if committed during state of war, armed conflict or state of emergency,

the offender shall be punished by imprisonment of three to fifteen years.

(3) For the criminal offences specified in Articles 407 paragraph 4, 408 paragraph 3 and 410 paragraph 3 hereof, if committed during state of war, armed conflict or state of emergency,

the offender shall be punished by imprisonment of minimum ten years.

### **Failure of Duty to Conduct Mobilisation**

#### Article 418

(1) A serviceman or official who during mobilisation in time of state of war, armed conflict or state of emergency, contrary to their duty fail do provide receiving, assignment and billeting of recruits, transportation and other means and livestock or fail to ensure provisions for mobilised personnel or livestock, resulting or that could have resulted in detrimental consequences,

shall be punished by imprisonment of one to five years.

(2) If the offence specified in paragraph 1 of this Article resulted in serious consequences,

the offender shall be punished by imprisonment of minimum ten years.

(3) If the offence specified in paragraph 1 of this Article is committed from negligence, the offender shall be punished by imprisonment up to three years.

(4) If the offence specified in paragraph 3 of this Article resulted in consequences specified in paragraph 2 of this Article,

the offender shall be punished by imprisonment of six months to five years.

### **Undermining Military and Defence Power**

#### Article 419

(1) Whoever destroys, disables or enables handing over to the enemy of defence installations, defence facilities, position, armament and other military and defence means, ship or aircraft or surrenders a unit to the enemy without a fight or before exhausting all means of defence or otherwise hinders or endangers military or defence measures,

shall be punished by imprisonment of three to fifteen years.

(2) Whoever commits the offence specified in paragraph 1 of this Article with intent to aid the enemy,

shall be punished by imprisonment of five to fifteen years.

(3) Whoever prepares commission of the offence specified in paragraphs 1 and 2 of this Article,

shall be punished by imprisonment of one to six years.

(4) If the offences specified in paragraph 1 of this Article are committed from negligence, the offender shall be punished by imprisonment of one to eight years.

(5) If the offence specified in paragraph 1 and 2 of this Article resulted in death of one or more persons or has endangered lives or has been accompanied by serious acts of violence or extensive devastation or has resulted in compromising the security, economic or military power of the country,

the offender shall be punished by imprisonment of minimum ten years.

## **Preventing Opposition to the Enemy**

### Article 420

(1) Whoever at time of war or armed conflict prevents citizens of Serbia or citizens of allied countries from fighting the enemy,

shall be punished by imprisonment of five to fifteen years.

(2) Whoever at time of war or armed conflict deters citizens of Serbia and its allies from fighting the enemy through propaganda or otherwise,

shall be punished by imprisonment of one to eight years.

## **Defection and Surrender to the Enemy**

### Article 421

(1) A serviceman who during war or armed conflict defects to the enemy forces, shall be punished by imprisonment of minimum ten years.

(2) A serviceman who during war or armed conflict surrenders to the enemy before exhausting all means of defence,

shall be punished by imprisonment of two to ten years.

## **Service in the Forces of a Hostile Power**

### Article 422

(1) A citizen of Serbia who in times of war or armed conflict serves in hostile forces or participates in war or armed conflict as combatant against Serbia and its allies, shall be punished by imprisonment of three to fifteen years.

(2) Whoever recruits Serbia citizens for service in hostile forces or for participation in the war or armed conflict against Serbia or its allies,

shall be punished by imprisonment of five to fifteen years.

## **Aiding the Enemy**

### Article 423

(1) A citizen of Serbia who during war or armed conflict assists the enemy in requisition, sequestering of food or other resources or in implementing any coercive measures against the population,

shall be punished by imprisonment of two to ten years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to a citizen of Serbia who at time of war politically or economically collaborates with the enemy.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in death of one or more persons or has endangered lives or was accompanied with serious acts of violence or extensive devastation or has compromised the security, economic or military power of the country, the offender shall be punished by imprisonment of minimum ten years.

## **Failure to Discharge Duty and Abandoning of Post during Combat**

### Article 424

(1) A serviceman who during combat operation or imminently before combat fails to do his duty and thereby detrimental consequences result to the military unit or combat situation, shall be punished by imprisonment of two to ten years.

(2) The penalty specified in paragraph 1 of this Article shall also be imposed to a serviceman who during combat or imminently before combat arbitrarily or fraudulently abandons his post.

(3) If the offences specified in paragraphs 1 and 2 of this Article result in serious consequences, the offender shall be punished by imprisonment of minimum ten years.

## **Abandoning of Post Contrary to Orders**

### Article 425

(1) A military commander who contrary to orders abandons a position with the unit under his command before exhausting all possibilities of defence, shall be punished by imprisonment of two to twelve years.

(2) If the offences specified in paragraph 1 of this Article result in serious consequences, the offender shall be punished by imprisonment of minimum ten years.

## **Early Abandoning of a Damaged Vessel and Aircraft**

### Article 426

(1) A commander of a navy ship who at time of war or armed conflict abandons a damaged ship before fulfilling his duty pursuant to regulations on naval service, shall be punished by imprisonment of two to ten years.

(2) A crew member of a navy ship who at time of war or armed conflict abandons a damaged ship before the captain has issued orders to abandon ship or a member of the crew of a military aircraft who at time of war or armed conflict abandons a damaged military aircraft before fulfilling his duty pursuant to regulations on flight and use of aircraft, shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in serious consequences, the offender shall be punished for the offence specified in paragraph 1 of this Article by imprisonment of minimum ten years, and for the offence specified in paragraph 2 of this Article by imprisonment of two to ten years.

## **Weakening of Combat Morale**

### Article 427

(1) Whoever directly before or during combat by provoking dissatisfaction among troops, spreading disturbing news, escape, throwing down weapons or ammunition, provoking or spreading fear or otherwise, weakens combat morale in the unit or compromises a combat situation, shall be punished by imprisonment of two to twelve years.

(2) A commanding officer who fails to undertake necessary measures against a subordinate or junior officer who during combat or directly before combat spreads fear among troops or otherwise weakens combat morale or compromises a combat situation, shall be punished by imprisonment of one to eight years.

(3) If the offence specified in paragraphs 1 and 2 of this Article resulted in serious consequences, the offender shall be punished by imprisonment of minimum ten years.

### **Failure to Report to Military Bodies**

#### Article 428

(1) Whoever during state of war, armed conflict or state of emergency does not report to a superior, senior officer or military command of an event that obviously requires undertaking of urgent military measures, shall be punished by imprisonment up to three years.

(2) If the offence specified in paragraph 1 of this Article resulted in serious consequences, the offender shall be punished by imprisonment of two to ten years.

### **Requirements for Pronouncing Disciplinary Punishment and/or Measure**

#### Article 429

A disciplinary punishment and/or measure set forth under law may be pronounced instead of criminal sanction to a serviceman for a criminal offence against the Army of Serbia carrying statutory punishment up to three years imprisonment, if such an act has acquired a particularly inconsequential aspect and if so required by exigencies of service.

### **Offences Committed at Orders of a Superior**

#### Article 430

A subordinate shall not be punished for an offence committed at orders of a superior relating to official duty, unless the order relates to commission of a criminal offence punishable by imprisonment of five or more years and the subordinate was aware that complying with the order constitutes a criminal offence.

## **CHAPTER THIRTY SIX**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### Article 431

(1) On the day of coming into force of this Code the following shall be set aside: the basic Criminal Law (Official Gazette of the SFRY. Nos. 44/76, 46/77, 34/84, 37/84, 74/87, 57/89, 3/90, 38/90, 45/90 and 54/90, Official Gazette of the FRY Nos. 35/92, 16/93, 31/93, 37/93, 24/94 and 61/01, Official Gazette of the RS, No. 39/03) and the Criminal Code of the Republic of Serbia (Official Gazette of the SRS, Nos. 26/77, 28/77, 43/77, 20/79, 24/84, 39/86,

51/87, 6/89 and 42/89, Official Gazette of the RS, Nos. 21/90, 16/90, 26/91, 75/91, 9/92, 49/92, 51/92, 23/93, 67/93, 47/94, 17/95, 44/98, 10/02, 11/02, 80/02, 39/03 and 67/03);

(2) On the day of coming into force of this Code criminal law provisions contained in the following shall be set aside:

– Article 105 and 107 of the Law on Election of Deputies to the National Assembly (Official Gazette of the RS, Nos. 35/00, 57/03 and 18/04);

– Article 45 of the Law on Protection from Ionising Radiation (Official Gazette of the FRY, No. 46/96);

– Article 3 of the Law prohibiting Construction of Nuclear Power Plants in the FRY (Official Gazette of the FRY, No. 12/95);

– Article 92 of the Mining Act (Official Gazette of the RS, No. 44/95);

– Article 12 of the Antimonopoly Act (Official Gazette of the FRY, No. 29/96);

– Articles 172 and 174 of the Tax Procedure and Tax Administration Act (Official Gazette of the RS, Nos. 80/02, 84/02, 23/03, 70/03, 55/04 and 61/05);

– Article 27 of the Prevention of Money Laundering Act (Official Gazette of the FRY, No. 53/01);

– Article 87 of the Law on the National Bank of Serbia (Official Gazette of the RS, Nos. 72/03 and 55/04);

– Article 330 of the Customs Act (Official Gazette of the RS, Nos. 73/03 and 61/05);

– Articles 179, 181 and 182 of the Bankruptcy Act (Official Gazette of the RS, No. 84/04);

– Article 141 of the Drugs and Medications Act (Official Gazette of the RS, No. 84/04);

– Article 24 of the Public Peace and Order Act (Official Gazette of the RS, Nos. 5/92, 53/93, 67/93 and 48/94);

– Article 33 of the Weapons and Ammunitions Act (Official Gazette of the RS, Nos. 9/92, 53/93, 67/93, 48/94, 44/98 and 39/03);

– Article 97 of the Gaming Act (Official Gazette of the RS, No. 84/04);

– Article 1052 of the Maritime and Inland Waters Navigation Act (Official Gazette of the FRY, Nos. 12/98, 44/99, 74/99 and 73/00);

– Article 46a of the Trading Act (Official Gazette of the FRY, Nos. 32/93, 41/93, 50/93, 41/94, 29/96 and 37/02);

– Article 244 of the Securities and other Financial Instruments Act (Official Gazette of the FRY, No. 65/02 and the Official Gazette of the RS, Nos. 57/03, 55/04 and 45/05);

– Article 31 of the Law on Manufacture and Trade of Weapons and Military Equipment Act (Official Gazette of the FRY, No. 41/96);

– Article 221 of the Insurance Act (Official Gazette of the RS, Nos. 55/04, 70/04 and 61/05).

#### Article 432

This Code shall come into force on 1 January 2006.

\* \* \*

### **ARTICLES NOT INCLUDED IN THE FINAL TEXT**

#### **LAW ON AMENDMENTS AND ADDITIONS TO THE CRIMINAL CODE**

(Službeni glasnik RS, No. 72/09)

#### Article 189

On the day of coming into force of this Code the following shall be set aside:



- Articles 149 and 150 of the Law on Planning and Construction (Official Gazette of the RS, Nos. 47/03 and 34/06);
- Article 173 of the Law on Tax Procedure and Tax Administration (Official Gazette of the RS, Nos. 80/02, 84/02 - Corrigendum, 23/03 - Corrigendum, 70/03, 55/04, 61/05, 85/05 – other law, 62/06 – other law, 63/06 – Corrigendum of the other law, 61/07 and 20/09);
- Article 20 of the Law on Protection against Violence and Unbecoming Behaviour during Sport Events (Official Gazette of the RS, Nos. 67/03, 101/05 – other law and 90/07).

#### Article 190

This Code shall come into force on the eighth day upon its publication in the Službeni glasnik Republike Srbije.

\* \* \*

ARTICLES NOT INCLUDED IN THE FINAL TEXT  
LAW ON AMENDMENTS AND ADDITIONS TO THE CRIMINAL CODE  
(Službeni glasnik RS, No. 111/09)

#### Article 6

This Code shall come into force on the eighth day upon its publication in the Službeni glasnik Republike Srbije.

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ARTICLES NOT INCLUDED IN THE FINAL TEXT  
LAW ON AMENDMENTS AND ADDITIONS TO THE CRIMINAL CODE  
(Službeni glasnik RS, No. 121/12)

#### Article 45

This Code shall come into force on the eighth day upon its publication in the Službeni glasnik Republike Srbije with the exception of Articles 21 and 35 which become effective on 15 April 2013.

\* \* \*

ARTICLES NOT INCLUDED IN THE FINAL TEXT  
LAW ON AMENDMENTS AND ADDITIONS TO THE CRIMINAL CODE  
(Službeni glasnik RS, No. 104/13)

#### Article 6

This Law shall come into force on the eighth day upon its publication in the Službeni glasnik Republike Srbije.

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ARTICLES NOT INCLUDED IN THE FINAL TEXT

LAW ON ADDITIONS TO THE CRIMINAL CODE

(Službeni glasnik RS, No. 108/14)

Article 2

This Law shall come into force on the eighth day upon its publication in the Službeni glasnik Republike Srbije.

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ARTICLES NOT INCLUDED IN THE FINAL TEXT

LAW ON AMENDMENTS AND ADDITIONS TO THE CRIMINAL CODE

(Službeni glasnik RS, No. 94/16)

Article 42

This Law shall come into force on 1 June, 2017, except for the provisions of Article 24, Article 27 and Articles 35 through 38 of this Law that shall come into force on 1 March, 2018, and provisions of Article 41 that shall come into force on the eighth day upon its publication in the Službeni glasnik Republike Srbije.

\* \* \*

*ARTICLES NOT INCLUDED IN THE FINAL TEXT*

*LAW ON AMENDMENTS AND ADDITIONS TO THE CRIMINAL CODE*

*(Službeni glasnik RS, No. 35/19)*

*Article 41*

*For a criminal offence committed upon entry into force of this Law, the perpetrator of this criminal offence, who was earlier convicted, the penalty shall be determined by application of provisions of Art. 8 and 9 of this Law.*

*Article 42*

*This Law shall enter into force on 1 December 2019.*