

The Criminal Code
z dnia 6 czerwca 1997 r. (Dz.U. tłum. gb Nr 88, poz. 553)

Cz General part.

Rozdział I. Principles of criminal liability.

Art. 1. Conditions of liability.

§ 1. Only a person who commits an act punishable under the law in force at that time bears criminal liability.

§ 2. If the effects of a prohibited act on society are insignificant, it will not constitute an offence.

§ 3. The offender of a prohibited act does not commit an offence if no guilt can be attributed to him at that time.

Art. 2. Criminal consequences by omission. Only a person with a specific legal duty to prevent criminal consequences committed by omission bears criminal liability for an offence with such consequences.

Art. 3. Humanitarian principles. Penalties and other measures provided for in this Code are applied with humanitarian principles in mind, particularly with respect for human dignity.

Art. 4. Changes in law.

§ 1. If the law in force when sentencing is different to the law in force when the offence was committed, the new law will apply. However, the former law applies if it is more lenient for the offender.

§ 2. If the sentence concerns an act for which the sanction under the new law has a lower upper limit than the sanction imposed, then the sanction will be lowered to the upper limit of the statutory sanction provided for the act under the new law.

§ 3. If the sentence concerns an act that under the new law is no longer subject to imprisonment, an enforceable sanction of imprisonment is commuted to a fine or the restriction of liberty, assuming that one month's imprisonment is equivalent to 60 times the daily fine, or two months' restriction of liberty.

§ 4. If the sentence concerns an act that under the new law is no longer punishable, the sentence is cancelled by virtue of the law.

Art. 5. Territorial principles. Polish criminal law applies to an offender who commits a prohibited act in the Republic of Poland, or on a Polish vessel or aircraft, unless the Republic of Poland is party to an international agreement stating otherwise.

Art. 6. Time and place of the offence.

§ 1. A prohibited act is deemed to have been committed at the time that the offender acts or fails to perform an action that the offender is obliged to perform.

§ 2. A prohibited act is deemed to have been committed at the place where the offender acts or fails to perform an action that the offender is obliged to perform, or where the results of the prohibited act take place, or are intended by the offender to take place.

Art. 7. Indictable and summary offence.

§ 1. An offence is either an indictable offence or a summary offence.

§ 2. An indictable offence is a prohibited act punished by imprisonment for at least three years, or a more severe penalty.

§ 3. A summary offence is a prohibited act punished by a fine higher than 30 times the daily rate, the restriction of liberty or imprisonment exceeding one month.

Art. 8. Intent and lack of intent. An indictable offence must involve intent; a summary offence may be committed without intent, where stated by the law.

Art. 9. Additional information.

§ 1. A prohibited act is committed with intent when the offender wants to commit it, namely where there is a desire to commit it or an acceptance of the foreseen possibility of committing the act.

§ 2. A prohibited act is committed without intent where the offender does not intend to commit it, but does so out of a failure to exercise due care under the circumstances, even though the possibility of committing the prohibited act was foreseen, or could have been foreseen.

§ 3. The offender bears more severe liability, which the law makes dependent on certain consequences of a prohibited act, if the consequences were foreseen or could have been foreseen.

Art. 10. Age.

§ 1. The provisions of this Code apply to anyone aged 17 or older who commits a prohibited act.

§ 2. The provisions of this Code may apply to minors aged 15 or older who commit a prohibited act set out in Article 134, Article 148 §§1, 2 or 3, Article 156 §§ 1 or 3, Article 163 §§ 1 or 3, Article 166, Article 173 §§ 1 or 3, Article 197 § 3 or 4, Article 223 § 2, Article 252 §§ 1 or 2 and in Article 280, if deemed appropriate given the circumstances of the case and the level of mental development of the offender, the characteristics and personal situation, and especially if previously attempts at educational or correctional measures have been ineffective.

§ 3. In the case set out in § 2, the sentence imposed may not exceed two-thirds of the statutory maximum sentence for the offence attributed to the offender; the court may also apply an extraordinary mitigation of punishment.

§ 4. If an offender commits a prohibited act after turning 17, but before turning 18 years old, the court will adopt educational, therapeutic, or correctional measures prescribed for young offenders, instead of a penalty, if it is deemed appropriate given the circumstances of the case and the level of mental development of the offender, the characteristics and personal situation.

Art. 11. Overlapping provisions.

§ 1. One act can only constitute one offence.

§ 2. If an act has the features specified in two or more provisions of criminal law, the court sentences the offender for one offence on the basis of all the applicable provisions.

§ 3. In the case specified in § 2, the court imposes a sentence on the basis of the provision providing for the most severe penalty, which does not prevent the court from imposing other measures provided for in law on the basis of all the applicable provisions.

Art. 12. Serial acts. Two or more prohibited acts undertaken at short intervals with premeditated intent are deemed to be one prohibited act. If the offence involves an attack on personal interests, then multiple acts can only be deemed a single prohibited act if they relate to the same aggrieved party.

Rozdział II. Forms of Committing an Offence.

Art. 13. Attempt.

§ 1. Anyone who intends to commit a prohibited act and makes a direct attempt that is subsequently not completed will be held liable for an attempt.

§ 2. An attempt also occurs when the offender is unaware that it is not possible to commit the act because there is no suitable object on which to perpetrate the prohibited act, or because the tools used are not suitable for perpetrating this prohibited act.

Art. 14. Criminality.

§ 1. The sentence imposed by the court for an attempt will be within the limits of the penalty provided for the given offence.

§ 2. In the case specified in Article 13 § 2, the court may apply an extraordinary mitigation of punishment, or even issue an absolute discharge.

Art. 15. Active repentance and absolute discharge.

§ 1. Anyone who voluntarily ceases a prohibited act or prevents the consequences of the act is not subject to a penalty for the attempt.

§ 2. The court may apply an extraordinary mitigation of punishment to an offender who has voluntarily attempted to prevent the consequences constituting a feature of the prohibited act.

Art. 16. Preparation.

§ 1. Preparation only takes place when the offender, in order to commit a prohibited act, undertakes activities aimed at creating the conditions for performing an act leading directly to the prohibited act being carried out; in particular by entering into an arrangement with another person, acquiring or preparing tools, gathering information or concluding a plan of action for this purpose.

§ 2. Preparation is subject to a penalty only when established by the law.

Art. 17. Preparation and absolute discharge.

§ 1. Anyone who voluntarily ceases the preparation, in particular by destroying prepared tools or preventing them from being used in the future, is not subject to penalty. If an arrangement was entered into with another person in order to commit a prohibited act, then anyone who makes a serious attempt to prevent the prohibited act from being committed is not subject to a penalty.

§ 2. Anyone covered by Article 15 § 1 is not liable to a penalty for preparation.

Art. 18. Perpetration, instigation, aiding and abetting.

§ 1. Not only is the offender of a prohibited act liable, whether alone or together with an accomplice, but also anyone who organises a prohibited act to be carried out by another person, or who, taking advantage of the dependency of another person on him or her, orders that person to commit the prohibited act.

§ 2. Anyone who, intending another person to commit a prohibited act, induces the person to do so, is liable for instigation.

§ 3. Anyone who, intending another person to commit a prohibited act, serves to facilitate the commission of the act, particularly by providing tools, means of transport, or providing advice or information, will be liable for aiding and abetting. In addition, anyone who, acting against a particular legal duty to prevent a prohibited act, facilitates its commission by another person through his or her omission, is also liable for aiding and abetting.

Art. 19. Criminality.

§ 1. The penalty imposed by the court for aiding and abetting will be within the limits of the penalty provided for the given offence.

§ 2. In imposing the penalty for aiding and abetting, the court may apply an extraordinary mitigation of punishment.

Art. 20. Non-accessory liability. Everyone participating in carrying out a prohibited act is liable within the limits of his or her intent, or lack thereof, irrespective of the liability of other participants.

Art. 21. Personal circumstances.

§ 1. Personal circumstances excluding, mitigating or aggravating an individual's criminal liability are only considered for the person they relate to.

§ 2. If individual circumstances regarding the offender constitute a feature of a prohibited act, even if only in connection with increasing the penalty, then any accomplices are held liable under criminal law for the prohibited act if they knew about the circumstances, even though they did not relate to the accomplice.

§ 3. With regard to an accomplice to whom the circumstances referred to under § 2 do not apply, the court may apply an extraordinary mitigation of punishment.

Art. 22. Accessory liability.

§ 1. Where a prohibited act was only attempted, the subject specified in Article 18 §§ 2 and 3 is liable for an attempt.

§ 2. Where a prohibited act was not attempted, the court may apply an extraordinary mitigation of punishment, or even issue an absolute discharge.

Art. 23. Active repentance.

§ 1. An accomplice to a prohibited act who voluntarily prevented it from being carried out is not subject to a penalty.

§ 2. The court may apply an extraordinary mitigation of punishment with regard to an accomplice who voluntarily tried to prevent the prohibited act from being carried out.

Art. 24. Incitement. Anyone who incites another person to commit a prohibited act in order to direct criminal proceedings towards that person will be liable as for instigating; in this case Articles 22 and 23 do not apply.

Rozdział III. Exclusion of criminal liability.

Art. 25. Necessary self-defence.

§ 1. Anyone who, out of necessary self-defence, repels a direct illegal attack on any legally protected interest is not deemed to have committed an offence.

§ 2. If the self-defence exceeds what is necessary, in particular when the offender uses a means of defence disproportionate to the danger of the attack, the court may apply an extraordinary mitigation of the penalty, or even issue an absolute decree.

§ 3. The court will issue an absolute discharge if the limits of necessary self-defence were exceeded as a result of fear or emotional distress, justified by the circumstances of the attack.

§ 4. Anyone who, in self-defence, prevents an attack on another person's well-being, protected by law, or to maintain safety or public order, benefits from the legal protection provided to public officials.

§ 5. The provision of § 4 does not apply if the offender's attack against the person driving back the attack is directed exclusively at this person's honour or dignity.

Art. 26. Protective force.

§ 1. Anyone whose actions are carried out in order to avert an immediate danger threatening any legally protected interest, if the danger cannot otherwise be avoided and the interest sacrificed is less valuable than the interest saved, is not deemed to have committed an offence.

§ 2. Anyone who saves any legally protected interest under the circumstances defined in § 1, or who sacrifices an interest not significantly greater than the interest being saved, will also not be deemed to have committed an offence.

§ 3. If the limits of protective force have been exceeded, the court may apply an extraordinary mitigation of the penalty, or even issue an absolute discharge.

§ 4. The provisions of § 2 do not apply where the offender sacrifices an interest that he or she has a special duty to protect, even by exposure to personal danger.

§ 5. The provisions of §§ 1-3 apply accordingly when only one of the offender's obligations can be performed.

Art. 27. Experiment.

§ 1. Anyone who intends to conduct a cognitive, medical, technical or economic experiment does not commit an offence as long as the anticipated benefit is of vital cognitive, medical or economic importance, and the expectation of the benefits, their usefulness and the method of conducting the experiment are justified according to the state of knowledge at that time.

§ 2. An experiment is only admissible with the consent of the participant, having been duly informed of the expected benefits, the danger and the likelihood of adverse effects, as well as of the possibility of withdrawing from participating in the experiments at any stage.

§ 3. The principles and conditions for allowing medical experiments will be set out by law.

Art. 28. Mistaken circumstances.

§ 1. An act committed by anyone who is mistaken about the circumstances constituting a feature of a prohibited act is not deemed an intentional offence.

§ 2. Anyone who commits an offence in the justified but mistaken conviction that there are circumstances constituting a feature of a prohibited act carrying a less severe penalty bears criminal liability under the provision that provides for a less severe penalty.

Art. 29. Mistake over the exclusion of guilt. No offence is committed by anyone who performs a prohibited act in the justified but mistaken conviction that there are circumstances excluding unlawfulness or guilt; if the offender's mistake is unjustified, the court may apply an extraordinary mitigation of the penalty.

Art. 30. Ignorance of unlawfulness. No offence is committed by anyone who performs a prohibited act while being justifiably unaware of its unlawfulness; if the offender's mistake is not justified, the court may apply an extraordinary mitigation of the penalty.

Art. 31. Insanity and diminished sanity.

§ 1. No offence is committed by anyone who performs a prohibited act while incapable of recognising its significance or of controlling his or her actions due to a mental disease, mental deficiency or other mental disturbance.

§ 2. If an offence was committed while the offender's ability to recognise the significance of the act or to control his or her actions was significantly diminished, the court may apply an extraordinary mitigation of the penalty.

§ 3. The provisions of §§ 1 and 2 do not apply where the offender has caused his or her own insobriety or intoxication, leading to the exclusion or limitation of accountability, which was or could have anticipated.

Rozdział IV. Penalties.

Art. 32. Catalogue. The penalties are:

- 1) fines,
- 2) the restriction of liberty,
- 3) imprisonment,
- 4) imprisonment for 25 years,
- 5) life imprisonment.

Art. 33. Fines.

§ 1. Fines are imposed in terms of daily units, setting out the amount of a unit and the number of daily units to be charged; unless the law states otherwise, the lowest number of daily units is 10, and the highest is 540.

§ 2. The court may also impose a fine along with imprisonment, as specified in Article 32 section 3, if the offender committed the act in order to gain a material benefit, or when he or she gained such benefit.

§ 3. In setting the daily unit, the court considers the offender's income, personal situation, family situation, material wealth and earning potential; the daily unit may not be lower than 10 PLN, or higher than 2000 PLN.

Art. 34. Restriction of liberty.

§ 1. Unless otherwise provided by law, a penalty of restriction of liberty is imposed for at least one month, but not more than 12 months; it is imposed in terms of months.

§ 2. For the duration of the penalty of restriction of liberty, the offender:

- 1) may not change his or her permanent place of residence without permission from the court,
- 2) is obliged to perform unpaid, supervised work for community purposes,
- 3) is obliged to provide explanations regarding the course of serving the penalty.

Art. 35. Community work.

§ 1. Unpaid, supervised work for community purposes is for 20 to 40 hours a month.

§ 2. If the person is employed, the court may decide that, instead of the obligation specified in Article 34 § 2 section 2, an amount between 10 and 25% of the person's monthly remuneration may be deducted for community purposes designated by the court; while undergoing this penalty, the sentenced person may not terminate his or her employment without permission from the court.

Art. 36. Supervision and additional obligations.

§ 1. (*repealed*)

§ 2. When imposing a penalty of the restriction of liberty, the court may decide to impose on the offender the obligations specified in Article 72.

§ 3. Article 74 applies accordingly.

Art. 37. Imprisonment. The penalty of imprisonment, mentioned in Article 32 section 3, is for at least one month, but not more than 15 years; it is imposed in terms of years and months.

Art. 38. Mitigation and extraordinary aggravation.

§ 1. If the law provides for the mitigation or extraordinary aggravation of the statutory maximum penalty, then, in the event of threatened alternative penalties, as listed in Article 32 sections 1-3, the mitigation or aggravation concerns each of these penalties.

§ 2. An extraordinarily aggravated penalty may not exceed 810 times the daily units for a fine, two years of restriction of liberty or 15 years imprisonment; the penalty of the restriction of liberty is imposed in terms of years and months

§ 3. If the law provides for a mitigation of the maximum statutory penalty, the penalty imposed for an offence carrying a penalty of life imprisonment may not exceed 25 years, and for an offence carrying a penalty of imprisonment for 25 years may not exceed 15 years.

Rozdział V. Penal measures.

Art. 39. Catalogue. Penal measures are:

- 1) deprivation of public rights,
- 2) disqualification from specific posts, the exercise of specific professions or engagement in specific economic activities,
- 2a) disqualification from activities involving raising, treating and educating minors, and taking care of them,
- 2b) a prohibition on being in certain communities and locations, a prohibition on contacting certain individuals or on leaving a specific place of residence without the court's consent,
- 2c) disqualification from operating machinery,
- 2d) a ban on entering gaming centres or participating in games of chance,
- 2e) an order to leave premises jointly occupied with the aggrieved party,
- 3) disqualification from driving,
- 4) forfeiture,
- 5) an obligation to remedy damage caused or compensate for harm done,
- 6) exemplary damages,
- 7) monetary performance,
- 8) announcement of the sentence publicly.

Art. 40. Public rights.

§ 1. The deprivation of public rights includes the loss of the right to vote and to be elected to public office, self-governing professional or economic bodies, the loss of the right to participate in the administration of justice or to perform a function in the state administration, local government or self-governing professional bodies; as well as being stripped of military rank and demotion to the rank of private; the deprivation of public rights also includes being stripped of decorations, distinctions and honorary titles, as well as the inability to obtain such titles during the period of the deprivation of rights.

§ 2. When sentencing the restriction of liberty, the court may decide on the deprivation of public rights for a period of at least three years for an offence committed with particularly reproachable malice.

Art. 41. Holding posts or performing professions.

§ 1. If the offender has abused his post or profession when committing the offence, or has shown that certain essential interests protected by law would be threatened if he or she continues in the present post or profession, the court may decide to disqualify the offender from holding specific posts or performing specific professions.

§ 1a. If an offender is sentenced to the restriction of liberty for an offence against sexual freedom or decency to the detriment of a minor, the court may decide to permanently disqualify the offender from performing any or specific professions or activities connected with raising, educating or treating minors, or caring for them.

§ 1b. The court will issue a permanent disqualification, as mentioned in § 1a, if the offender reoffends in the circumstances set out in this provision.

§ 2. If an offender has been sentenced for an offence related to specific business activity, the court may decide to disqualify him or her from performing this activity, if certain legally-protected essential interests would otherwise be threatened.

Art. 41a. Ban on contact, close contact or leaving a particular place.

§ 1. If an offender has been sentenced for an offence against sexual freedom or decency to the detriment of a minor, or for any other offence against freedom, or an offence involving intentional violence, including violence against a close relative, the court may forbid the offender from being in certain communities and locations, or forbid contact with certain individuals, or forbid leaving a particular place of residence without the court's consent. The prohibition may be linked to an obligation to report to the police or other designated authority at specified intervals.

§ 2. If an offender has been sentenced to prison without a conditional suspended sentence for an offence against sexual freedom or decency to the detriment of a minor, the court will forbid the offender from being in certain communities and locations, or forbid contact with certain individuals, or forbid leaving a particular place of residence without the court's consent. The prohibition may be linked to an obligation to report to the police or other designated authority at specified intervals.

§ 3. The court may permanently forbid an offender from being in certain communities and locations, or forbid contact with certain individuals, or forbid leaving a particular place of residence without the court's consent if the offender reoffends in the circumstances set out in § 2.

§ 4. In a ruling forbidding close contact with a specific individual, the court indicates the distance that the offender must maintain away from the protected individual.

Art. 41b. Ban on participation at mass events.

§ 1. The court may prohibit entry to a mass event if an offence has been committed at such an event and the offender's participation in the mass event threatens legally-protected interests. The court may rule on a prohibition on entry to a mass event in the cases specified in the act.

§ 2. A prohibition on entering mass events includes all mass events in the Republic of Poland and football matches played by the Polish national team or Polish club teams outside of Poland.

§ 3. In a ruling setting out a prohibition on entering a mass event in connection with an act committed in connection with a mass sporting event, the court may order the offender to be present in a fixed location for the duration of certain mass events from which participation has been prohibited, and be controlled in the manner set out in the provisions on the exercise of a sentence of imprisonment outside of prison, under electronic surveillance.

§ 4. When re-sentencing for an offence committed in connection with a mass event, the court will order a prohibition on entering mass events and impose the obligation specified in § 3.

§ 5. In particularly justified cases, the court may order that, even after the period for which the obligation specified in § 3 has been ordered, the offender must present him or herself at a police station, or a location specified by the relevant Poviát police commander (district or municipal) for the residence of the offender, during the mass event from which participation has been prohibited.

§ 6. The total time of applying the obligations set out in §§ 3 and 5 may not exceed the period for which the offender is prohibited from participating at mass events.

§ 7. If the circumstances indicate that the obligation set out in § 3 is not possible, or the judgment is obviously impracticable, then instead of this requirement the offender is required to present him or herself at a police station, or a location specified by the relevant Poviát police commander (district or municipal) for the residence of the offender, during the mass event from which participation has been prohibited.

§ 8. In imposing the obligation referred to in §§ 3, 5 or 7, the court specifies the mass events during which the obligation is to be executed, indicating in particular the names of sports, clubs names and the territorial coverage of the events to which the obligation relates.

§ 9. The obligations established on the basis of §§ 3, 5 and 7 will be imposed in terms of months and years. The obligation referred to in § 3 are imposed for a period of not less than six months and not longer than 12 months, and the obligation referred to in § 7 is imposed for a period of six months to six years, not exceeding the period for which access to a mass event has been prohibited.

Art. 41c. Ban on entry to gaming centres and participation in games of chance.

§ 1. A prohibition on entry to gaming centres and from participating in games of chance does not include participation in promotional lotteries.

§ 2. The court may order a prohibition on entry to gaming centres and from participating in games of chance in the event of a conviction following an offence committed in connection with operating or participating in games of chance.

Art. 42. Disqualification from driving.

§ 1. If a road user is sentenced for an offence against road safety, the court may disqualify the offender from driving specified types of vehicles, especially where the nature of the offence committed indicates that by driving a vehicle this person would endanger road safety.

§ 2. If, while committing an offence specified in §1, the offender was drunk or under the influence of narcotics, or fled from the scene of the incident described in Articles 173, 174 or 177, the court will disqualify the offender from driving any type of motor vehicle, or specified types of motor vehicle.

§ 3. If, while committing an offence specified in Articles 173 that results in a fatality or serious damage to health, or while committing an offence specified in Article 177 § 2, or Article 355 § 2, the offender was drunk, under the influence of narcotics or fled from the scene of the incident, without any justification, the court will permanently disqualify the offender from driving any type of motor vehicles.

§ 4. The court will issue a permanent disqualification from driving any motor vehicles if a road user reoffends under the conditions described in §3.

Art. 43. Deprivation of civil rights.

§ 1. Unless the law states otherwise, the deprivation of civil rights and disqualifications specified in Article 39 sections 2 and 3 are imposed in terms of years, from 1 to 10 years, the prohibition and disqualification specified in Article 39 sections 2a and 2b are imposed in terms of years, from one to 15 years, and the disqualification specified in Article 39 section 2c is imposed in terms of years, from two to six years.

§ 2. The deprivation of rights, or the obligation, prohibition or disqualification imposed by the court comes into effect from when the sentence becomes final; the period for which the measure is imposed does not run while serving a penalty of imprisonment, even if it has been imposed for another offence.

§ 3. When imposing the measure described in Article 42, the court orders the offender to surrender the driving licence; the disqualification does not begin until this obligation has been met.

Art. 44. Forfeiture.

§ 1. The court will order the forfeiture of items coming directly as a result of an offence.

§ 2. The court may order, and in specified cases must order, the forfeiture of the items that were used or were intended to be used to commit the offence.

§ 3. If the forfeiture described in § 2 is not commensurate with the severity of the offence committed, the court may order exemplary damages to be paid to the State Treasury instead.

§ 4. If the forfeiture of items specified in §§ 1 or 2 is not possible, the court may order the forfeiture of items with a monetary value equivalent to the items coming directly as a result of the offence, or items used or intended to be used to commit the offence.

§ 5. The items specified in §§ 1 or 2 are not subject to forfeit if they can be returned to the aggrieved party or any other authorised party.

§ 6. If the offender is convicted of violating a prohibition on producing, possessing, trading in or transporting specific items, the court may order, and in specified cases must order, the forfeiture of such items.

§ 7. If the items referred to in §§ 2 or 6 are not the property of the offender, the court may only order their forfeiture in the cases provided for in law; in the case of co-ownership, the order only covers the forfeiture of the share owned by the offender, or the obligation to pay a monetary equivalent.

§ 8. Items that are subject to forfeiture are transferred to the ownership of the State Treasury when the sentence becomes final.

Art. 45. Material benefit.

§ 1. If the offender has received a material benefit as a result of the offence, even indirectly, not subject to the forfeiture mentioned in Article 44 § 1 or § 6, the court will order the forfeiture of the benefit or its equivalent. The forfeiture is not ordered, either partially or in full, if the benefit or its equivalent is repaid to the aggrieved party or another party.

§ 2. If an offender is convicted for an offence whereby the offender received a material benefit of considerable value, even indirectly, the assets that the offender took possession of, or to which any title was acquired, at the time of the offence, or after committing it up until sentence is passed, even if not final, is considered as a benefit of the offence, unless the offender or another interested party submits evidence to the contrary.

§ 3. If the circumstances of the case indicate a high probability that the offender referred to in § 2, passed assets constituting a benefit of the offence to an individual, a company or an organisational entity without legal personality, in fact or under any legal title, it is considered that the items in the sole possession of the person, company or entity and the ownership rights thereto, belong to the offender, unless the interested person, company or organisational entity can provide lawful title to them.

§ 4. The provisions of §§ 2 and 3 also apply when assets are attached under Article 292 § 2 of the Code of Criminal Procedure, when securing the threat of forfeiture of benefits and when enforcing the measure. The person, company or entity affected by the presumption established in § 3 may raise a claim against the State Treasury to challenge that presumption; enforcement proceedings are suspended until the case is finally resolved.

§ 5. In the event of co-ownership, a forfeiture order concerns the offender's share, or the monetary equivalent.

§ 6. The material benefit subject to forfeiture, or its equivalent, becomes the property of the State Treasury when the order becomes final, and in the case referred to in the second sentence of § 4 it is when the claim against the State Treasury is finally dismissed.

Art. 46. Remedying damage.

§ 1. In the event of a conviction, the court may order, at the request of the aggrieved party or another party authorised in the order, the offender to partially or fully remedy any damage caused by the offence, or compensate for any injury; the civil law provisions on the statute of limitations on claims and the possibility of awarding a pension do not apply.

§ 2. Instead of the obligations set out in § 1, the court may order exemplary damages to be paid to the aggrieved party.

Art. 47. Monetary performance.

§ 1. If an offender is sentenced for a deliberate offence against life or health, or for a deliberate offence resulting in a fatality, serious bodily harm or physical injury, or damage to health, or for an offence specified under Articles 173, 174, 177 or 355, for driving a mechanical vehicle while drunk or under the influence of narcotics, or for fleeing from the scene of an incident, the court may impose exemplary damages to be paid to the Victim Support Fund and Post Penitentiary Aid.

§ 2. If an offender is sentenced for an offence against the environment, the court may impose exemplary damages to be paid to the National Fund for Environmental Protection and Water Management mentioned in Article 400 of the Act on Environmental Protection dated 27 April 2001 (Journal of laws from 2008, No 25, item 150, as amended).

Art. 47a (repealed)

Art. 48. Amount of exemplary damages. Exemplary damages will be ordered up to 100,000 PLN.

Art. 49. Monetary performance.

§ 1. If the court decides not to impose a penalty, including in cases prescribed in law, then it may decide to award the monetary performance described in Article 39 section 7, to the Victim Support Fund and Post Penitentiary Aid; the award may not be for more than 60,000 PLN.

§ 2. If an offender is sentenced for an offence defined in Article 178a, 179 or 180, the court may award the monetary performance mentioned in Article 39 section 7 to the Victim Support Fund and Post Penitentiary Aid, up to the amount set out in § 1.

Art. 50. Publishing the sentence. The court may decide to announce the sentence publicly in a defined manner, if the court finds this proper, in particular due to the social effect of sentencing, and it does not breach the interests of the aggrieved party.

Art. 51. Notification of the family court. When depriving or restricting parental or guardianship rights as a result of an offence committed against a minor, or in co-operation with a minor, the court will notify the relevant family court.

Art. 52. Return of benefits. If an offender is sentenced for an offence bringing material benefits to an individual, a company or an organisational entity without legal personality, where the offence was committed on its behalf or in its interest, the court will order the party that acquired the material benefit to return all or part of it to the State Treasury; this does not apply to a material benefit to be returned to another party.

Art. 4a (*repealed*)

Rozdział VI. Principles of passing sentence and penal measures.

Art. 53. General directive.

§ 1. The court passes a sentence at its own discretion, within the limits prescribed by law, ensuring that the severity does not exceed the degree of guilt, being aware of the degree of social consequences of the act, and taking into account the preventive and educational objectives that the penalty is to achieve with regard to the offender, as well as the need to develop legal awareness in society.

§ 2. When passing sentence, the court will primarily take into account the motivation of the offender and the way he or she acted, whether the offence was committed together with a minor, the type and degree of the breach of duties the offender is charged with, the type and degree of any negative consequences of the offence, the features and personal conditions of the offender, his or her lifestyle before committing the offence, and his or her conduct afterwards, and in particular any efforts to redress the damage or to satisfy the public sense of justice in any way. The court will also take the behaviour of the aggrieved party into account.

§ 3. When passing sentence, the court will also take into account the positive results of mediation between the aggrieved party and the offender, or any settlement they may have reached in the proceedings before the prosecutor or the court.

Art. 54. Sentencing minors or juveniles.

§ 1. When passing sentence on a minor or a juvenile, the court will primarily aim at rehabilitating the offender.

§ 2. An offender who was under the age of 18 at the time of committing of the offence will not be sentenced to life imprisonment.

Art. 55. Individualisation. Circumstances affecting the sentence passed are only taken into account for the person they relate to.

Art. 56. Relevant application. The provisions of Article 53, Article 54 § 1 and Article 55 apply accordingly when imposing other measures provided for in this code.

Art. 57. Grounds for mitigation and aggravation.

§ 1. If there are several independent grounds for the extraordinary mitigation or aggravation of a penalty, the court may mitigate or aggravate the penalty only once, having considered all the grounds for mitigation or aggravation.

§ 2. If there are coinciding grounds for an extraordinary mitigation and aggravation, the court may adopt an extraordinary mitigation or aggravation of the penalty.

Art. 57a. Exemplary damages.

§ 1. For an offence involving hooliganism, the court will pass a sentence at a level not lower than one and a half times the statutory minimum provided for the offence attributed to the offender.

§ 2. In the case described in § 1, the court will order exemplary damages to the aggrieved party, unless it orders the redress of damage, compensation for damages suffered or exemplary damages in accordance with Article 46. If the aggrieved party has not been determined, the court may order exemplary damages in favour of the Victim Support Fund and Post Penitentiary Aid.

Art. 58. Option of penalty.

§ 1. If the law provides for an option of the type of penalty, the court will only impose an unsuspended sentence of imprisonment where no other penalty or penal measure would serve the purpose thereof.

§ 2. No fine is imposed where the offender's income, situation or earning potential makes it reasonable to suppose that the offender would not pay the fine, and where enforcement would not be possible.

§ 2a. The restriction of liberty in connection with the obligation mentioned in Article 35 § 1 is not imposed if the health condition of the accused, or his or her personal attributes and status, give grounds to suspect that the accused will not perform this obligation.

§ 3. If the offence is subject to imprisonment for up to five years, the court may, instead of imposing this penalty, impose a fine or a penalty of the restriction of liberty for up to two years, particularly where it imposes penal measures at the same time; the penalty of the restriction of liberty is measured in terms of months and years.

§ 4. The provision of § 3 does not apply to the offender of an offence involving hooliganism, or to an offence set out in Article 178a § 4.

Art. 59. Lowering the penalty.

§ 1. If the offence is subject only to imprisonment for up to three years, or to a lesser penalty, and the social impact of the act is not significant, the court may decide to impose a penal measure instead of the penalty, where the aim of the penalty is performed by the measure.

§ 2. The provision of § 1 does not apply to the offender of an offence involving hooliganism.

Art. 60. Extraordinary mitigation.

§ 1. The court may apply an extraordinary mitigation of the penalty in the cases set out by law, or in connection with a juvenile, where this is justified by the circumstances described in Article 54 § 1.

§ 2. The court may also apply an extraordinary mitigation of the penalty in particularly justified cases, where even the lowest penalty stipulated for the offence in question would be incommensurate, and particularly:

1) if the aggrieved party and the offender have been reconciled, if the damage incurred has been redressed, or the aggrieved party and the offender have agreed on how the damage will be redressed,

2) given the attitude of the offender, particularly if he or she attempted to redress the damage or prevent the damage from occurring,

3) if an offender of an unintentional offence, or a next of kin, has suffered serious damage in connection with the offence committed.

§ 3. The court will apply an extraordinary mitigation of the penalty, or may even grant a suspended sentence, with respect to an offender who acted in concert with others in committing an offence, then reveals information to the prosecutors about other offenders involved in committing the offence, or the essential circumstances thereof.

§ 4. At the motion from the prosecutor, the court may apply an extraordinary mitigation of the penalty, or even grant a conditional suspended sentence, with respect to an offender, who, irrespective of any explanations given in his or her case, provides prosecutors with substantial assistance concerning an offence that they did not previously know about, and which is subject to imprisonment for more than five years.

§ 5. In the cases referred to in §§ 3 and 4, where the court imposes a sentence of imprisonment for up to five years, it may conditionally suspend the sentence for a probation period of up to 10 years if it recognises that, in spite of not serving the penalty, the offender will not reoffend; the provisions of Articles 71-76 apply accordingly.

§ 6. The extraordinary mitigation of a penalty consists in imposing a penalty below the minimum statutory sentence, or imposing a less severe type of penalty, in accordance with the following principles:

1) if the act in question involves a minimum sentence of 25 years imprisonment, the court will impose a penalty of imprisonment for not less than eight years;

2) if the act in question constitutes an indictable offence, the court will impose a penalty of not less than one-third of the minimum statutory sentence;

3) if the act in question constitutes a summary offence, and the minimum statutory sentence is not less than one year's imprisonment, the court will impose either a fine, the penalty of the restriction of liberty or imprisonment;

4) if the act in question constitutes a summary offence, and the minimum statutory sentence is less than one year's imprisonment, the court will impose either a fine or the restriction of liberty.

§ 7. If the act in question is alternatively subject to the penalties specified in Article 32 sections 1-3, the extraordinary mitigation of a penalty will consist in an absolute discharge, and the imposition of a penal measure as specified in Article 39 sections 2-8; the provision of Article 61 § 2 does not apply.

Art. 61. Absolute discharge.

§ 1. The court may grant an absolute discharge in the cases specified by law or in the case provided for in Article 60 § 3, particularly if the role of the offender played a minor role in committing the act, and the information provided helped to prevent another offence from being committed.

§ 2. When granting an absolute discharge, the court may refrain from ordering a penal measure, even if ordering it is mandatory.

Art. 62. Choice of institution and therapeutic method. Upon deciding to impose imprisonment, the court may determine the type of penal institution where the offender is to serve the term, and may set out the therapeutic methods to be used.

Art. 63. Crediting custody towards imprisonment.

§ 1. The period of actually being in custody in a given case, rounded to a full number of days, is credited towards imprisonment, with one day in custody equalling one day of imprisonment, or two days of the restriction of liberty, or two daily units of a fine.

§ 2. The period of the relevant preventive measures specified in Articles 275 or 276 of the Code of Criminal Procedure actually being applied, is credited towards the penal measures imposed specified in Article 39 sections 2 and 3 of this Code.

Rozdział VII. Relapse to crime.

Art. 64. Reoffending.

§ 1. If an offender who has been sentenced to imprisonment for an intentional offence and has served at least six months of the penalty, then commits an intentional offence similar to the offence for which he or she was sentenced within a five-year period, the court may impose the penalty of imprisonment for that offence, up to one and a half times the maximum statutory limit.

§ 2. If an offender who has been sentenced under the conditions specified in §1, and has served in total at least one year's imprisonment, commits another intentional offence against life or health, or the offence of rape, robbery, theft with burglary, or another offence against property, using violence or the threat of violence within five years after serving all or part of the last penalty, the court will impose the penalty of imprisonment for that offence in excess of the lower statutory limit, or up to one and a half times the maximum statutory penalty.

§ 3. Raising the maximum statutory penalty as set out under §§ 1 or 2, does not apply to indictable offences.

Art. 65. Permanent income; acting in a group or association.

§ 1. The provisions regarding the level of the penalty, the penal measures and measures relating to placing an offender on probation, as provided for the offender as referred to in Article 64 § 2, also apply to an offender whose permanent source of income comes from committing offences, or who commits offences acting in an organised group or in an association whose purpose is to commit offences, or offenders of acts of terrorism.

§ 2. For an offender of the offence set out in Article 258, the regulations set out in Article 64 § 2 apply, except for the increased penalty set out in that provision.

Rozdział VIII. Measures relating to placing an offender on probation.

Art. 66. Conditional discontinuance.

§ 1. The court may conditionally discontinue criminal proceedings if the fault and the social consequences of the act are not significant, if there are no doubts about the circumstances under which it was committed, and if the attitude of the offender, who has not previously been penalised for an intentional offence, as well as his or her personal characteristics and way of life to date, provide reasonable grounds to assume that even if the proceedings are discontinued, he or she will observe the legal order, and particularly that he or she will not commit an offence.

§ 2. There will be no conditional discontinuance for the offender of an offence for which the statutory penalty exceeds three years' imprisonment.

§ 3. If the aggrieved party has been reconciled with the offender, the offender has redressed the damage, or the aggrieved party and the offender have agreed on the method of redressing the damage, a conditional discontinuance may apply to an offender of an offence for which the statutory penalty does not exceed five years' imprisonment.

Art. 67. Term of probation, supervision and obligations.

§ 1. A conditional discontinuance will be made for a term of probation of between one and two years, which runs from the date that the sentence comes into force.

§ 2. If criminal proceedings are conditionally discontinued, the court may place the offender under the supervision of a probation officer or a person of public trust, an association, or a social organisation involved in educating offenders, preventing them from moral corruption, or providing assistance to them, for the duration of the probation period.

§ 3. If criminal proceedings are conditionally discontinued, the court will require the offender to redress all or part of the damage, and may impose the obligation specified in Article 72 § 1 sections 1-3 or 5-6a, 7a or 7b, or exemplary damages, and may also adjudicate a monetary performance as specified in Article 39 section 7, and disqualification from driving a vehicle, as specified in Article 39 section 3, for up to two years. When imposing on an offender of an offence using violence or the unlawful threat of violence towards a next of kin the measure mentioned in Article 72 § 1 section 7b, the court sets out the method for contact between the offender and the aggrieved party.

§ 4. The provision of Article 74 applies accordingly.

Art. 68. Resumption of criminal proceedings.

§ 1. The court will resume the criminal proceedings if, during the probation period, the offender commits an intentional offence for which he or she has already been sentenced.

§ 2. The court may resume the criminal proceedings if, during the probation period, the offender blatantly violates the legal order, and particularly if he or she commits an offence other than that specified in § 1, or avoids supervision, fails to perform the obligations or penal measures imposed, or does not perform the settlement concluded with the aggrieved party.

§ 2a. The court resumes criminal proceedings if the circumstances referred to in § 2 occur after the offender receives a written warning from the court-appointed professional guardian, unless there are special reasons not to do so.

§ 3. The court may resume the criminal proceedings if, after the decision on the conditional discontinuance was passed but before it becomes final, the offender blatantly violates the legal order, and particularly if he or she commits an offence within that time.

§ 4. Conditionally discontinued criminal proceedings cannot be resumed more than six months after the expiry of the probation period.

Art. 69. Suspended sentence.

§ 1. The court may conditionally suspend a penalty of imprisonment for up to two years, or a one-off fine, if this is sufficient to achieve the objectives of the penalty with respect to the offender, and particularly to prevent a relapse into crime.

§ 2. In suspending the execution of a penalty, the court will primarily take into consideration the attitude of the offender, his or her personal characteristics and conditions, his or her lifestyle and his or her conduct after committing the offence.

§ 3. A penalty will not be suspended for an offender as specified in Article 64 § 2, unless there is an exceptional case justified by extraordinary circumstances; the penalty specified in Article 60 §§ 3-5 will not be suspended for an offender as specified in Article 64 § 2.

§ 4. A penalty of the restriction of liberty or a fine will not be suspended for an offender of an offence involving hooliganism. The court may conditionally suspend a penalty of imprisonment in particularly justified cases for offences involving hooliganism or offences set out in Article 178a § 4.

Art. 70. Probation period.

§ 1. A penalty will be suspended for a probation period running from the time the sentence becomes final, for:

- 1) from two to five years - in the case of a suspended sentence of a penalty of imprisonment,
- 2) from one to three years - in the case of a suspended sentence of a fine or a penalty of the restriction of liberty.

§ 2. For a suspended sentence of the penalty of imprisonment with respect to a young offender or an offender as specified in Article 64 § 2, the probation period is from three to five years.

Art. 71. Fine.

§ 1. If the execution of a penalty of imprisonment is suspended, the court may impose a fine of up to 270 times the daily unit, if it cannot be imposed on any other basis. In suspending the execution of a penalty of restriction of liberty, the court may impose a fine of up to 135 times the daily unit.

§ 2. If the execution of the penalty of imprisonment or restriction of liberty is ordered, the fine adjudicated under § 1 does not have to be paid; the penalty of imprisonment or restriction of liberty will be reduced by the number of days equal to the number of daily fines paid, rounded up to the nearest full day.

Art. 72. Obligations.

§ 1. If the execution of a penalty is suspended, the court may oblige the offender:

- 1) to keep the court or the probation officer informed about the progress of the probation period,
- 2) to apologise to the aggrieved party,
- 3) to carry out an imposed duty to provide support to another person,
- 4) to perform paid work, educational activity or vocational training,
- 5) to cease any abuse of alcohol or other intoxicants,
- 6) to submit to medical treatment, particularly detoxification or rehabilitation or therapeutic treatment,
- 6a) to attend rehabilitation or educational programmes,
- 7) to cease being in certain communities and locations,
- 7a) to avoid contact with the aggrieved party, or other parties in an indicated manner,
- 7b) to leave residential premises shared with the aggrieved party,
- 8) to undertake any other appropriate conduct in the probation period, if it may prevent a further offence.

§ 1a. When imposing the measure set out in point 7b on the offender of an offence using an unlawful threat against a next of kin, the court determines how the offender may have contact with the aggrieved party.

§ 2. The court may order the offender to redress all or part of the damage, unless it has ordered the penal measure specified in Article 39 section 5, or to make the monetary performance specified in Article 39 section 7.

Art. 73. Supervision.

§ 1. In suspending a sentence, the court may place the offender under the supervision of a probation officer or a person of public trust, an association, or a social organisation involved in educating offenders, preventing them from moral corruption, or providing assistance to them, for the duration of the probation period.

§ 2. Supervision is mandatory for a young offender sentenced for an intentional offence, an offender specified in Article 64 § 2, and an offender of an offence involving a sexual disorder.

Art. 74. Additional information.

§ 1. The court determines the time and the manner of executing the imposed obligations, as specified in Article 72, after hearing from the offender; imposing the obligation specified in Article 72 § 1 section 6 requires additional consent from the offender.

§ 2. If warranted by educational or general care considerations, the court may, during the probation period, impose, extend or modify the obligations mentioned in Article 72 § 1 sections 3-8, imposed on a person with a conditional suspended sentence of imprisonment, or may waive these obligations, with the exception of the obligation specified in Article 72 § 2, and may either have the offender monitored or cease any monitoring.

§ 3. If the offender has been placed under supervision or obliged to perform certain obligations during a period of probation, the court-appointed professional guardian, or by a trustworthy person or a representative of the association, institution or social organisation referred to in Article 73 § 1 may also submit an application to determine the time and manner of performing such obligations.

Art. 75. Execution of sentence.

§ 1. The court will order the sentence to be carried out if, during the probation period, the convicted offender commits an intentional offence similar to the one he or she was validly and finally sentenced to imprisonment for.

§ 1a. The Court manages the execution of a sentence if the offender is convicted for an offence involving violence or the threat of violence against a next of kin or another minor co-residing with the offender during an attempt to flagrantly violate the legal order, repeatedly using violence or the threat of violence against a next of kin or another minor co-residing with the offender.

§ 2. The court may order the sentence to be carried out if, in the probation period, the offender blatantly breaches the legal order, and in particular if he or she commits an offence other than that specified in § 1, fails to pay a fine, evades supervision, or fails to perform the obligations or penal measures imposed.

§ 3. The court may order the sentence to be carried out if, after the sentence was given but before it became valid and final, the offender flagrantly breached the legal order, and in particular if he or she committed an offence within that time.

§ 4. The order to carry out the sentence may not be issued any later than 6 months after the end of the probation period.

§ 5. If the offender has been placed under supervision, or obliged to perform certain obligations during a period of probation, the professional court-appointed guardian, as well as a trustworthy person or a representative of the association, institution or social organisation referred to in Article 73 § 1 may also submit an application for the enforcement of the penalty.

Art. 76. Spent Conviction.

§ 1. The conviction is deemed spent by force of law six months from the termination of the probation period.

§ 2. If a fine or a penal measure is imposed upon the convicted offender, the conviction will not become spent before payment is made or the measure is carried out, or before it is barred by limitation; this does not apply to the penal measure specified in Article 39 section 5.

Art. 77. Release on licence.

§ 1. The court may only release on licence an offender sentenced to imprisonment from serving the balance of the penalty, if his or her attitude, personal attributes and features, lifestyle prior to carrying out the offence, the circumstances of the offence and the offender's conduct after committing the offence and while serving the sentence, justify the assumption that the offender will, after release, respect the legal order, and in particular that he or she will not re-offend.

§ 2. In particularly justified cases, when passing a sentence of imprisonment, the court may impose stricter restrictions to prevent the possibility of the offender benefiting from a release on licence, other than those specified in Article 78.

Art. 78. Conditions.

§ 1. An offender may be released on licence after serving at least half of the sentence, and not less than six months.

§ 2. The offender specified in Article 64 § 1 may be released on licence after serving two-thirds of the sentence, and the offender specified in Article 64 § 2, after serving three-quarters of the sentence; the release on licence may not occur before the lapse of one year.

§ 3. A person sentenced to 25 years imprisonment may be released on licence after serving 15 years of the sentence, and a person sentenced to life imprisonment can be released on licence after serving 25 years of the sentence.

Art. 79. Conditions.

§ 1. The provisions of Article 78 §§ 1 and 2 apply accordingly to the sum of two or more penalties of imprisonment that cannot be combined, which the sentenced person has to serve consecutively; the provision of Article 78 § 2 applies if at least one of the offences was committed under the conditions specified in Article 64.

§ 2. Notwithstanding the conditions specified in Article 78 §§ 1 or 2, the offender may be released on licence after serving 15 years in prison.

§ 3. The provision of Article 78 § 3 applies accordingly if at least one of the penalties that cannot be combined, which the offender has to serve consecutively, is a sentence of 25 years' imprisonment or life imprisonment.

Art. 80. Probation period.

§ 1. Following a release on licence, the remainder of the sentence constitutes a probation period, and may not be shorter than two years or longer than five years.

§ 2. If the convicted offender is the person specified in Article 64 § 2, the probation period may not be shorter than three years.

§ 3. Following the release on licence of a person sentenced to life imprisonment, the probation period is 10 years.

Art. 81. Repeat release on licence. Once a release on licence has been revoked, the convicted offender cannot be released on licence again before serving one year in a criminal institution, and in case of life imprisonment, before the lapse of five years.

Art. 82. Sentence deemed as served.

§ 1. If the release on licence has not been revoked in the probation period or the subsequent six months, the sentence will be considered to have been served at the time of the release on licence.

§ 2. If a judgment covers combined penalties from the which the offender has been released on licence, the combined penalty will include only the period of the sentence actually to be served.

Art. 83. Shortened restriction of liberty. A person sentenced to the restriction of liberty who has completed at least half of the sentence, respected the legal order, diligently performed the work ordered by the court, and fulfilled the obligations imposed upon him or her, may be released by the court from the remainder of the sentence, it being considering as served.

Art. 84. Shortened period of penal measures.

§ 1. After half of the period for which the penal measures specified in Article 39 sections 1-3 were imposed, the court may consider them as served if the person sentenced has respected the legal order and has been subjected to the penal measure for at least one year.

§ 2. The provision of § 1 does not apply if the penal measure specified in Article 39 section 3 has been adjudicated under Article 41 § 1a, Article 41a § 3 or 42 §§ 2 or 3.

§ 3. The court may release an offender from the obligation imposed under Article 41b § 5 or 7 after half of the period for which it has been imposed, if the obligation has been applied for at least one year, and the offender's behaviour suggests that the continued application of the obligation is not necessary to meet the objectives of the penal measure.

Art. 84a. Prohibition deemed as served.

§ 1. A permanent prohibition on being in certain communities and locations, or prohibition on contacting certain individuals or on leaving a specific place of residence without the court's consent may be considered served if the behaviour of the person sentenced after committing the offence, and during the period when the penalty is performed, justifies the belief that, if the prohibition is lifted, he or she will not relapse into crimes against sexual freedom or decency to the detriment of a minor, and the prohibition was in place for at least 10 years.

§ 2. In proceedings concerning further prohibitions as mentioned in § 1, the court hears expert opinions.

§ 3. An application by the offender or his or her defence counsel, submitted within two years of a decision being issued refusing to lift the prohibitions mentioned under § 1, will not be considered.

Rozdział IX. Concurrence of offences and the accumulation of penalties and penal measures.

Art. 85. Cumulative penalty. If an offender has committed two or more offences before the first sentence for any of these offences has been pronounced, even if it is not yet valid, and for which basic penalties of the same kind are imposed, the court sets a cumulative penalty on the basis of the separate penalties imposed for the concurrent offences.

Art. 86. Size of a cumulative penalty.

§ 1. The court imposes a cumulative penalty within the limit of the highest penalties imposed for individual offences, but not exceeding 810 times the daily unit of a fine, two years' restriction of liberty or 15 years' imprisonment; a sentence of the restriction of liberty is measured in months and years. The cumulative fine specified in Article 71 § 1 may not exceed 270 times the daily unit of a fine if it is connected with a suspended prison sentence, and may not exceed 135 times the daily unit of a fine if it is associated with a suspended sentence for the restriction of liberty.

§ 1a. If the total cumulated prison sentence is 25 years or more, where at least one of the sentences is for not less than 10 years, the court may issue a cumulative sentence of 25 years imprisonment.

§ 2. In imposing a cumulative fine, the court redetermines the value of the daily unit of a fine, based on the recommendations specified in Article 33 § 3; the level of daily units of fines may not, however, exceed the level determined previously.

§ 2a. If at least one of the cumulative fines is a specific amount, then the cumulated fine is given as a specific amount.

§ 2b. If at least one of the cumulative fines was imposed on the basis of Article 309, then the court imposes a cumulated fine from the maximum fine for this kind of offence to a sum not exceeding 4500 daily units.

§ 3. In imposing a cumulative penalty of the restriction of liberty, the court redetermines the amount of supervised unpaid community service work, or the amount of deductions, in accordance with Article 35; the obligations specified in Article 36 § 2 apply even if adjudicated for only one of the concurrent offences.

Art. 87. Cumulative penalty - imprisonment and restriction of liberty. When sentencing concurrent offences with penalties of imprisonment and the restriction of liberty, the court imposes a cumulative penalty taking one month's restriction of liberty as equal to 15 days' imprisonment.

Art. 88. Most severe cumulative penalty. If the most severe penalty imposed for one of the concurrent offences is the penalty of 25 years imprisonment or life imprisonment, then this penalty is imposed as the cumulative penalty; for the accumulation of two or more penalties of 25 years' imprisonment, the court may impose a sentence of life imprisonment as the cumulative penalty.

Art. 89. Suspension of sentence.

§ 1. When sentencing for concurrent offences with penalties of imprisonment, the restriction of liberty or a fine, with or without a suspended sentence, the court may conditionally suspend the execution of the cumulative penalty if the conditions specified in Article 69 are met.

§ 1a. When sentencing for concurrent offences with penalties of imprisonment with a suspended sentence, the court may, in the cumulative sentence, impose a penalty of the restriction of liberty without a suspended sentence.

§ 2. In imposing a cumulative sentence of imprisonment or the restriction of liberty with a suspended sentence, the court may impose a fine as specified in Article 71 § 1, even if none has been imposed for the concurrent offences.

§ 3. In the case of concurrence sentences with probation periods, the court reinstates this period and the associated obligations.

Art. 90. Penal measures and preventive measures.

§ 1. Penal measures and preventive measures, including supervision, apply even if they were imposed with regard to only one of the concurrent offences.

§ 2. If the sentence for concurrent offences involves the deprivation of civil rights or prohibitions or duties of a particular kind, the court applies the provisions concerning cumulative penalties accordingly.

Art. 91. Serial offences.

§ 1. If the offender committed two or more offences in a similar manner, in a short amount of time, before the first sentence was pronounced for any of these offences, even though not yet valid final, the court imposes one sentence on the basis of the provision covering each of these offences, where the sentence is up to the upper statutory limit, increased by a half.

§ 2. If the offender, under the conditions specified in Article 85, commits two or more of a series of offences specified in § 1, or a series of offences plus another offence, the court imposes an cumulative sentence applying the relevant provisions of this chapter.

§ 3. If the offender has been sentenced to two or more sentences for offences belonging to a series of offences as specified in § 1, the penalty imposed in a cumulative sentence may not exceed the upper statutory limit for the penalty, further increased by half, as stipulated in the provisions covering each of these offences.

Art. 92. Cumulative penalties. The fact that separate penalties imposed for offences in a series of offences or concurrent offences have already been partially or fully served, does not prevent a cumulative penalty being imposed. The provision of Article 71 § 2 applies accordingly.

Art. 92a. Application of foreign judgements. Combined judgments do not include convictions issued in other Member States of the European Union.

Rozdział X. Preventive Measures.

Art. 93. Basis. Unless it is necessary in order to prevent an offender from relapsing into crime by committing a prohibited act connected with a mental disease, mental impairment or addiction to alcohol or drug addiction, the court cannot impose a preventive measure as provided for in this chapter, involving committing the offender to a closed medical institution. Before imposing such a measure, the court hears psychiatrists and a psychologist, and in cases involving a person with a sexual preference disorder, also a sexologist.

Art. 94. Non-accountability and psychiatric institutions.

§ 1. If the offender commits a prohibited act involving significant damage to the community while in a state of non-accountability, as specified in Article 31 § 1, and it is highly likely that he or she will commit such an act again, the court may place him or her in a suitable psychiatric institution.

§ 2. The duration of the stay in the institution will not be fixed in advance; the court will decide on the release of the offender if his or her stay in the institution is no longer deemed necessary.

§ 3. If it is advisable in light of the circumstances specified in § 1 or Article 93, the court may again order the offender specified in § 1 to be placed in a suitable psychiatric institution; the order may not be issued more than five years after the offender's release from the institution.

Art. 95. Diminished accountability and criminal institutions.

§ 1. When sentencing an offender to imprisonment without a suspended sentence for an offence committed in a state of diminished accountability, as specified in Article 31 § 2, the court may order him or her to be placed in a criminal institution where special medical treatment or rehabilitation measures can be applied.

§ 2. If suggested by the effects of medical treatment or rehabilitation, the court may conditionally release the offender specified in § 1, if he or she has been sentenced to imprisonment for up to three years, on the conditions specified in Articles 77 through 82, without the restrictions resulting from Article 78 §§ 1 or 2. In this case supervision is mandatory.

Art. 95a. Closed institution; outpatient treatment.

§ 1. When imposing a penalty of imprisonment without a suspended sentence for an offence against sexual freedom, committed in connection with a sexual preference disorder, the court may decide to place the offender,

after serving the sentence, in a closed institution, or order him or her to outpatient treatment to undergo pharmacological therapy or psychotherapy, in order to avoid reoffending with such a crime, in particular by reducing the offender's sexual drive. Pharmacological therapy is not used if it could result in any danger to the offender's life or health.

§ 1a. The court may order an offender, as mentioned in § 1, sentenced for an offence set out in Article 197 § 3 section 2 or 3, to be placed in a closed institution or directed to outpatient treatment.

§ 2. Within six months before an intended release on licence, or before executing the sentence, the court establishes:

- 1) the need for and method of execution of the ordered measure, as referred to in § 1,
- 2) the method of executing the ordered measure, as referred to § 1a.

§ 2a. The court may order changes in the method of executing the preventative measures set out in §§ 1 and 1a.

§ 2b. The court orders the offender to be placed in a closed institution if the offender avoids outpatient treatment as set out in §§ 1 and 1a.

§ 3. The provisions of Article 94 §§ 2 and 3 apply accordingly.

Art. 96. Detoxification institution for treatment.

§ 1. In imposing a penalty of imprisonment without a suspended sentence for an offence connected with an addiction to alcohol or a drug, the court may decide to place the offender in a closed detoxification institution for treatment, if there is a high probability that he or she will not reoffend in connection with his or her addiction.

§ 2. The measure specified in § 1 is not imposed if the offender was sentenced to imprisonment for more than two years.

§ 3. The duration of the stay in the closed detoxification institution is not fixed in advance. However, it may not be for less than three months or for more than two years. The court will decide on the release from the institution on the basis of the results of the treatment, having heard the opinion of the person conducting the treatment.

§ 4. The duration of the offender's stay in the institution specified in § 1 is credited towards the penalty.

Art. 97. Outpatient treatment or rehabilitation programme.

§ 1. Depending on the progress in the treatment of the offender specified in Article 96 § 1, the court may send him or her for outpatient treatment or to a rehabilitation programme in a rehabilitation-treatment facility, for a probation period lasting from six months to two years, while placing him or her under the supervision of a probation officer or a person of public trust, a public institution or social organisation whose responsibilities include providing educational care, preventing demoralisation or providing assistance to offenders.

§ 2. If an offender under probation, avoids treatment or rehabilitation, commits an offence or flagrantly breaches the law or the by-laws of the treatment-rehabilitation facility, then the court may order the offender to be placed back in the closed detoxification institution or in a penal institution.

§ 3. If, during the probation period and for six months after, no order is issued for the offender to be placed back in a closed detoxification institution or a penal institution, the penalty is considered to have been served once the probation period was over.

Art. 98. Conditional treatment. If it is advisable, given the results of the treatment specified in Article 96 § 3, the court will release the offender from serving the remaining sentence, on the conditions set out in Articles 77-82, without the limitations resulting from Article 78 §§ 1 or 2; supervision in this case is mandatory.

Art. 99. Prohibitions and forfeiture.

§ 1. If the offender has committed a prohibited act in a state of unaccountability, as specified in Article 31 §1, the court may apply, as preventive measures, the orders or prohibitions specified in Article 39, sections 2 or 3, if it is deemed necessary for the protection of public order, and the forfeiture provided for in Article 39 section 4.

§ 2. The orders or prohibitions specified in § 1 are imposed without specifying the period of time; the court decides on lifting the order or prohibition if it is no longer justified.

Art. 100. Forfeiture. If the social consequences of the act are negligible, or in the event of a conditional discontinuance of proceedings, or upon ascertaining that circumstances exists excluding a penalty for the offender of the prohibited act, the court may apply the forfeiture provided for in Article 39 section 4.

Rozdział XI. Statutes of limitation.

Art. 101. Period of limitation.

§ 1. An offence stops being punishable if, from the moment it was committed, the following number of years have passed:

- 1) 30 - where the act constitutes an indictable offence of homicide;
- 2) 20 - where the act constitutes any other indictable offence;
- 2a) 15 - where the act constitutes a summary offence subject to imprisonment exceeding five years;
- 3) 10 - when the act constitutes a summary offence subject to imprisonment exceeding three years;
- 4) 5 - for all other offences;
- 5) *(repealed)*

§ 2. An offence prosecuted by an aggrieved party stops being punishable 1 year, from the date on which the aggrieved party learnt the identity of the offender, but not later than three years from the moment the offence was committed.

§ 3. In the cases provided for in §§ 1 or 2, if committing the offence was dependent on a consequence specified by law, the period of limitation starts to run from the moment the consequence occurred.

§ 4. Where the aggrieved party is a minor, the offences set out in Article 199 §§ 2 and 3, Article 200, Article 202 §§ 2 and 4, and in Article 204 § 3, as well as the offences set out in Article 197, Article 201, Article 202 § 3, Article 203 and Article 204 § 4 do not stop being punishable for 5 years after the aggrieved party reaches the age of 18.

Art. 102. Extending the period of limitation. If proceedings are started against a person within the period provided for in Article 101, the offence ceases to be punishable after 10 years for the offences defined in § 1 sections 1-3, or for five years in all other cases, from the end of that period.

Art. 103. Period of limitation on enforcement.

§ 1. A sentence may not be enforced if, from the time when the judgement became final, the following number of years have passed:

- 1) 30 - for a sentence to imprisonment for more than five years, or to a more severe penalty;
- 2) 15 - for a sentence to imprisonment for up to five years;
- 3) a sentence to any other penalty.

§ 2. The provision of § 1 section 3 applies accordingly to the penal measures specified in Article 39 sections 1-4 and 6 and 7; the provision of § 1 section 2 applies accordingly to the penal measure specified in Article 39 section 5.

Art. 104. Delayed period of limitation.

§ 1. The period of limitation does not run if a provision of law prevents criminal proceedings from being started or from being continued; this does not apply to the lack of a request or to a private charge.

§ 2. The period of limitation regarding the offences specified in Article 144, Article 145 §§ 2 or 3, Article 338 §§ 1 or 2 and in Article 339 runs from the moment the obligation was performed, or the moment from which the obligation was no longer binding.

Art. 105. Exceptions to the period of limitation.

§ 1. The provisions of Articles 101-103 do not apply to crimes against peace, crimes against humanity or war crimes.

§ 2. The provisions of Articles 101-103 do not apply to the intentional offences of homicide, grievous bodily harm, serious damage to health, or unlawful imprisonment connected with particular suffering, that are perpetrated by a public official in connection with his or her official duties.

Rozdział XII. Expungement.

Art. 106. Effects. From the moment of expungement, the sentence is considered non-existent; the record of the sentence is deleted from the register of offenders.

Art. 106a. Not subject to expungement. A sentence of imprisonment without a suspended sentence for offences against sexual freedom and decency is not expunged if the aggrieved party was a minor under the age of 15.

Art. 107. Conditions.

§ 1. For a sentence of imprisonment, as specified in Article 32 section 3, or of imprisonment for 25 years, the expungement of the sentence takes place by force of law 10 years after it is served or remitted, or from the time its enforcement is barred by the statutes of limitation.

§ 2. The court may, at the motion of the sentenced person, order the expungement of the sentence after just five years, if the sentenced person has respected the legal order during this period, and if the prison sentence did not exceed three years.

§ 3. In the event of a sentence to life imprisonment, the sentence is expunged by force of law 10 years after it is served or remitted, or from the time its enforcement is barred by the statutes of limitation.

§ 4. For a sentence of a fine or the restriction of liberty, the sentence is expunged by force of law five years after it is served or remitted, or from the time its enforcement is barred by the statutes of limitation; at the request of the sentenced person, the court may order the expungement of the sentence after just three years.

§ 5. In the event of an absolute discharge, the sentence is expunged by force of law one year after the date of the final and valid sentence.

§ 6. If a penal measure was imposed, the sentence may not be expunged before it is performed, remitted or before its enforcement is barred by the statutes of limitation, subject to Article 76 § 2.

Art. 107a. Applying another state's law to sentencing. In the event of a conviction by a court of another member state of the European Union, the expungement of a conviction takes place in accordance with the laws of the state in which the conviction occurred. The provision of Article 108 does not apply.

Art. 108. Concurrent convictions. If the offender has been sentenced for two or more offences not running concurrently, and if the sentenced person commits an offence after the period required for expunging a sentence has started, but before the period has finished, then it is only possible to expunge all the sentences at the same time.

Rozdział XIII. Liability for offences committed abroad.

Art. 109. Polish citizens. Polish criminal law applies to Polish citizens who have committed an offence abroad.

Art. 110. Foreigners.

§ 1. Polish criminal law applies to foreigners who have committed a prohibited act abroad that is against the interests of the Republic of Poland, a Polish citizen, a Polish legal entity or a Polish organisational unit without the status of a legal entity.

§ 2. Polish criminal law applies to foreigners who have committed a prohibited act abroad other than those listed in § 1, if, under Polish criminal law, the prohibited act is subject to a penalty exceeding two years imprisonment, where the offender is in the Republic of Poland and where no decision on his or her extradition has been taken.

Art. 111. An act committed abroad.

§ 1. For an act committed abroad to be considered an offence, it must be considered an offence by the law in force where it was committed.

§ 2. If there are differences between Polish criminal law and the law in force where an offence is committed, when applying Polish law the court may take these differences into account in favour of the offender.

§ 3. The condition provided for in § 1 does not apply to a Polish public official who, while performing his duties abroad, has committed an offence there in connection with performing his duties, or to a person who committed

an offence in a place not under the jurisdiction of any state authority.

Art. 112. Absolute application of Polish law. Notwithstanding the provisions in force in the place where an offence is committed, Polish criminal law applies to a Polish national or a foreigner who commits:

- 1) an offence against the internal or external security of the Republic of Poland,
- 1a) *(no longer in force)*
- 2) an offence against Polish offices or public officials,
- 3) an offence against Poland's material economic interests,
- 4) an offence of false testimony made before a Polish office,
- 5) an offence from which a material benefit was gained, even if indirectly, in the Republic of Poland.

Art. 113. Prosecution under international agreements. Regardless of regulations in force in the place where the offence was committed, Polish criminal law applies to a Polish national, or to a foreigner for whom no decision on extradition has been taken, in respect of an offence committed abroad, which the Republic of Poland is obliged to prosecute under international agreements.

Art. 114. Imprisonment abroad.

§ 1. A sentence passed abroad does not prevent criminal proceedings for the same offence from being instituted before a Polish court.

§ 2. The court counts any time served in prison abroad and the penalty executed there, towards the sentence imposed, taking into consideration the differences between the penalties.

§ 3. The provision of § 1 does not apply:

- 1) if a sentence passed abroad was transferred to be executed in the Republic of Poland, or when a sentence passed abroad concerned an offence where either the prosecution was taken over or the offender was extradited from the Republic of Poland,
- 2) to sentences passed by international criminal courts acting under international law binding the Republic of Poland,
- 3) To sentences from foreign courts if this results from an international treaty binding the Republic of Poland.

§ 4. If a Polish national who has been validly and finally sentenced by a foreign court is transferred to serve the sentence in the Republic of Poland, the court determines, under Polish law, the legal classification of the act, and the penalty to be executed, or any other criminal measure provided for in this Act; the basis for determining the penalty or other measure subject to execution will be provided by the sentencing judgement rendered by a foreign court, the penalty prescribed for such an act under Polish law, the period of actual imprisonment abroad, the penalty or other measure executed there, and the differences between these penalties will be taken into account to the advantage of the sentenced person.

Art. 114a. Principle of mutual recognition of court rulings. Criminal proceedings take into account binding sentences given in another member state of the European Union, passed by the relevant court in criminal cases finding a given person guilty of a different offence than the subject of criminal proceedings, unless:

- 1) the conviction was for an act that is not an offence under Polish law,
- 2) the court imposed a sentence unknown under Polish law,
- 3) the offender would not be prosecuted in accordance with Polish law,
- 4) taking it into account would lead to the repeal or amendment of this sentence,
- 5) there is a reasonable concern that taking it into account would lead to violations of freedoms and rights of the offender in another member state of the European Union,
- 6) in accordance with the information obtained from the criminal record or a court of a foreign state, the offence for which sentence was passed is subject to remission pursuant to an amnesty or pardon in the State in which the conviction occurred,
- 7) the information is insufficient to take account of the sentence.

Rozdział XIV. Explanation of legal expressions.

Art. 115. Prohibited acts.

§ 1. A prohibited act is any behaviour displaying the characteristics specified under criminal law as unlawful.

§ 2. **Level of the social consequences of an act** In assessing the level of the social consequences of an act, the court takes into account the type and nature of the infringed interest, the scale of the damage caused or anticipated damage, the method and circumstances of perpetrating the act, the importance of the duties infringed by the offender, as well as the form of intent and motivation of the offender, the type of precautionary rules breached and the degree of the breach.

§ 3. **Similar offences** Similar offences are offences of the same type. Offences committed with the use of violence or the threat of violence, as well as offences committed with the intent to secure material benefits, are regarded as similar offences.

§ 4. **Material or personal benefit** Material or personal benefit is a benefit for the person him or herself, or a third party.

§ 5. **Property of significant value** Property of significant value means property with a value at the time when the prohibited act is committed, exceeding 200 000 PLN.

§ 6. **Property of great value** Property of great value means property with a value at the time when the prohibited act is committed, exceeding 1 000 000 PLN.

§ 7. **Damage** The provisions of §§ 5 and 6 also apply to the expressions; „significant damage” and „large-scale damage”.

§ 8. *(repealed)*

§ 9. **Movable item or object** A movable item or object includes Polish or foreign currency, or another means of payment, and a document entitling the holder to a sum of money or setting out an obligation to pay capital, interest, a share in the profits or an interest in a company.

§ 10. **Young offender** A young offender is an offender who, at the time of committing a prohibited act, has not reached the age of 21 years, and has not reached the age of 24 years at the time of the trial in the first-instance court.

§ 11. **Next of kin** A next of kin is a spouse, an ascendant, descendant, brother or sister, relative by marriage in the same line or degree, a person in an adopted relation, as well as his or her spouse, and a domestic partner.

§ 12. **Illegal threat** An illegal threat is both the threat mentioned in Article 190, and also a threat to bring criminal proceedings, or to spread defamatory information concerning the threatened person or a next of kin. A declaration that criminal proceedings will be instituted is not a threat if made solely to protect a legal right violated by an offence.

§ 13. **Public official** A public official is:

- 1) the President of the Republic of Poland,
- 2) a member of parliament, a senator, a councillor, 2a) a member of the European Parliament,
- 3) a judge, a lay-judge, a prosecutor, an official of a financial body of preparatory proceedings or of a body supervising a financial body of preparatory proceedings, a notary public, a bailiff, a probation officer, a receiver, a court-appointed supervisor and administrator and a person adjudicating in disciplinary bodies acting pursuant to law,
- 4) an employee in a state administration, another state authority or local government, unless exclusively a service employee, and anyone else authorised to make administrative decisions,
- 5) an employee of a state audit and inspection authority, or a local government auditing and inspection authority, unless exclusively a service employee,
- 6) a person in a managerial position in another state institution;
- 7) an official of an authority responsible for the protection of public security, or an official of the State Prison Service,
- 8) a person performing active military service,
- 9) an employee of an international criminal tribunal, unless exclusively a service employee.

§ 14. **Document** A document is any object or record on a computer data carrier to which is attached a specified right, or which, in connection with the subject of its content, constitutes evidence of a right, a legal relationship or a circumstance that may have legal significance.

§ 15. **Sea vessel** For the purposes of this Code, a permanent platform on the continental shelf is regarded as a sea vessel.

§ 16. **State of insobriety** For the purposes of this Code, a state of insobriety is when:

- 1) the alcohol content in the blood exceeds 0.5 per mille, or leads to a concentration exceeding this level,
- 2) the alcohol content in 1 dm³ of the exhaled air exceeds 0.25 mg, or results in a concentration exceeding this level.

§ 17. **Soldier** A soldier is a person performing active military service.

§ 18. **Order** An order is a command to carry out or refrain from carrying out a specified action issued officially to a soldier by his superior or an authorised soldier of superior rank.

§ 19. **Person exercising a public function** A person exercising a public function is a public official, a member of the local government, a person employed in an organisational unit provided with public funds, unless exclusively a service employee, and any other person whose rights and obligations in terms of public activity are defined or recognised by law or international agreement binding the Republic of Poland.

§ 20. **Terrorist offence** A terrorist offence is a prohibited act with a sentence of imprisonment for at least five years, committed with the aim of:

- 1) seriously terrorising a large number of people,
- 2) forcing a public authority of the Republic of Poland, or another state or international organisation, to take or not to take a certain course of action,
- 3) cause a serious disturbance in the political system or the economy of the Republic of Poland, or another state or international organisation,
- or a threat to commit such an act.

§ 21. **Hooliganism offence** A hooliganism offence is an offence involving a deliberate assault on health, on freedom, on virtue or physical integrity, the common safety, on state or local government activities, on public order, or the intentional destruction, damage of another person's property, or rendering them unfit for use, if the offender acts in public, and without cause, or with an evidently trivial reason, showing a blatant disregard for the law.

§ 22. **Trafficking in people** Trafficking in people is recruiting, transporting, delivering, transferring, storing or accepting people by using:

- 1) violence or the unlawful threat of violence,
- 2) kidnap,
- 3) deceit,
- 4) misrepresentation or exploiting an error or inability to properly comprehend a decision,
- 5) an abuse of a dependence, exploiting a critical position or a state of helplessness,
- 6) the grant or acceptance of material or personal incentives, or the promise of such to a person with supervision or custody over another person

- in order to use them, even with their consent, in particular in prostitution, pornography or other forms of sexual exploitation, for forced work or services, for begging, for slavery or other forms of degrading human dignity, or for obtaining cells, tissues or organs contrary to the provisions of law. If the actions of the offender involves a minor, it constitutes trafficking even when not using the methods or measures referred to in sections 1-6.

§ 23. **Slavery** Slavery is a state of dependence in which a person is treated as an item of property.

Rozdział XV. Relation to special laws.

Art. 116. Application. The provisions of the General Part of this Code apply to offences defined in other laws providing for criminal liability, unless those laws specifically exclude the application of these provisions.

Rozdział XVI. Offences against peace, and humanity, and war crimes.

Art. 117. War of aggression.

§ 1. Anyone who initiates or conducts a war of aggression is liable to imprisonment for a minimum term of 12 years, imprisonment for 25 years, or imprisonment for life.

§ 2. Anyone who makes preparations to commit the offence specified under § 1, is liable to imprisonment for a minimum term of three years.

§ 3. Anyone who publicly incites the initiation of a war of aggression is liable to imprisonment for between three months and five years.

Art. 118. Annihilation.

§ 1. Anyone who, in order to partially or completely annihilate any ethnic, racial, political or religious group, or a group with a different perspective on life, commits a homicide or causes grievous bodily harm to a person belonging to such a group is liable to imprisonment for a minimum term of 12 years, imprisonment for 25 years or imprisonment for life.

§ 2. Anyone who, with the intention specified under § 1, creates living conditions threatening the biological annihilation of the members of such a group, or uses means to prevent births within this group, or forcibly removes children from the people constituting it, is liable to imprisonment for a minimum term of five years, or imprisonment for 25 years.

§ 3. Anyone who makes preparations to commit the offence specified under §§ 1 or 2, is liable to imprisonment for a minimum term of three years.

Art. 118a. Mass attack on people.

§ 1. Anyone who, while taking part in a mass attack or one of repeated attacks directed against a group of people taken to implement or support the policy of a state or organisation:

- 1) commits murder,
 - 2) causes serious damage to human health,
 - 3) creates living conditions threatening the biological existence of a group of people, in particular by the deprivation of access to food or medical care, which is aimed at their annihilation,
- is liable to imprisonment for a minimum term of 12 years, imprisonment

for 25 years or imprisonment for life.

§ 2. Anyone who, taking part in a mass attack or one of repeated attacks directed against a group of people taken to implement or support the policy of a state or organisation:

results in placing people in a state of slavery or keeping them in

this state,

- 1) deprives a person of their freedom for a period exceeding seven days or with special torment,
- 2) uses torture or subjects a person to cruel or inhuman treatment,
- 3) allow the use of rape, violence, an unlawful threat of violence or deceit in any other way violates a person's sexual freedom,
- 4) uses violence or an unlawful threat of violence either in order to impregnate a woman in an attempt to influence the ethnic composition of a group of people or to carry out other serious breaches of international law,
- 5) deprives a person of freedom and refuses to provide information relating to the person or their location, or provides inaccurate information on the person or their location with the intent to deprive that person of legal protection for a longer period,

is liable to imprisonment for not less than five years or imprisonment for 25 years.

§ 3. Anyone who takes part in a mass attack, or in one of repeated attacks against a group of people in order to implement or support the policy of a state or an organisation:

- 1) in violation of international law compels such people to change their lawful place of residence,
 - 2) severely persecutes a group of people/ for reasons recognised as inadmissible under international laws, in particular for reasons of political, racial, ethnic, cultural, religious belief or lack of religious belief, world view or gender nature, thereby depriving them of their fundamental rights,
- is liable to a imprisonment for a period of not less than three years.

Art. 119. Violence and unlawful threat.

§ 1. Anyone who uses violence or makes an unlawful threat towards a person or a group of people on national, ethnic, political or religious grounds, or because of a lack of religious belief, is liable to imprisonment for between three months and five years.

§ 2. (*repealed*)

Art. 120. Means of mass extermination. Anyone who uses a means of mass extermination prohibited by international law, is liable to imprisonment for a minimum term of 10 years, imprisonment for 25 years, or imprisonment for life.

Art. 121. Additional info.

§ 1. Anyone who violates a prohibition imposed by international or internal law by manufacturing, amassing, purchasing, trading in, storing, transporting or dispatching a means of mass extermination or means of warfare, or who undertakes research aimed at the manufacture or use of such means, is liable to imprisonment for between one and 10 years.

§ 2. Anyone who allows others to commit the act specified under § 1 is liable to the same punishment.

Art. 122. Impermissible attacks and means of warfare.

§ 1. Anyone who, during military operations, attacks an undefended locality or facility, or a hospital or neutral zone, or uses any other means of warfare prohibited by international law, is liable to imprisonment for a minimum term of five years, or imprisonment for 25 years.

§ 2. Anyone who, while on military operations, uses a means of warfare prohibited by international law is liable to the same punishment.

Art. 123. Attack on a person.

§ 1. Anyone who, in violation of international law, commits the homicide of

- 1) anyone who has surrendered, laid down their arms or is unable to defend themselves,
- 2) the wounded, sick, shipwrecked persons, medical personnel or clergy,
- 3) prisoners of war,
- 4) civilians in an occupied area, annexed or under warfare, or anyone else who is protected by international law

during warfare, is liable to imprisonment for a minimum term of 12 years, imprisonment for 25 years or imprisonment for life.

§ 2. Anyone who, in violation of international law, causes grievous bodily harm to the people specified under § 1, or who subjects such people to torture, cruel or inhumane treatment, or who makes them the objects of cognitive experiments, even with their consent, or who uses their presence to protect a certain area or facility, or armed units from warfare, or who holds such people as hostages is liable to imprisonment for a minimum term of five years or imprisonment for 25 years.

Art. 124. Other violations of international law.

§ 1. Anyone who, in violation of international law, forces the people specified under Article 123 § 1 to serve in enemy armed forces, or to participate in hostilities directed against his or her own country, uses corporal punishment, violence the unlawful threat of violence or deceit to perform sexual intercourse or to submit to another sexual act or to perform such an act or an assault on personal dignity, in particular humiliating or degrading treatment, deprives them of their freedom or their right to independent and impartial court proceedings, or restricts their right to a defence in criminal proceedings, or who proclaims the rights or the claims of citizens of an opposing party abolished, suspended or inadmissible in court, is liable to imprisonment for a minimum term of three years.

§ 2. Anyone who, in violation of international law, delays the repatriation of prisoners of war or civilians, displaces, resettles or deport civilians, or who conscripts or recruits to the armed forces anyone under 18 years of age, or actually uses such people in hostilities is liable to the same penalty.

Art. 125. Attack on culture.

§ 1. Anyone who, in violation of international law, destroys, damages or removes items of cultural heritage from an area occupied, taken over or under warfare is liable to imprisonment for between one and 10 years.

§ 2. If the act concerns an item of particular cultural significance, the offender is liable to imprisonment for a minimum term of three years.

Art. 126. Illegal use of signs.

§ 1. Anyone who, during military operations, illegally uses the sign of the Red Cross or the Red Crescent is liable to imprisonment for a minimum term of three years.

§ 2. Anyone who, during military operations, illegally uses a protective mark for items of cultural heritage, or other signs protected under international law, or who uses a national flag or the military markings of the enemy, a neutral country or an international organisation or commission, is liable to the same punishment.

Art. 126a. Public incitement. Anyone who publicly incites others to commit an act specified in Articles 118, 118a, 119 § 1, or Articles 120-125, or who publicly commends the criminal acts specified in these regulations, is liable to imprisonment from three months to five years.

Art. 126b. Not fulfilling a duty of proper control.

§ 1. Anyone who, by not fulfilling a duty of proper control, allows the act referred to in Article 117 § 3, Articles 118, 118a, 119 § 1, or Articles 120-126a to be carried out by a person under their effective authority or control, is liable to the penalty specified in these provisions.

§ 2. If the offender acts unintentionally, he or she is liable to imprisonment from three months to five years.

Rozdział XVII. Offences against the Republic of Poland.

Art. 127. Coup d'etat.

§ 1. Anyone who, acting to deprive the Republic of Poland of its independence, to detach a portion of its territory, to use force to overthrow its constitutional system, or undertakes, in agreement with others, activities aiming at achieving this purpose, is liable to imprisonment for a minimum term of 10 years, imprisonment for 25 years or imprisonment for life.

§ 2. Anyone who makes preparations to commit the offence specified under § 1, is liable to imprisonment for a minimum term of three years.

Art. 128. Additional information.

§ 1. Anyone who, acting with the intention of using force to remove the constitutional authority of the Republic of Poland, undertakes activity aimed at achieving that purpose, is liable to imprisonment for a minimum term of three years.

§ 2. Anyone who makes preparations to commit the offence specified under § 1, is liable to imprisonment for between three months and five years.

§ 3. Anyone who, by force or by unlawful threat, affects the official activities of a constitutional authority of the Republic of Poland is liable to imprisonment for between one and 10 years.

Art. 129. Diplomatic betrayal. Anyone who, while authorised to act in the name of the Republic of Poland in its relations with the government of a foreign State or a foreign organisation, acts to the detriment of the Republic of Poland is liable to imprisonment for between one and 10 years.

Art. 130. Spying.

§ 1. Anyone who takes part in the activities of a foreign intelligence service against the Republic of Poland is liable to imprisonment for between one and 10 years.

§ 2. Anyone who, while taking part in the activities of a foreign intelligence service, or acting for the benefit thereof, provides it with information, the transfer of which may be detrimental to the Republic of Poland, is liable to imprisonment for a minimum term of three years.

§ 3. Anyone who, in order to provide a foreign intelligence service with the information specified under § 2, collects or stores information, connects to a computer network in order to obtain it, or declares a readiness to work for the benefit of a foreign intelligence service against the Republic of Poland, is liable to imprisonment for between six months and eight years.

§ 4. Anyone who organises or leads the activities of a foreign intelligence service is liable to imprisonment for a minimum term of five years, or imprisonment for 25 years.

Art. 131. Active repentance.

§ 1. Anyone who voluntarily ceases further activities and discloses to an authority responsible for prosecuting offences all the essential circumstances of the committed act, is not subject to a penalty for attempting to commit an offence specified in Article 127 § 1 or in Article 128 § 1 or in Article 130 § 1 or 2; the provision of Article 17 § 2 applies accordingly.

§ 2. Anyone who voluntarily ceases further activities and commences the necessary steps aimed at preventing an intended prohibited act and discloses to an authority responsible for prosecuting these offences of all the essential circumstances of the committed act, is not subject to a penalty for an offence specified in Article 128 § 2, Article 129 or in Article 130 § 3.

Art. 132. Misinformation. Anyone who, while providing intelligence services to the Republic of Poland, misleads a Polish state authority by furnishing it with false information or by delivering counterfeit or altered documents, or by concealing the correct information or conveying false information of essential importance to the Republic of Poland, is liable to imprisonment for between one and 10 years.

Art. 132a. Slander of the Polish nation. (no longer in force)

Art. 133. Public insult. Anyone who insults the nation or the Republic of Poland in public is liable to imprisonment for up to three years.

Art. 134. Attack on the president. Anyone who makes an attempt on the life of the President of the Republic of Poland is liable to imprisonment for a minimum term of 12 years, imprisonment for 25 years or imprisonment for life.

Art. 135. Assault or insult of the president.

§ 1. Anyone who commits an active assault on the President of the Republic of Poland is liable to imprisonment for between three months and five years.

§ 2. Anyone who insults the President of the Republic of Poland in public is liable to imprisonment for up to three years.

Art. 136. Assault or insult of a foreign head of state.

§ 1. Anyone who, while in the Republic of Poland, commits an active assault upon the head of a foreign State, upon the head of the diplomatic representation of a foreign State who is accredited to the Republic of Poland, or upon a person enjoying similar protection by virtue of law, a treaty or generally accepted international custom, is liable to imprisonment for between three months and five years.

§ 2. Anyone who, while in the Republic of Poland, commits an active assault upon a person belonging to the diplomatic personnel of a mission of a foreign country to Poland, or on a consular official of a foreign country in connection with the performance of their official duties is liable to imprisonment for up to three years.

§ 3. Anyone who, while in the Republic of Poland, insults the person referred to in § 1 in public is liable to the penalty specified in § 2.

§ 4. Anyone who, while in the Republic of Poland insults the person referred to in § 2, in public, is liable to the restriction of liberty or imprisonment for up to one year.

Art. 137. State symbols.

§ 1. Anyone who publicly insults, destroys, damages or removes an emblem, banner, standard, flag, ensign or other state symbol is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 2. Anyone who, while in the Republic of Poland, publicly insults, destroys, damages or removes an emblem, banner, standard, flag, ensign or other symbol of another state that is publicly displayed by a mission of this state or upon an order of a Polish authority is liable to the same penalty.

Art. 138. Principle of reciprocity.

§ 1. The provisions of Articles 136 and 137 § 2 applies when the foreign country ensures reciprocity.

§ 2. The provisions of Articles 127, 128, 130 and 131 applies accordingly if the prohibited act is committed to the detriment of an allied state that ensures reciprocity.

Art. 139. Forfeiture. In the case of the offence specified in Articles 127, 128 and 130, the court may decide on the forfeiture referred to in Article 39 section 4, including when the items are not owned by the offender.

Rozdział XVIII. Offences against defence capabilities.

Art. 140. Terrorist attack.

§ 1. Anyone who, in order to weaken the ability of the Republic of Poland to defend itself, commits a violent assault on a unit of the military forces of the Republic of Poland, or destroys or damages a facility or equipment of defensive significance is liable to imprisonment for between one and 10 years.

§ 2. If the act results in the death of a person or a serious detriment to the health of many people, the offender is liable to imprisonment for between two and 12 years.

§ 3. Anyone who makes preparations to commit the offence specified under § 1 is liable to imprisonment for up to three years.

§ 4. For the offences specified in §§1-3, the court may decide on the forfeiture referred to in Article 39 section 4, even when the items are not owned by the offender.

Art. 141. Service in a foreign army.

§ 1. Any Polish national who undertakes military duties in a foreign army or military organisation without authorisation from a relevant authority is liable to imprisonment for between three months and five years.

§ 2. Anyone who assumes duties in a mercenary military service prohibited by international law is liable to imprisonment for between six months and eight years.

§ 3. A Polish national who is also a national of another state does not commit the offence specified in § 1 if he or she resides in the latter state and completes his or her military service there.

Art. 142. Recruitment to a foreign army.

§ 1. Anyone who, in violation of the provisions of law, recruits Polish nationals or foreigners in the Republic of Poland, for service in a foreign army or foreign military organisation is liable to imprisonment for between three months and five years.

§ 2. Anyone who recruits Polish nationals or foreigners in the Republic of Poland, for service in a mercenary army prohibited by international law, or who pays for, organises, trains or uses such a service, is liable to imprisonment for between six months and eight years.

Art. 143. Evasion from military service.

§ 1. Anyone who, in order to be released from the duty to perform compulsory military service, or to postpone such service, causes, or allows another person to cause on him a consequence specified in Article 156 § 1 or Article 157 § 1, or uses deceit to mislead the appropriate authority is liable to imprisonment for up to three years.

§ 2. Anyone who, in order to assist another person in being released from the duty to perform compulsory military service, or to postpone such a service, causes, with the consent of such a person, a consequence specified in Article 156 § 1 or Article 157 § 1, or uses deceit to mislead an appropriate authority is liable to the same penalty.

§ 3. Anyone who commits the prohibited act specified in §§ 1 or 2 with respect to a service substituting military service is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 144. Evasion from conscription.

§ 1. Anyone who, being called upon to perform compulsory military service, fails to report for this service at a given time and place is liable to imprisonment for up to three years.

§ 2. In cases of lesser significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 3. Anyone who fails to report for the service substituting the military service under conditions specified in § 1 is liable to a fine or the restriction of liberty.

Art. 145. Evasion from substitute military service.

§ 1. Concerning the service substituting the military service, anyone who:

- 1) refuses to perform it, or maliciously or persistently refuses to perform the obligations resulting from the service, or to perform an official order,
- 2) in order to avoid all or part the performance of the service, or of an obligation resulting from this service:
 - a) causes or allows someone else to cause on him a consequence specified in Article 156 § 1 or Article 157 § 1, or
 - b) uses deceit to mislead a superior is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who, while performing the service specified in § 1, wilfully leaves the designated place where his duties are performed, or wilfully stays away from it is liable to the same penalty.

§ 3. If the offender of the prohibited act specified in § 2 wilfully leaves the designated place where his service duties are performed or wilfully stays away from it, with a purpose to permanently evade the performance of the service, he or she is liable to imprisonment for up to three years.

Art. 146. Voluntary return. If the offender of the offence specified in Article 145 §§2 and 3 returns voluntarily after an absence lasting not longer than 14 days, the court may apply an extraordinary mitigation of the penalty or even issue an absolute discharge.

Art. 147. Unfit for military service. With respect to an offender of the offence specified in Article 143 § 1 or in Articles 144 or 145 who, at the time the offence was committed, was unfit for military service, the court may apply an extraordinary mitigation of the penalty or even issue an absolute discharge.

Rozdział XIX. Offences Against Life and Health.

Art. 148. Homicide.

§ 1. Anyone who kills a person is liable to imprisonment for a minimum term of eight years, imprisonment for 25 years or imprisonment for life.

§ 2. Anyone who kills a person:

- 1) with particular cruelty,
- 2) in connection with taking a hostage, rape or robbery,
- 3) for motives deserving particular condemnation,
- 4) through the use of firearms or explosives,

is liable to imprisonment for a minimum term of 12 years, imprisonment for 25 years or imprisonment for life.

§ 3. Anyone who kills more than one person in a single act, or has previously been validly and finally convicted for homicide, or the homicide of a public official or in connection with carrying out his official duties relating to the protection of people's safety or security or public order is also subject to the penalty specified in § 2.

§ 4. Anyone who kills a person due to the influence of an intense emotion justified by the circumstances is liable to imprisonment for between one and 10 years.

Art. 149. Infanticide. A mother who kills her child in labour, while under the influence of the course of the delivery, is liable to imprisonment for between three months and five years.

Art. 150. Euthanasia.

§ 1. Anyone who kills a person at his or her request and out of compassion for that person is liable to imprisonment for between three months and five years.

§ 2. In some extraordinary circumstances the court may apply an extraordinary mitigation of the penalty or issue an absolute discharge.

Art. 151. Assisting suicide. Anyone who, by inciting or helping, causes a person to make an attempt on his own life is liable to imprisonment for between three months and five years.

Art. 152. Abortion with consent.

§ 1. Anyone who, with a woman's consent, terminates her pregnancy in violation of the law is liable to imprisonment for up to three years.

§ 2. The same punishment is imposed on anyone who helps a pregnant woman to terminate her pregnancy in violation of the law, or who persuades her to do so.

§ 3. Anyone who commits the act specified in §§ 1 or 2 after the foetus is capable of living outside the pregnant woman's body is liable to imprisonment for between six months and eight years.

Art. 153. Abortion without consent.

§ 1. Anyone who, through the use of violence towards a pregnant woman, or in any other way without her consent, terminates her pregnancy or induces her, by force, illegal threat, or deceit, to terminate the pregnancy is liable to imprisonment for between six months and eight years.

§ 2. Anyone who commits the act specified in § 1 after the foetus is capable of living outside the pregnant woman's body is liable to imprisonment for between one and 10 years.

Art. 154. Death of a pregnant woman.

§ 1. If the act specified in Articles 152, §§1 or 2 results in the death of the pregnant woman, the offender is liable to imprisonment for between one and 10 years.

§ 2. If the act specified in Articles 152 § 3 or in Article 153 results in the death of the pregnant woman, the offender is liable to imprisonment for between two and 12 years.

Art. 155. Involuntary manslaughter. Anyone who unintentionally causes a person's death is liable to imprisonment for between three months and five years.

Art. 156. Grievous bodily harm.

§ 1. Anyone who causes grievous bodily harm in a form that:

1) deprives a person of their sight, hearing, speech or the ability to procreate, or
2) inflicts on another person a serious crippling injury, an incurable or prolonged illness, a potentially fatal illness, a permanent mental illness, a permanent total or significant incapacity to perform a profession, or a permanent serious bodily disfigurement or deformation, is liable to imprisonment for between one and 10 years.

§ 2. If the offender acts unintentionally, he or she is liable to imprisonment for up to three years.

§ 3. If the act specified in § 1 results in a person's death, the offender is liable to imprisonment for between two and 12 years.

Art. 157. Other bodily harm.

§ 1. Anyone who causes a bodily injury or an impairment to health other than as specified in Article 156 § 1 is liable to imprisonment for between three months and five years.

§ 2. Anyone who causes a bodily injury or an impairment to health lasting up to seven days is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 3. If the offender of the act specified in §§ 1 or 2 acts unintentionally, he or she is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 4. If the bodily injury or an impairment of health did not exceed seven days, the prosecution of the offence specified in §§ 2 or 3 takes place following a private accusation.

§ 5. If the bodily injury or an impairment of health did not exceed seven days, and the aggrieved party is the next of kin of the accused, the prosecution takes place at the motion of the aggrieved party.

Art. 157a. Prenatal bodily harm.

§ 1. Anyone who causes bodily injury or a potentially fatal impairment of health to an unborn child is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. No offence is committed by a doctor who causes bodily injury or health impairment to an unborn child as a result of treatment required to save the life or health of the unborn child or the pregnant woman.

§ 3. The mother of an unborn child is not liable to a penalty if she commits the act set out in § 1.

Art. 158. Fights and beatings.

§ 1. Anyone who participates in a fight or a beating that could result in a fatality or in a consequence referred to in Article 156 § 1 or in Article 157 § 1 is liable to imprisonment for up to three years.

§ 2. If the fight or beating results in grievous bodily injury or a serious impairment of health, the offender is liable to imprisonment for between six months and eight years.

§ 3. If the fight or beating results in a person's death, the offender is liable to imprisonment for between one and 10 years.

Art. 159. Dangerous object. Anyone who takes part in a fight or beating using a firearm, knife or other similarly dangerous object is liable to imprisonment for between six months and eight years.

Art. 160. Exposure to danger.

§ 1. Anyone who exposes a person to an immediate danger of loss of life, a grievous bodily injury, or a serious impairment of health is liable to imprisonment for up to three years.

§ 2. If the offender has a duty of care over the person exposed to danger, he or she is liable to imprisonment for between three months and five years.

§ 3. If the offender of an act specified in §§1 or 2 acts unintentionally, he or she is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 4. An offender who voluntarily averted the threat of danger is not subject to a penalty for the offence specified in §§ 1-3.

§ 5. The prosecution of the offence specified in § 3 takes place at the motion of the aggrieved party.

Art. 161. Exposure to infection.

§ 1. Anyone who, knowing that he or she is infected by the HIV virus, directly exposes another person to infection from that disease is liable to imprisonment for up to three years.

§ 2. Anyone who, knowing that he or she is afflicted with a venereal or contagious disease, a serious incurable disease or a potentially fatal disease, directly exposes another person to infection from that disease is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 3. The prosecution of the offence specified in §§ 1 or 2 takes place at the motion of the aggrieved party.

Art. 162. Not granting assistance.

§ 1. Anyone who does not help a person who is in a situation threatening an immediate danger of loss of life, grievous bodily injury, or a serious impairment thereof, despite being able to help without exposing him or herself or another person to the danger of loss of life or serious harm to health, is liable to imprisonment for up to three years.

§ 2. Anyone who does not help despite the need to give another person a medical procedure, or where the immediate assistance of a responsible authority or person is possible, is deemed to have not committed an offence.

Rozdział XX. Offences against Public Safety.

Art. 163. Causing a life-threatening event.

§ 1. Anyone who causes an event that endangers the life or health of many people, or property to a significant extent in the form of:

- 1) fire,
- 2) the collapse of a building structure, flooding, rock or landslide or avalanche,
- 3) explosion of explosive or flammable materials, or any other violent release of energy, or poisonous, asphyxiating or burning substances,
- 4) violent release of nuclear energy or ionising radiation is liable to imprisonment for between one and 10 years.

§ 2. If the offender acts unintentionally he or she is liable to imprisonment for between three months and five years.

§ 3. If the act specified in § 1 results in the death of a human being or grievous bodily harm to many people, the offender is liable to imprisonment for between two years and 12 years.

§ 4. If the act specified in § 2 results in the death of a human being or the grievous bodily harm of many people, the offender is liable to imprisonment for between six months and eight years.

Art. 164. Immediate endangerment.

§ 1. Anyone who causes immediate direct possibility of an event mentioned in Article 163 § 1, is liable to imprisonment for between six months and eight years.

§ 2. If the offender acts unintentionally he or she is liable to imprisonment for up to three years.

Art. 165. Other endangerment.

§ 1. Anyone who endangers the life or health of many people or property of a significant value by:

- 1) causing an epidemiological hazard or spreading a contagious disease or an animal or plant pest,
- 2) producing or marketing substances, foodstuffs or other commonly used goods that are detrimental to health, or pharmaceutical preparations that do not conform to binding quality standards,
- 3) damaging or blocking the operations of public service facilities, in particular facilities supplying water, light, heat or energy, or facilities protecting against a public danger or serving to remove it,
- 4) hindering, preventing or otherwise affecting the automatic processing, collecting or transmitting of data,
- 5) acting in any other manner in especially dangerous circumstances is liable to imprisonment for between six months and eight years.

§ 2. If the offender acts unintentionally, he or she is liable to imprisonment for up to three years.

§ 3. If the act specified in § 1 results in the death of a person, or grievous bodily harm to many people, the offender is liable to imprisonment for between two and 12 years.

§ 4. If the act specified in § 2 results in the death of a person, or grievous bodily harm to many persons, the offender is liable to imprisonment for between six months and eight years.

Art. 165a. Financing terrorist activity. Anyone who collects, transfers or offers means of payment, financial instruments, securities, foreign exchange, property rights or other movable or immovable property in order to finance a terrorist offence is liable to imprisonment for between two and 12 years.

Art. 166. Piracy.

§ 1. Anyone who uses deceit or violence, or the threat of violence, to take control of a ship or an aircraft is liable to imprisonment for between two and 12 years.

§ 2. Anyone who, acting in the manner specified in § 1, brings about a direct danger to the life or health of many people is liable to imprisonment for a minimum term of three years.

§ 3. If the act specified in § 2 results in the death of a person, or grievous bodily harm to many people, the offender is liable to imprisonment for a minimum term of five years or imprisonment for 25 years.

Art. 167. Dangerous devices or substances.

§ 1. Anyone who places on a ship or aircraft a device or substance threatening the safety of people or a property of significant value is liable to imprisonment for between three months and five years.

§ 2. The same punishment is imposed on anyone who destroys, damages or makes unusable navigational equipment, or prevents its operation, if it may threaten people's safety.

Art. 168. Preparations. Anyone who makes preparations for the offence specified in Article 163 § 1, Article 165 § 1, Article 166 § 1 or in Article 167 § 1, is liable to imprisonment for up to three years.

Art. 169. Active repentance.

§ 1. Anyone who voluntarily removes an impending danger is not subject to a penalty for the offence specified in Article 164 or 167.

§ 2. The court may apply an extraordinary mitigation of the penalty if an offender of the offence specified in Article 163 §§ 1 or 2, Article 165 § 1 or 2 or in Article 166 § 2, voluntarily removes an impending danger to the life and health of many people.

§ 3. The court may apply an extraordinary mitigation of the penalty to the offender of the offence specified in Article 166 § 1, if he or she transferred control of the vehicle to an authorised person.

Art. 170. Arming a sea vessel. Anyone who arms or adjusts a sea vessel in order to perform an act of piracy on the high seas, or agrees to serve on such a vessel, is liable to imprisonment for between one and 10 years.

Art. 171. Dangerous material.

§ 1. Anyone who, without a required permit, or in breach of the conditions thereof, manufactures, processes, collects, possesses, uses or trades in an explosive substance or device, radioactive material, device emitting ionising radiation or any other item or substance that can cause widespread danger to human life or health, or to property to a significant extent is liable to imprisonment for between six months and eight years.

§ 2. Anyone who, in breach of his or her duty, allows the act specified in § 1 to be carried out is liable to the same penalty.

§ 3. Anyone who releases the items specified in § 1 to an unauthorised person is liable to the same penalty.

Art. 172. Hindering assistance. Anyone who hinders action aimed at preventing widespread danger to the life or health of many people or to property to a considerable extent is liable to imprisonment for between three months to five years.

Rozdział XXI. Offences Against Safety in Traffic.

Art. 173. Disasters.

§ 1. Anyone who causes a disaster on land or water or to air traffic, and thereby endangers the life or health of many people, or property to a significant degree is liable to imprisonment for between one and 10 years.

§ 2. If the offender acts unintentionally he or she is liable to imprisonment for between three months and five years.

§ 3. If the act specified in § 1 results in the death of a human being or in grievous bodily harm to many people, the offender is liable to imprisonment for between two and 12 years.

§ 4. If the act specified in § 2 results in the death of a human being or in grievous bodily harm to many people, the offender is liable to imprisonment for between six months and eight years.

Art. 174. Danger of disaster.

§ 1. Anyone who causes an immediate danger of a disaster on land or water or to air traffic is liable to imprisonment for between six months and eight years.

§ 2. If the offender acts unintentionally, he or she is liable to imprisonment for up to three years.

Art. 175. Preparations. Anyone who makes preparations for the offence specified in Article 173 § 1 is liable to imprisonment for up to three years.

Art. 176. Active repentance.

§ 1. If the offender of the offence specified in Article 174 voluntarily averts the impending danger, he or she is not liable to a penalty.

§ 2. The court may apply an extraordinary mitigation of the penalty with respect to the offender of the offence specified in Article 173 §§ 1 or 2 who voluntarily averts an impending danger to life or health of many people.

Art. 177. Accidents.

§ 1. Anyone who unintentionally causes an accident in which another person suffers a bodily injury specified in Article 157 § 1, by violating, even unintentionally, the safety rules for land, water or air traffic is liable to imprisonment for up to three years.

§ 2. If the accident results in the death or a grievous bodily injury to another person, the offender is liable to imprisonment for between six months and eight years.

§ 3. If the aggrieved person is a next of kin of the offender, the prosecution of the offence specified in § 1 takes place at the motion of the former.

Art. 178. Stricter penalty.

§ 1. When sentencing an offender who has committed an offence specified in Article 173, 174 or 177, while in a state of insobriety or under the influence of an intoxicant or who fled from the incident, the court will set a sentence of imprisonment between the level of the lower statutory limit prescribed for the offence attributed to the offender, further increased by one-half, and the upper statutory limit increased by one half.

§ 2. *(repealed)*

Art. 178a. Drunk driving.

§ 1. Anyone who, while in a state of insobriety or under the influence of an intoxicant, drives a motor vehicle on land, water or in the air, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who, while in a state of insobriety or under the influence of an intoxicant, drives a vehicle other than as set out in § 1 on a public road or in a residential area is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 3. *(repealed)*

§ 4. If the offender of the act specified in § 1 has previously been finally sentenced for driving a motor vehicle in a state of insobriety or under the influence of an intoxicant, or for an offence specified in Articles 173, 174, 177 or Article 355 § 2 committed in a state of insobriety or under the influence of an intoxicant, or committed the act specified in § 1 while disqualified from driving, imposed in connection with an offence, he or she is liable to imprisonment from three months to five years.

Art. 179. Dispatcher's liability. Anyone who, in spite of a special duty allows a motor vehicle or other vehicle to be operated in a condition that directly endangers the safety of land, water or air traffic, or allows a motor vehicle or other vehicle to be operated on a public road by a person who is in a state of insobriety or under the influence of an intoxicant, or by anyone without the required licence, is liable to a fine, the penalty of restriction of liberty or imprisonment for up to two years.

Art. 180. Insobriety. Anyone who while in a state of insobriety or under the influence of an intoxicant performs any functions directly connected with ensuring the safety of motor traffic is liable to imprisonment for between three months to five years.

Rozdział XXII. Offences against the environment.

Art. 181. Destruction.

§ 1. Anyone who causes significant destruction to plant or animal life is liable to imprisonment for between three months and five years.

§ 2. Anyone who violates the provisions in force in a protected area, destroys or damages plants or animals causing serious harm is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 3. Anyone who destroys or damages protected plants or animals, causing significant damage, regardless of where the act takes place, is liable to the same penalty.

§ 4. If the offender of the act specified in § 1 acts unintentionally, he or she is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 5. If the offender of the acts specified in §§ 2 or 3 acts unintentionally, he or she is liable to a fine or the restriction of liberty.

Art. 182. Pollution.

§ 1. Anyone who pollutes the water, air or ground with a substance or radiation in such quantities or form that could pose a danger to the life or health of many people, or cause significant destruction to plant and animal life is liable to imprisonment for between three months and five years.

§ 2. If the offender acts unintentionally he or she is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 3. If the act specified in § 1 is committed in connection with the operation of installations operating within a plant requiring a permit for the use of the environment, the offender is liable to imprisonment from six months to eight years.

§ 4. If the offender of the act specified in § 3 acts unintentionally, he or she is liable to imprisonment for up to three years.

Art. 183. Waste.

§ 1. Anyone who, in violation of the law, stores, disposes of, recycles, neutralises or transports waste or substances under conditions or in a manner that could pose a danger to the life or health of human beings, or cause significant destruction to plant or animal life is liable to imprisonment for between three months and five years.

§ 2. Anyone who, in violation of the law, imports hazardous waste or substances is liable to the same penalty.

§ 3. Anyone who, despite his or her duty, allows the act specified in §§ 1 or 2 to be carried out, is liable to the same penalty.

§ 4. If the offender of the act specified in §§ 1-3 acts unintentionally, he or she is liable to a fine, the penalty of restriction of liberty or imprisonment for up to two years.

§ 5. Anyone who, without the required notification or permission, or going against its conditions, imports hazardous waste from abroad or exports it abroad, is liable to imprisonment from six months to eight years.

§ 6. If the offender of the act specified in §§ 1-5 acts unintentionally, he or she is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 184. Radioactive material.

§ 1. Anyone who transports, collects, stores, abandons or neglects without properly securing any nuclear material or other source of radiation that could pose a danger to the life or health of human beings, or cause significant destruction to plant or animal life is liable to imprisonment for between three months and five years.

§ 2. Anyone who, despite his or her duty, allows the act specified in § 1 to be committed is liable to the same penalty.

§ 3. If the offender of the act specified in §§ 1 or 2 acts unintentionally, he or she is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 185. Significant act.

§ 1. If the act specified in Article 182 §§ 1 or 3, Article 183 §§ 1 or 3 or Article 184 §§ 1 or 2 results in significant destruction of plant or animal life, the offender is liable to imprisonment for between six months and eight years.

§ 2. If the act specified in Article 182 §§ 1 or 3, Article 183 §§ 1 or 3 or in Article 184 §§ 1 or 2 results in serious bodily harm to a person, the offender is liable to imprisonment for between one and 10 years.

§ 3. If the act specified in Article 182 §§ 1 or 3, Article 183 §§ 1 or 3 or in Article 184 §§ 1 or 2 results in the death of a human being or in serious bodily harm to many people, the offender is liable to imprisonment for between two and 12 years.

Art. 186. Unperformed duty.

§ 1. Anyone who, despite his or her duty, does not properly maintain or use equipment protecting water, air or ground from pollution, or equipment protecting against radiation is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who commissions or, despite his or her duty, permits a building structure or a group of facilities without the equipment required by law to be used as specified in § 1 is liable to the same penalty.

§ 3. If the offender of the act specified in §§ 1 or 2 acts unintentionally, he or she is liable to a fine or the restriction of liberty.

Art. 187. Protected area or object.

§ 1. Anyone who destroys, significantly damages or essentially reduces the natural values of a protected area or an object, causing serious damage is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. If the offender acts unintentionally, he or she is liable to a fine or the restriction of liberty.

Art. 188. Harmful activity. Anyone who, in violation of the law, builds a new facility or extends an existing one, or conducts business that poses a threat to the environment in a protected area of nature or scenery, or in a buffer zone, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Rozdział XXIII. Offences Against Freedom.

Art. 189. Illegal imprisonment.

§ 1. Anyone who deprives another person of their freedom is liable to imprisonment for between three months and five years.

§ 2. If the deprivation of freedom lasts longer than seven days, or involves particular suffering, the offender is liable to imprisonment for between one and 10 years.

§ 3. If the deprivation of freedom mentioned in §§ 1 or 2 involves particular torment, the offender is liable to imprisonment for not less than three years.

Art. 189a. Human trafficking.

§ 1. Anyone who carries out human trafficking is liable to imprisonment for not less than three years.

§ 2. Anyone who makes preparations to commit the offence referred to in § 1, is liable to imprisonment from three months to five years.

Art. 190. Punishable threat.

§ 1. Anyone who threatens to commit an offence to the detriment of another person or his or her next of kin, where there is a justifiable fear that the threat will be carried out, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. The prosecution takes place at the motion of the aggrieved party.

Art. 190a. Persistent harassment.

§ 1. Anyone who, through the persistent harassment of another person or another person's next of kin, creates a justified sense of danger or significantly violates the person's privacy, is subject to imprisonment for up to three years.

§ 2. Anyone who pretends to be another person and uses his or her image or other personal data in order to cause property or personal damage is liable to the same penalty.

§ 3. If the act specified in §§ 1 or 2 results in a suicide attempt of the person, the offender is liable to imprisonment from one to 10 years.

§ 4. The prosecution of the offence specified in §§ 1 or 2 takes place at the motion of the aggrieved party.

Art. 191. Force.

§ 1. Anyone who uses violence or an illegal threat to force another person to conduct him or herself in a specified manner, or to refrain from or tolerate a certain conduct is liable to imprisonment for up to three years.

§ 2. If the offender acts in the manner specified in § 1 in order to enforce a claim, he or she is liable to imprisonment for between three months and five years.

Art. 191a. Recording a naked image without consent.

§ 1. Anyone who records the image of a naked person or a person during sexual activity, using violence, the unlawful threat of violence or deceit for this purpose, or who distributes the image of a naked person or a person during sexual activity without his or her consent, is liable to imprisonment from three months to five years.

§ 2. The prosecution takes place at the motion of the aggrieved party.

Art. 192. Medical operation without consent.

§ 1. Anyone who performs a medical operation without the consent of the patient is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. The prosecution takes place at the motion of the aggrieved party.

Art. 193. Domestic trespass. Anyone who forces their way into another person's house, apartment, premises, quarters, or a fenced plot of land, or does not leave such a place despite a demand from an authorised person, is liable to a fine, the restriction of liberty or imprisonment for up to one year.

Rozdział XXIV. Offences against Freedom of Conscience and Religion.

Art. 194. Restriction of the right to religion. Anyone who restricts another person from exercising their rights due to that person's affiliation to a certain faith, or due to their religious indifference, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 195. Disturbance of a religious ceremony.

§ 1. Anyone who maliciously disturbs the public performance of a religious ceremony of a church, or another religious association with regulated legal status, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who maliciously interferes with a funeral, mourning ceremonies or rites is liable to the same penalty.

Art. 196. Offending religious feelings. Anyone who offends the religious feelings of others by publicly blaspheming an object of religious worship or a place dedicated to the public celebration of religious rites is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Rozdział XXV. Offences against Sexual Liberty and Decency.

Art. 197. Rape.

§ 1. Anyone who, by force, illegal threat or deceit, subjects another person to sexual intercourse is liable to imprisonment for between two and 12 years.

§ 2. If the offender forces another person to submit to another sexual act, or to perform such an act in the manner specified in § 1, he or she is liable to imprisonment for between six months and eight years.

§ 3. If the offender commits a rape

- 1) in concert with another person,
- 2) towards a minor under the age of 15,
- 3) towards a descendant, ascendant, adopter, adoptee, brother or sister, he or she is liable to imprisonment for at least three years.

§ 4. If the offender commits the rape specified in §§ 1-3, with particular cruelty, he or she is liable to the penalty of imprisonment for at least five years.

Art. 198. Taking advantage of vulnerability. Anyone who takes advantage of the vulnerability of another person, or their inability to recognise the significance of the act or ability to control their conduct, as a result of a mental disability or disorder in order to subject such a person to sexual intercourse, or to force him or her submit to another sexual act or to perform such an act is liable to imprisonment for between six months and eight years.

Art. 199. Abusing a relationship of dependency.

§ 1. Anyone who, by abusing a relationship of dependency or manipulating a critical situation, makes another person perform sexual intercourse or to submit to another sexual act or to perform such an act, is liable to imprisonment for up to three years.

§ 2. If the act specified in § 1 has been committed to the detriment of a minor, the offender is liable to imprisonment from three months to five years.

§ 3. The penalty specified in § 2 applies to anyone who makes a minor perform sexual intercourse or to submit to another sexual act or to perform such an act, by an abuse of trust or by giving him a financial or personal benefit, or its promise.

Art. 200. Sexual intercourse with a minor.

§ 1. Anyone who has sexual intercourse with a minor under the age of 15, or commits any other sexual act, or leads him or her to undergo such an act or to execute such an act, is liable to imprisonment from two to 12 years.

§ 2. Anyone who, for sexual gratification, subjects a minor under the age of 15 to sexual acts is liable to the same penalty.

Art. 200a. Prohibition on establishing a connection with a minor.

§ 1. Anyone who, in order to commit the offence specified in Article 197 § 3 section 2 or Article 200, as well as for the purpose of producing or preserving pornographic materials, by an information system or telecommunications network, establishes a connection with a minor under the age of 15, with the intention of using deceit or an illegal threat to meet with him or her, is liable to imprisonment for up to three years.

§ 2. Anyone who, through an information system or telecommunications network, makes an offer to a minor under the age of 15 of sexual intercourse, submission or performance to another sexual act, or participation in the production or preservation of pornographic material and intends to carry through this offer, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 200b. Condoning paedophilic behaviour. Anyone who publicly propagates or approves paedophilic behaviour is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 201. Incest. Anyone who has sexual intercourse with an ascendant, descendant, or a person being an adoptee, adopter, brother or sister is liable to imprisonment for between three months and five years.

Art. 202. Pornography.

§ 1. Anyone who publicly displays pornographic material in such a manner that it is imposed upon a person against their wish is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 2. Anyone who presents pornographic material to a minor under the age of 15, or makes available items of this nature to him or her, or distributes pornographic material in the way allowing him or her to become familiar with such material is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 3. Anyone who, with the aim of distribution, produces, preserves, imports, stores or possesses, distributes or propagates pornographic material with the participation of a minor, or pornographic material associated with the use of violence or the use of an animal, is liable to imprisonment for between six months and eight years.

§ 4. Anyone who preserves pornographic material with the participation of a minor under the age of 15 is liable to imprisonment for up to 10 years.

§ 4a. Anyone who imports, stores or possesses pornographic material with the participation of a minor under the age of 15 is liable to imprisonment for between three months and five years.

§ 4b. Anyone who produces, distributes, presents, stores or possesses pornographic material presenting a produced or processed image of a minor involved in a sexual act is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 5. The court may decide upon forfeiture of means or other items that were intended to be used or were used to commit offences described in §§ 1-4b, even if they were not owned by the offender.

Art. 203. Forcing into prostitution. Anyone who, by force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation, subjects another person to practice prostitution is liable to imprisonment for up to 10 years.

Art. 204. Pimping.

§ 1. Anyone who, in order to derive a material benefit, induces another person to practice Prostitution, or facilitates the practice, is liable to imprisonment for up to three years.

§ 2. Anyone who derives material benefits from prostitution practiced by another person is liable to the penalty specified in § 1.

§ 3. If the person specified in §§ 1 or 2 is a minor, the offender is liable to imprisonment for up to 10 years.

§ 4. *(repealed)*

Art. 205. Prosecution on request. The prosecution of the offences specified in Articles 197 or 199 § 1, as well as in Article 198, if specified in that provision that the state of the aggrieved party is not a result of persistent mental disorders, takes place at the request of the aggrieved party.

Rozdział XXVI. Offences against the Family and Guardianship.

Art. 206. Bigamy. Anyone who contracts a marriage despite already being married is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 207. Mistreatment.

§ 1. Anyone who mentally or physically mistreats a person close to him or her, or another person in a permanent or temporary state of dependence to the offender, a minor or a person who is vulnerable because of his or her mental or physical condition is liable to imprisonment for between three months and five years.

§ 2. If the act specified in § 1 is carried out with particular cruelty, the offender is liable to imprisonment for between one and 10 years.

§ 3. If the act specified in §§ 1 or 2 results in a suicide attempt by the afflicted party, the offender is liable to imprisonment for between two and 12 years.

Art. 208. Inducing a minor to drink. Anyone who induces a minor to drink heavily, by supplying him or her with alcoholic beverages, or by facilitating or encouraging his or her drinking is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 209. Evading the duty of alimony.

§ 1. Anyone who persistently evades the duty imposed on him by law or by court judgement to pay for the support of a next of kin or another person, and thereby exposes such a person to a situation where they cannot satisfy their essential needs is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. The prosecution takes place at the motion of the aggrieved party, a social welfare authority or an institution conducting activity towards the child support debtor.

§ 3. When the aggrieved party has been assigned appropriate family benefits or cash benefits in the event of the ineffective enforcement of child support, the prosecution is carried out *ex officio*.

Art. 210. Abandonment.

§ 1. Anyone who, despite a duty of care to a person under the age of 15, or to a person who is helpless due to a mental or physical condition, abandons such a person is liable to imprisonment for up to three years. § 2. If the act results in the death of the person specified in § 1, the offender is liable to imprisonment for between six months and eight years.

Art. 211. Kidnap. Anyone who abducts or detains a minor under the age of 15, or a person who is helpless due to a mental or physical condition, against the will of the person appointed to take care of or supervise him or her, is liable to imprisonment for up to three years.

Art. 211a. Organising adoption in violation of the law. Anyone who, in order to gain material benefits, organises the adoption of children in violation of the law, is liable to imprisonment from three months to five years.

Rozdział XXVII. Offences against Honour and Personal Inviolability.

Art. 212. Slander.

§ 1. Anyone who slanders another person, a group of people, a business entity or an organisational unit without the status of a business entity, about conduct, or characteristics that may discredit them in the face of public opinion, or result in a loss of confidence necessary to perform in a given position, occupation or type of activity is liable to a fine, the restriction of liberty.

§ 2. If the offender commits the act specified in § 1 through the mass media, he or she is liable to a fine, the restriction of liberty or imprisonment for up to 1 year.

§ 3. When sentencing for an offence specified in §§ 1 or 2, the court may award exemplary damages to the aggrieved party or the Polish Red Cross, or to another social cause designated by the aggrieved party.

§ 4. The prosecution of the offence specified in §§ 1 or 2 takes place at a private motion.

Art. 213. No offence.

§ 1. The offence specified in Article 212 § 1 is not committed if the allegation was not made in public and is true.

§ 2. Anyone who raises or publicises a true allegation in defence of a justifiable public interest is deemed not to have committed the offence specified in Article 212 §§ 1 or 2 where:

- 1) it concerns the conduct of a person performing a public function, or
- 2) it uses a defence of a legitimate social interest.

If the allegation regards private or family life, evidence of truth is only carried out when it serves to prevent a danger to someone's life or health, or to prevent the corruption of a minor.

Art. 214. Additional information. The absence of an offence resulting from a reason specified in Article 213, does not exclude the liability of an offender for libel, due to the manner in which the allegation was announced or publicised.

Art. 215. Published sentence. At the motion of the aggrieved party, the court may order the sentence be made public.

Art. 216. Insult.

§ 1. Anyone who insults another person in his or her presence, or publicly in his or her absence, or with the intention that the insult will reach such the person, is liable to a fine or the restriction of liberty.

§ 2. Anyone who insults another person using the mass media is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 3. If the insult was caused by the provocative conduct of the aggrieved party, or if the aggrieved party responded with a breach of the personal inviolability or with a reciprocal insult, the court may waive the imposition of a penalty.

§ 4. In the event of a conviction for the offence specified in § 2, the court may decide to set compensatory damages to the aggrieved party, the Polish Red Cross or towards another social cause indicated by the aggrieved party.

§ 5. Prosecution takes place at a private motion.

Art. 217. Breach of personal inviolability.

§ 1. Anyone who strikes a person, or in another manner breaches his or her personal inviolability, is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 2. If the act was provoked by the aggrieved party, or if the aggrieved party responded with an act of the same kind, the court may issue an absolute discharge.

§ 3. Prosecution takes place at a private motion.

Art. 217a. Intervention to protect others. Anyone who strikes a person or in any other manner breaches his or her personal inviolability in respect of intervention undertaken to protect the safety of others, or maintain security or public order, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Rozdział XXVIII. Offences Against the Rights of People in Paid Work.

Art. 218. Malicious infringement of rights.

§ 1. Anyone who, while performing labour law and social insurance activities, maliciously or persistently infringes the rights of employee under an employment or social insurance relationship is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. If person specified in § 1 refuses to reinstate a person despite being ordered to do so by the appropriate authority, he or she is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 3. If person specified in § 1 fails to comply with a court judgment ordering that remuneration be paid or another allowance be given under an employment relationship, he or she is liable to a fine, the restriction of liberty or imprisonment for up to three years.

Art. 219. Not reporting data. Anyone who infringes the provisions on social insurance by not reporting the required data, even with the consent of the person concerned, or by providing false data affecting the right to benefits or the amount thereof is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 220. Exposure to danger.

§ 1. Anyone who fails to perform his or her responsibilities concerning occupational health and safety, and thereby exposes an employee to an immediate danger of loss of life or serious injury, is liable to imprisonment for up to three years.

§ 2. If the offender acts unintentionally, he or she is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 3. An offender who voluntarily prevented an impending danger will not be liable to the penalty.

Art. 221. Not reporting an accident. Anyone who fails to promptly report to the appropriate authority an accident at work or a case of occupational disease, or who fails to prepare or present the required documentation, despite a duty to do so, is liable to a fine of up to 180 times the daily rate or the restriction of liberty.

Rozdział XXIX. Offences against State and Local Government Institutions.

Art. 222. Violating the personal inviolability of a public official.

§ 1. Anyone who violates the personal inviolability of a public official, or a person assisting him or her in the performance of official duties or in connection with such duties is liable to a fine, the restriction of liberty or imprisonment for up to three years.

§ 2. If the act specified in § 1 is caused by the inappropriate conduct of a public official, or a person assisting him or her, then the court may apply an extraordinary mitigation of the penalty or even issue an absolute discharge.

Art. 223. Active assault.

§ 1. Anyone who, acting jointly and in concert with other people, or using a firearm, a knife or another similarly dangerous item or incapacitating substance, commits an active assault on a public functionary or a person assisting him or her in the performance of official duties or in connection with such duties is liable to imprisonment for between one and 10 years.

§ 2. If the assault results in grievous bodily harm to a public official or a person assisting him or her, the offender is liable to imprisonment from between two and 12 years.

Art. 224. Coercion.

§ 1. Anyone who, by using violence or an illegal threat, affects the official acts of a government authority, another public authority or local government is liable to imprisonment for up to three years.

§ 2. Anyone who uses violence or an illegal threat with the intention of forcing a public official, or a person assisting him or her, to undertake or abstain from legal official activity is liable to the same punishment.

§ 3. If the offence specified in § 2 leads to the consequence specified in Article 156 § 1 or in Article 157 § 1, the offender is liable to imprisonment for between three months and five years.

Art. 224a. Misleading a public utility institution. Anyone who, knowing that there is no danger, reports an event that threatens the life or health of many people or property to a considerable extent, or creates a situation that is meant to persuade others that such a danger exists, as a result of which a public utility institution, or an authority responsible for ensuring public safety, is induced to act in order to eliminate such a danger, is liable to imprisonment for six months to eight years.

Art. 225. Hindering an environmental inspection.

§ 1. Anyone who prevents or hinders the performance of an official duty of a person authorised to carry out environmental inspections, or a person assisting him or her, is liable to imprisonment for up to three years.

§ 2. Anyone who prevents or hinders the performance of an official duty of a person authorised to carry out labour inspection or a person assisting him or her, is liable to the same penalty.

§ 3. (*repealed*)

§ 4. Anyone who prevents or hinders the performance of an official duty of a person authorised to supervise or inspect social assistance organisational units or establishments providing 24-hour care for the disabled, chronically ill or elderly people, is liable to the same penalty.

Art. 226. Insulting a public official.

§ 1. Anyone who insults a public official, or a person assisting him or her, in the performance of official duties or in connection with such duties is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 2. The provision of Article 222 § 2 applies accordingly.

§ 3. Anyone who publicly insults or humiliates a constitutional authority of the Republic of Poland is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 227. Impersonating a public official. Anyone who, by impersonating a public official or by taking advantage of an erroneous belief of another person concerning this, performs an act connected with a relevant official capacity is liable to a fine, the restriction of liberty or imprisonment for up to one year.

Art. 228. Accepting bribes.

§ 1. Anyone who, in connection with performing a public function accepts a material or personal benefit, or a promise thereof, is liable to imprisonment for between six months and eight years.

§ 2. In cases of less significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 3. Anyone who, in connection with performing a public function accepts a material or personal benefit, or a promise thereof, in return for unlawful conduct is liable to imprisonment for between one and 10 years.

§ 4. Anyone who, in connection with his or her official capacity, makes the performance of official duties dependent upon receiving a material benefit, or a promise thereof, or who demands such a benefit, is liable to the same penalty as specified in § 3.

§ 5. Anyone who, in connection with performing a public function, accepts a material benefit of considerable value, or a promise thereof, is liable to imprisonment for between two and 12 years.

§ 6. The penalties specified in §§ 1-5 also apply to anyone who, in connection with his or her public function in a foreign state or international organisation, accepts a material benefit, or a promise thereof, or who demands such a benefit, or makes the performance of official duties dependent upon receiving a material benefit.

Art. 229. Offering bribes.

§ 1. Anyone who gives or promises to give a material or personal benefit to a person performing a public function is liable to imprisonment for between six months and eight years.

§ 2. If the act is of less significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 3. Anyone who gives a material or personal benefit to a person performing a public functions in order to induce him to disregard his official duties, or provides such a benefit for disregarding such duties is liable to imprisonment for between one and 10 years.

§ 4. Anyone who gives or promises to give a material benefit of significant value to a person performing a public function is liable to imprisonment for between two and 12 years.

§ 5. The penalties specified in §§ 1-4 also apply to anyone who gives or promises to give a material benefit to a person performing a public function in a foreign state or international organisation in connection with such duties.

§ 6. The offender is not liable for the offences specified in §§ 1-5, where the personal or material benefit, or the promise, was accepted by a person performing a public function, and the offender reported this to the body responsible for prosecution, disclosing all the relevant circumstances of the offence before this authority learned about it.

Art. 230. Peddling influence.

§ 1. Anyone who, claiming to have influence in any state or local government institution, international organisation or domestic or foreign organisation with public funds at its disposal, or convincing another person or confirming a conviction concerning the existence of such influence, undertakes to intercede in settling a matter in exchange for a material or personal benefit, or a promise thereof, is liable to imprisonment for between six months and eight years.

§ 2. If the act is of less significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 230a. Peddling influence- inviolability clause.

§ 1. Anyone who gives, or promises to give, a material or personal benefit in return for interceding in settling a matter in a state or local government institution, international organisation or domestic or foreign organisation with public funds at its disposal, consisting in unlawfully exerting an influence on a decision, on acting or failing to act by a person performing a public function in connection with this function, is liable to imprisonment for between six months and eight years.

§ 2. If the act is of less significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 3. An offender of the offence specified in §§ 1 or 2 is not liable to a penalty if the material or personal benefit, or the promise thereof, was accepted and the offender informed the prosecutors and disclosed the essential circumstances of the offence before the prosecutors learned of the act.

Art. 231. Exceeding authority.

§ 1. A public official who, by exceeding his or her authority, or not performing his or her duty, acts to the detriment of a public or individual interest, is liable to imprisonment for up to three years.

§ 2. If the offender commits the act specified in § 1 in order to obtain a material or personal benefit, he or she is liable to imprisonment for between one and 10 years.

§ 3. If the offender of the act specified in § 1 acts unintentionally and causes significant damage, he or she is liable to a fine, the restriction of liberty, or imprisonment for up to two years.

§ 4. The provision of § 2 does not apply if the act has the features of the prohibited act specified in Article 228.

Art. 231a. Legal protection of public officials. The legal protection provided to public officials during or in connection with the performance of public duties extends to an official also if an unlawful attack on his person is carried because of his or her profession or position.

Rozdział XXX. Offences against the Administration of Justice.

Art. 232. Violence and illegal threat.

§ 1. Anyone who, by using violence or an illegal threat, influences the official functions of a court of justice is liable to imprisonment for between three months and five years.

§ 2. Anyone who carries out the offence specified in § 1 against an international criminal court, or against a body acting under an international agreement to which the Republic of Poland is a party, or which is appointed by an international organisation constituted under an agreement ratified by the Republic of Poland is liable to the same penalty.

Art. 233. False testimony.

§ 1. Anyone who, giving testimony to serve as evidence in court proceedings, or any other proceedings conducted on the basis of any law, gives false testimony or conceals the truth is liable to imprisonment for up to three years.

§ 2. This liability is dependent on the person taking the testimony, while acting within his or her authorisation, must have warned the person testifying about the criminal liability for giving false testimony, or must have obtained a relevant oath.

§ 3. Anyone who, while unaware of the right to refuse to give testimony or to answer to questions, gives false testimony out of fear of criminal liability threatening him or herself or a next of kin, will not be liable to the penalty.

§ 4. Anyone who, while acting as an expert or a translator, provides a false opinion or translation to be used as evidence in the proceedings specified in § 1 is liable to imprisonment for up to three years.

§ 5. The court may apply an extraordinary mitigation of the penalty, or even issue an absolute discharge if:

1) the false testimony, opinion or translation concerns circumstances that have no effect on the outcome of the case,

2) the offender voluntarily corrects the false testimony, opinion or translation before a decision, even if not final and valid, has been rendered in the case.

§ 6. The provisions of §§ 1-3 and 5 apply accordingly to a person providing a false declaration if a legal provision set out the possibility of giving the declaration under the threat of criminal liability.

Art. 234. False accusation. Anyone who before a prosecuting or judicial authority dealing with indictable offences, indictable fiscal offences, summary offences, summary fiscal offences or disciplinary transgressions, falsely accuses another person of having committed an offence or a disciplinary transgression is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 235. False evidence. Anyone who by fabricating false evidence or by other deceitful measures, directs the prosecution against a specified person for an indictable offence, an indictable fiscal offence, a summary offence, a summary fiscal offence or a disciplinary transgression, or undertakes such measures in the course of proceedings, is liable to imprisonment for up to three years.

Art. 236. Concealing evidence of innocence.

§ 1. Anyone who conceals evidence of the innocence of a person suspected of committing an indictable offence, an indictable fiscal offence, a summary offence, a summary fiscal offence or a disciplinary transgression, is liable to a fine, the penalty of restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who conceals evidence of innocence out of fear of criminal liability threatening him or herself or a next of kin, is not liable to a penalty.

Art. 237. Mitigation or absolute discharge. The provisions of Article 233 § 5 section 2 apply accordingly to the offences specified in Article 234, Article 235 and in Article 236 § 1.

Art. 238. False allegations of an offence. Anyone who informs a prosecuting authority of an offence, in the knowledge that no offence was committed, is liable to a fine, the penalty of restriction of liberty or imprisonment for up to two years.

Art. 239. Aiding and abetting.

§ 1. Anyone who obstructs or prevents criminal proceedings by aiding the offender of an indictable offence or indictable fiscal offence to evade criminal liability, and in particular anyone who hides the offender, or destroys evidence of the indictable offence or indictable fiscal offence, or who serves the penalty in the place of a convicted offender, is liable to imprisonment for between three months and five years.

§ 2. Anyone who hides a person who is a next of kin is not liable to a penalty.

§ 3. The court may apply an extraordinary mitigation of the penalty, and even issue an absolute discharge, if the offender gave assistance to a person who is a next of kin, or acted out of fear of criminal liability threatening him or herself or a next of kin.

Art. 240. Not reporting an offence.

§ 1. Anyone who has reliable information concerning a punishable preparation or attempt, or the commission of a prohibited act specified in Articles 118, 118a, 120-124, 127, 128, 130, 134, 140, 148, 163, 166, 189 or 252, but does not promptly inform an agency responsible for prosecuting such offences is liable to imprisonment for up to three years.

§ 2. Anyone who has sufficient knowledge to assume that an agency competent to prosecute, knew of the prohibited act specified in § 1 being planned, attempted or committed but fails to report it, has not committed the offence specified in § 1; anyone who prevents a prepared or attempted prohibited act from being carried out has also not committed the offence specified in § 1.

§ 3. Anyone who failed to report it out of fear of a criminal liability threatening him or herself or a next of kin will also not be liable to a penalty.

Art. 241. Spreading information.

§ 1. Anyone who, without permission, publicly spreads information from preparatory proceedings before they have been disclosed in court proceedings is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who publicly spreads information from a closed court trial conducted will be liable to the same punishment.

Art. 242. Escaping from custody.

§ 1. Anyone who frees him or herself while imprisoned under a court decision or a lawful order issued by another state agency, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who while on temporary leave from a penal establishment or from custody without supervision, fails to return within three days of the set deadline at the latest, without a justifiable reason, is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 3. Anyone who, while on leave from imprisonment, fails to return within three days of the set deadline at the latest, without a justifiable reason, is liable to the penalty specified in § 2.

§ 4. If the offender of the act specified in § 1 acts in concert with other people, uses violence or the threat of violence, or damages the place of detention, he or she is liable to imprisonment for up to three years.

Art. 243. Assisting an escape. Anyone who releases or otherwise facilitates the escape of a person imprisoned under a court decision or a lawful order issued by another state agency is liable to imprisonment for up to three years.

Art. 244. Breaching a court order. Anyone who does not comply with a prohibition issued by the court on performing a specified function, on pursuing a specified occupation or activity, or on operating motor vehicles, on access to gaming centres or participating in games of chance, the obligation to stay away from certain environments or locations or an order to leave premises jointly occupied with the aggrieved party, a prohibition on contacting certain people, a prohibition on being near to the aggrieved party or a prohibition on leaving a certain location without the court's consent, or who does not comply with a court order on publishing a decision in the manner set out in the order is liable to a fine, the restriction of liberty or imprisonment for up to three years.

Art. 244a. Breaching a prohibition on attending mass events.

§ 1. Anyone who does not comply with a prohibition issued by the court on attending mass events or related penal measures, setting out an obligation to make a personal appearance in the police station, or in a location specified by the relevant Poviát police commander (regional or municipal) for the residence of the offender, during the mass event, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who prevents or hinders an inspection on whether the requirement referred to in § 1 imposed on him or her is being observed in the manner specified in the regulations on enforcing the penalty of imprisonment outside of a penal establishment by means of an electronically surveillance system, is liable to the same penalty.

Art. 245. Witness tampering. Anyone who uses violence or unlawful duress in order to influence a witness, an expert, a translator, the accuser or the accused, or who breaches their personal inviolability, is liable to imprisonment for between three months and five years.

Art. 246. Unlawful duress to obtain a statement. A public official, or anyone acting under his or her orders who, in order to obtain specific testimony, explanations, information or a statement, uses force, unlawful duress, or exerts physical or mental cruelty in whatever form on another person, is liable to imprisonment for between one and 10 years.

Art. 247. Harassment of a prisoner.

§ 1. Anyone who exerts physical or mental cruelty on a person legally imprisoned is liable to imprisonment for between three months to five years.

§ 2. If the offender acts with particular cruelty, he or she is liable to imprisonment for between one and 10 years.

§ 3. A public official who, despite his duties, allows the offence specified in §§ 1 or 2 to be committed, is liable to the penalty specified in those provisions.

Art. 247a. Application of provisions. The provisions of Articles 233-237 and Articles 239, 245 and 246 apply accordingly to an act committed in connection with proceedings before an international criminal tribunal, or a body acting under an international agreement to which the Republic of Poland is a party, or appointed by an international organisation constituted under an agreement ratified by the Republic of Poland.

Rozdział XXXI. Offences against Elections and Referenda.

Art. 248. Electoral manipulation. Anyone who, in connection with elections to the Sejm or the Senate, or elections for the President of the Republic of Poland, elections to the European Parliament, or local elections or a referendum:

- 1) prepares a list of candidates or voters not including eligible people or including ineligible people,
 - 2) uses deceit in order to improperly prepare the list of candidates, the electoral roll, reports or other electoral or referendum documents,
 - 3) destroys, damages, hides or forges reports or other electoral or referendum documents,
 - 4) interferes or allows interference with the collection or counting of votes,
 - 5) provides another person, before voting has ended, with an unused voting card, or obtaining an unused voting card from another person in order to use it for voting,
 - 6) commits an abuse while preparing a list with the signatures of citizens who put forward candidates for elections, or to initiate a referendum,
- is liable to imprisonment for up to three years.

Art. 249. Interference. Anyone who by using violence, the unlawful threat of violence or deceit interferes with:

- 1) an assembly before voting,
- 2) the free exercise of the right to stand or to vote in an election,
- 3) the voting or counting of votes,
- 4) drawing up a report or other electoral or referendum documents is liable to imprisonment for between three months and five years.

Art. 250. Voter intimidation. Anyone who, through the use of violence or the unlawful threat of violence, or by exploiting a situation of dependence, influences the vote of an eligible person, or forces such a person to vote, or not to vote is liable to imprisonment for between three months and five years.

Art. 250a. Buying and selling votes.

§ 1. Anyone who, being entitled to vote, accepts financial or personal benefit or requests such benefits for voting in a certain way is liable to imprisonment from three months to five years.

§ 2. Anyone who provides financial or personal benefit to a person entitled to vote in order to persuade him or her to vote a certain way, or for voting in a certain way, is liable to the same penalty.

§ 3. In cases of lesser significance, the offender of the act specified in §§ 1 or 2 is subject to a fine, restriction of liberty or imprisonment up to two years.

§ 4. If the offender of the act specified in §§ 1 or 3 in conjunction with § 1 notified the relevant prosecution body about the fact and circumstances of the offence before this authority learned about them, the court will apply an extraordinary mitigation of punishment, and may even issue an absolute decree.

Art. 251. Breaching the secrecy of voting. Anyone who, in violation of the rules on the secrecy on voting, acquires knowledge of another person's way of voting, against the wish of the voter, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Rozdział XXXII. Offences against Public Order.

Art. 252. Taking a hostage.

§ 1. Anyone who takes or detains a hostage with the intention to force a state or local government authority, an institution or organisation, a company or individual, or a group of people to act in a specified manner is liable to imprisonment for not less than three years.

§ 2. If the offence specified in § 1 is connected with particular torment to the hostage, the offender is liable to imprisonment for not less than five years or imprisonment for 25 years.

§ 3. Anyone who makes preparations to carry out the offence specified in § 1 is liable to imprisonment for up to three years.

§ 4. Anyone who ceases the intention to extort or who releases the hostage will not be subject to the penalty for the offence specified in § 1.

§ 5. The court may apply an extraordinary mitigation of punishment against the offender of the act specified in § 2 who abandoned the intention to extort and released the hostage released, and may apply an extraordinary mitigation of punishment if abandoning the intention to extort and the release of the hostage was voluntary.

Art. 253 (repealed)

Art. 254. Public riot.

§ 1. Anyone who actively takes part in a riot knowing that its participants, acting in concert, are committing a violent assault on a person or property is liable to imprisonment for up to three years.

§ 2. If a violent assault results in the death of a person or grievous bodily harm, the participant in the riot specified in § 1, is liable to imprisonment for between three months and five years.

Art. 254a. Disruption of a network; damage. Anyone who takes, destroys, damages or renders unfit for use an element of a water supply, sewage, heating, electricity, gas or telecommunications network, or a railway, tramway, trolley bus or metro line, thereby causing a disturbance in the operation of all or part of such network or line, is liable to imprisonment for six months to eight years.

Art. 255. Incitement and praise of an offence.

§ 1. Anyone who publicly incites others to commit an offence is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who publicly incites others to commit an indictable offence is liable to imprisonment for up to three years.

§ 3. Anyone who publicly praises an offence is liable to a fine of up to 180 times the daily rate, the restriction of liberty or imprisonment for up to one year.

Art. 255a. Distribution of content facilitating an offence. Anyone who distributes or publicly presents content that could facilitate the commission of a terrorist offence with the intention that such an offence be committed, is liable to imprisonment from three months to five years.

Art. 256. Propagation of fascism or totalitarianism.

§ 1. Anyone who publicly promotes a fascist or other totalitarian system of state, or incites hatred based on national, ethnic, race or religious differences or for not being religious, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who distributes, produces, records, or brings, acquires, stores, possesses, presents, carries or sends any print, recording or other object containing the content specified in § 1, or *bearing fascist, communist or other totalitarian symbolism*¹ is liable to the same penalty.

§ 3. The offender does not commit the offence specified in § 2, if he is conducting this activity for artistic, educational or scientific reasons, or is a collector.

§ 4. In the event of a conviction for the offence specified in § 2, the court orders the forfeiture of the items referred to in § 2, even if they are not the property of the offender.

¹ The part of this article „bearing fascist, communist or other totalitarian symbolism”lost its force of law in Constitutional Tribunal ruling of 19.07.2011.

Art. 257. Insulting a group or individual. Anyone who publicly insults a population group or an individual because of national, ethnic, race or religious affiliation, or because of not being religious, or for these reasons breaches the personal inviolability of another individual, is liable to imprisonment for up to three years.

Art. 258. Organised criminal group.

§ 1. Anyone who participates in an organised group or association whose purpose is to carry out criminal offences is liable to imprisonment for three months to five years.

§ 2. If the group or association specified in § 1 uses weapons or have terrorist aims, then the offender is liable to imprisonment for six months to eight years.

§ 3. Anyone who sets up or leads a group or association specified in § 1 that uses weapons, is liable to imprisonment for between one and 10 years.

§ 4. Anyone who sets up or leads a group or association with the intention of carrying out a terrorist attack is liable to imprisonment for at least three years.

Art. 259. Active repentance. Anyone who voluntarily leaves the group or association and informs an authority responsible for prosecuting offences about all the essential circumstances of the offence committed, or prevents a planned offence, including a fiscal offence, will not be subject to the penalty for the offence specified in Article 258.

Art. 260. Preventing a legal gathering. Anyone who, through the use of violence or unlawful duress prevents a lawful meeting, gathering or march from being conducted, or who disperses such a meeting, gathering or march, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 261. Profaning a monument. Anyone who profanes a monument or other public place commemorating a historic event or honouring a person is liable to a fine or the restriction of liberty.

Art. 262. Profaning human remains, ashes or a burial site.

§ 1. Anyone who profanes a corpse, human ashes or burial site is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who robs a corpse, grave or another burial place is liable to imprisonment for between six months and eight years.

Art. 263. Firearms and ammunition.

§ 1. Anyone who, without the required licence, manufactures or trades in firearms or ammunition is liable to imprisonment for between one and 10 years.

§ 2. Anyone who, without the required licence, possesses a firearm or ammunition is liable to imprisonment for between six months and eight years.

§ 3. Anyone who, holding a licence for a firearm or ammunition, makes it available or passes it to an unauthorised person is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 4. Anyone who unintentionally causes the loss of a firearm or ammunition that has been lawfully placed at his or her disposal is liable to a fine, the restriction of liberty or imprisonment for up to one year.

Art. 264. Illegal entry.

§ 1. (*repealed*)

§ 2. Anyone who illegally crosses the border of the Republic of Poland through the use of violence, threat or deception, or in concert with others is liable to imprisonment for up to three years.

§ 3. Anyone who arranges for others to illegally cross the border of the Republic of Poland is liable to imprisonment for between six months and eight years.

Art. 264a. Assisting illegal immigration.

§ 1. Anyone who, for financial or personal benefit, enables or facilitates another person's stay in the Republic of Poland in breach of the law, is liable to imprisonment from three months to five years.

§ 2. In exceptional cases where the offender has not received financial benefits, the court may apply an extraordinary mitigation of punishment, and even issue an absolute decree.

Rozdział XXXIII. Offences against the Protection of Information.

Art. 265. State secrets.

§ 1. Anyone who discloses or, in violation of the law, uses information that constitutes a state secret is liable to imprisonment for between three months and five years.

§ 2. If the information specified in § 1 has been disclosed to a person acting in the name of or for a foreign entity, the offender is liable to imprisonment for between six months and eight years.

§ 3. Anyone who unintentionally discloses the information specified in § 1, with which he or she learned in the performance of his or her official function or authorisation delegated to him or her is liable to a fine, the restriction of liberty or imprisonment for up to one year.

Art. 266. Confidential information.

§ 1. Anyone who, in violation of the law or an obligation accepted, discloses or uses information learned with in connection with the function or work performed, or public, social, economic or scientific activity pursued is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. A public official who discloses to an unauthorised person any information that is an „official” secret or information „learned” during official duties and whose disclosure can endanger a legally protected interest is liable to imprisonment for up to three years.

§ 3. The prosecution of the offence specified in § 1 takes place at the motion of the aggrieved party.

Art. 267. Illegal access to information.

§ 1. Anyone who, without being authorised to do so, acquires information not intended for him or her, by opening a sealed letter, or connecting to a cable transmitting information or by breaching electronic, magnetic or other special protection for that information is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who accesses any part of a computer system without being authorised to do so is liable to the same penalty.

§ 3. Anyone who installs or uses any audio, visual or other special equipment in order to acquire information to which he or she is not authorised to access, is liable to the same penalty.

§ 4. Anyone who divulges to another person the information obtained in the manner specified in §§ 1-3 is liable to the same penalty.

§ 5. The prosecution of the offences specified in §§ 1-4 takes place at the motion of the aggrieved party.

Art. 268. Destruction of information.

§ 1. Anyone who, without being authorised to do so, destroys, damages, deletes or alters a record of essential information, or otherwise prevents or makes it significantly hinders an authorised person from obtaining knowledge of that information, is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. If the act specified in § 1 concerns the record on computer storage media, the offender is liable to imprisonment for up to three years.

§ 3. Anyone who, by committing an act specified in §§ 1 or 2, causes a significant loss of property is liable to imprisonment for between three months and five years.

§ 4. The prosecution of the offences specified in §§ 1-3 takes place at the motion of the aggrieved party.

Art. 268a. Damage to databases.

§ 1. Anyone who, without being authorised to do so, destroys, damages, deletes or alters or hinders access to information data, or who hinders or prevents the automatic collection and transmission of such data is liable to imprisonment for up to three years.

§ 2. Anyone who, by committing the offence specified in § 1, causes a significant loss of property is liable to imprisonment for between three months and five years.

§ 3. The prosecution of the offences specified in §§ 1-2 takes place at the motion of the aggrieved party.

Art. 269. Computer sabotage.

§ 1. Anyone who destroys, deletes or changes a record on computer storage media that is of particular significance for national defence, transport safety, the operation of the government or any other state authority or local government, or that interferes with or prevents the automatic collection and transmission of such information is liable to imprisonment for between six months and eight years.

§ 2. Anyone who commits the act specified in § 1 by destroying or exchanging a data carrier, or by destroying or damaging a device used for the automatic processing, collection or transmission of information is liable to the same penalty.

Art. 269a. Disruption of work on a network. Anyone who, without being authorised to do so, by transmitting, damaging, deleting, destroying or altering information data, significantly disrupts a computer system or telecommunications network is liable to imprisonment for three months to five years.

Art. 269b. Illegal use of computers and data.

§ 1. Anyone who creates, obtains, transfers or allows access to hardware or software adapted to commit the offences specified under Article 165 § 1 section 4, Article 267 § 2, Article 268a § 1 or § 2 in connection with § 1, Article 269 § 2 or Article 269a, including also computer passwords, access codes or other data enabling access to the information collected in the computer system or telecommunications network is liable to imprisonment for up to three years.

§ 2. In the event of a conviction for the offence specified in § 1, the court orders the forfeiture of the items referred to therein, and may order the forfeiture even if they do not constitute the property of the offender.

Rozdział XXXIV. Offences against the Credibility of Documents.

Art. 270. Forgery.

§ 1. Anyone who forges, counterfeits or alters a document with the intention of using it as authentic, or who uses such a document as authentic, is liable to a fine, the restriction of liberty or imprisonment for between three months to five years.

§ 2. Anyone who fills in a form with someone else's signature, against the signatory's will and to his or her detriment, or who uses such a document, is liable to the same penalty.

§ 2a. If the act is of less significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 3. Anyone who makes preparations for the offence specified in § 1 is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 271. Attesting to an untruth.

§ 1. A public official, or another person authorised to issue a document, who certifies an untruth therein, in circumstances of legal significance, is liable to imprisonment for between three months and five years.

§ 2. If the act is of less significance, the offender is liable to a fine or the restriction of liberty.

§ 3. If the offender commits the act specified in § 1 in order to gain material or personal benefit, he is liable to imprisonment for between six months and eight years.

Art. 272. Certification under false pretences. Anyone who obtains a certification of an untruth by deceitfully misleading a public official or another person authorised to issue such a document is liable to imprisonment for up to three years.

Art. 273. Using a false document. Anyone who uses a document specified in Articles 271 or 272 is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 274. Sale of identity documents. Anyone who sells his or her own or anyone else's identity document is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Art. 275. Identity theft.

§ 1. Anyone who uses a document confirming the identity or the property rights of another person, or who steals or appropriates such a document is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who illegally transports or carries across the border, or sends abroad a document certifying the identity or property rights of another person is liable to the same penalty.

Art. 276. Destruction and concealment of document. Anyone who destroys, damages or renders unfit for use, or hides, or removes a document to which he or she has no exclusive right of possess is liable to a fine, the

restriction of liberty or imprisonment for up to two years.

Art. 277. Destruction of boundary markings. Anyone who destroys, damages, removes or conceals boundary marks or sets false borders is liable to a fine, the restriction of liberty or imprisonment for up to two years.

Rozdział XXXV. Property offences.

Art. 278. Theft.

§ 1. Anyone who intentionally steals someone else's movable property is liable to imprisonment for between three months and five years.

§ 2. Anyone who, without the permission of an authorised person, acquires someone else's computer software with the purpose of gaining a material benefit is liable to the same penalty.

§ 3. If the act is of less significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 4. If the theft has been committed to the detriment of a next of kin, the prosecution takes place at the motion of the aggrieved party.

§ 5. The provisions of §§ 1, 3 and 4 apply accordingly to the theft of energy or a card enabling the withdrawal of money from an automated teller machine.

Art. 279. Burglary.

§ 1. Anyone who commits a burglary is liable to imprisonment for between one and 10 years.

§ 2. If the burglary has been committed to the detriment of a next of kin, the prosecution takes place at the motion of the aggrieved party.

Art. 280. Armed robbery.

§ 1. Anyone who commits theft through the use of violence against a person, or through the threat of violence or by causing a person to become unconscious or helpless is liable to imprisonment for between two and 12 years.

§ 2. If the offender commits a robbery using a firearm, knife, or any other dangerous item or incapacitating agent, or acts in another manner immediately threatening another person's life, or acts in co-operation with another person using such a firearm, item, means or manner is liable to imprisonment for a minimum term of three years.

Art. 281. Aggravated theft. Anyone who, in order to keep possession of stolen items immediately after a theft, uses violence or the threat of violence against a person, or causes a person to become unconscious or helpless is liable to imprisonment for between one and 10 years.

Art. 282. Extortion. Anyone who, intending to achieve a material benefit through the use of violence or a threat to the life or health of a person, or a threat of a violent attack against property, causes another person to dispose of his or her property or a third party's property, or causes a person to abandon their business activity is liable to imprisonment for between one and 10 years.

Art. 283. Less significant acts. If the act is of lesser significance, an offender of the act specified in Article 279 § 1, Article 280 § 1 or in Articles 281 or 282 is liable to imprisonment for between three months and five years.

Art. 284. Appropriation.

§ 1. Anyone who steals someone else's movable property or property rights is liable to imprisonment for up to three years.

§ 2. Anyone who steals movable property entrusted to him is liable to imprisonment for between three months to five years.

§ 3. If the act is of lesser significance, or the theft of lost property, the offender is liable to the restriction of liberty or imprisonment for up to one year.

§ 4. If the theft is to the detriment of a next of kin, the prosecution takes place at the motion of the aggrieved party.

Art. 285. Illegal connection.

§ 1. Anyone who, by connecting to a telecommunications device causes telephone billing increments to be charged to a third party's account is liable to imprisonment for up to three years.

§ 2. If the act specified in § 1 is to the detriment of a next of kin, the prosecution takes place at the motion of the aggrieved party.

Art. 286. Fraud.

§ 1. Anyone who, intending to achieve a material benefit, causes another person to unfavourably dispose of his or her property, or the property of a third party, by misleading the person, or by taking advantage of a mistake or an inability to properly understand the action undertaken, is liable to imprisonment for between six months and eight years.

§ 2. Anyone who demands a material benefit in return for an unlawfully acquired item is liable to the same penalty.

§ 3. If the act is of lesser significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to two years.

§ 4. If the offence specified in §§ 1-3 is to against a next of kin, the prosecution takes place at the motion of the aggrieved party.

Art. 287. Computer fraud.

§ 1. Anyone who, in order to achieve material benefits or to inflict damage upon another person, affects the automatic processing, collection or transmission of data, or changes, deletes or introduces new entries, without being authorised to do so, is liable to imprisonment for between three months and five years.

§ 2. If the act is of less significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 3. If the offence is committed against a next of kin, the prosecution takes place at the motion of the aggrieved party.

Art. 288. Property damage.

§ 1. Anyone who destroys, damages or renders unfit for use an object belonging to another person is liable to imprisonment for between three months and five years.

§ 2. If the act is of less significance, the offender is liable to a fine, the restriction of liberty or imprisonment for up to one year.

§ 3. Anyone who cuts or damages an undersea cable, or breaches the regulations regulating the laying or repair of such a cable is liable to the sentence penalty set out in § 1.

§ 4. The offence specified in §§ 1 or 2 is prosecuted at the motion of the aggrieved party.

Art. 289. Vehicle theft.

§ 1. Anyone who takes another person's motor vehicle temporarily is liable to imprisonment for between three months and five years.

§ 2. If the offender of the act specified in § 1 disables a security device protecting the vehicle from use by an unauthorised person, or if the vehicle is of considerable value, or if the offender subsequently abandons the vehicle in a damaged condition or in such circumstances that there is a danger that the vehicle or its parts or contents will be lost or damaged, then he or she is liable to imprisonment for between six months and eight years.

§ 3. If the act specified in § 1 involves violence or the threat of immediate violence, or by causing a person to become unconscious or helpless, then the offender is liable to imprisonment for between one and 10 years.

§ 4. In the cases specified in §§ 1-3 the court may also decide to impose a fine as well as imprisonment.

§ 5. If the act specified in §§ 1-3 has been committed against the next of kin, the prosecution takes place at the motion of the aggrieved party.

Art. 290. Timber theft.

§ 1. Anyone who misappropriates felled trees in a forest is liable as if for theft.

§ 2. When sentencing for cutting down trees, or for the theft of felled or fallen trees, the court will decide on a supplementary payment to the aggrieved party of double the value of the trees.

Art. 291. Receiving stolen goods.

§ 1. Anyone who acquires or helps to dispose of an object through a prohibited act, or assists in concealing the object is liable to imprisonment for between three months and five years.

§ 2. If the act is of less significance, the offender is liable to a fine, the penalty of restriction of liberty or imprisonment for up to one year.

Art. 292. Involuntary receiving stolen goods.

§ 1. Anyone who acquires or helps dispose of an object that he or she has or should have reason to suspect, under the circumstances, may have been obtained through a prohibited act, or who receives or assists in concealing such an object is liable to a fine, the penalty of restriction of liberty or imprisonment for up to two years.

§ 2. If the property referred to in § 1 is of significant value, the offender is liable to imprisonment for between three months and five years.

Art. 293. Receiving stolen software.

§ 1. The provisions of Articles 291 and 292 apply accordingly to computer software.

§ 2. The court may decide on the forfeiture of the items specified in § 1 and in Articles 291 and 292, even if it is not the property of the offender.

Art. 294. Significant value.

§ 1. Anyone who commits the offence specified in Article 278 §§ 1 or 2, Article 284 §§ 1 or 2, Article 285 § 1, Article 286 § 1, Article 287 § 1, Article 288 §§ 1 or 3, or in Article 291 § 1, with regard to an object of significant value is liable to imprisonment for between one and 10 years.

§ 2. The same punishment is imposed on an offender who commits the offence specified in § 1 with regard to an object of significant cultural value.

Art. 295. Active repentance.

§ 1. The court may apply an extraordinary mitigation of the penalty and even issue an absolute discharge, with respect to an offender of the offences specified in Articles 278, 284-289, 291, 292 or 294, who voluntarily redressed any damage caused, in full, or returned a vehicle or an object of significant cultural value in an undamaged condition.

§ 2. The court may apply an extraordinary mitigation of the penalty against the offender of the offence specified in § 1 who voluntarily repaired a significant part of the damage caused.

Rozdział XXXVI. Offences against economic circulation.

Art. 296. Abuse of trust.

§ 1. Anyone who, while under a legal obligation, a decision of an appropriate authority or a contract to manage the property or business of an individual, a company, or an organisational unit without legal personality, by abusing the authority vested in him or her, or by failing to perform his or her duties, inflicts substantial damage, is liable to imprisonment for between three months and five years.

§ 1a. If the offender referred to in § 1, by abusing the authority vested in him or her, or by failing to perform his or her duties, creates an imminent danger of causing substantial damage to property, he or she is liable to imprisonment for up to three years.

§ 2. If an offender of the offence specified in § 1 acts in order to achieve a material benefit, he or she is liable to imprisonment for between six months and eight years.

§ 3. If an offender of the offence specified in §§ 1 or 2 causes significant material damage, he or she is liable to imprisonment for between one and 10 years.

§ 4. If an offender of the offence specified in §§ 1 or 3 acts without premeditation, he or she is liable to imprisonment for up to three years.

§ 4a. If the aggrieved party is not the State Treasury, the act specified in § 1a is prosecuted at the motion of the aggrieved party.

§ 5. Anyone who voluntarily redressed all the damage caused prior to instituting criminal proceedings is not liable to a penalty.

Art. 296a. Corruption of managers.

§ 1. Anyone who, while in a managerial position in an organisational unit performing business, or in an employment relationship, a service contract or a contract for a specific task, demands or accepts a financial or personal benefit or the promise thereof, in return for abusing the authority granted to him or her, or for failing an obligation, could inflict material damage on the unit, or constitute an act of unfair competition or an unacceptable act of preference for the buyer or recipient of goods, services or benefits, is liable to imprisonment for between three months and five years.

§ 2. Anyone who, in the case specified in § 1, provides or promises to provide a material or personal benefit is liable to the same penalty.

§ 3 If the offence is of lesser significance, the offender specified in §§ 1 or 2 is liable to the penalty of restriction of liberty or imprisonment for up to two years.

§ 4 If the offender of the offence specified in § 1 does significant damage to property, he or she is liable to imprisonment for between six months and eight years.

§ 5 If an offender of the offence set out in § 2, or in § 3 in connection with § 2, accepts a financial or personal benefit or the promise thereof, and the offender reported this fact to the law enforcement authority, and discloses all the material circumstances of the offence before the authority learned about it, is not liable to a penalty.

Art. 296b (repealed)**Art. 297. Financial fraud.**

§ 1. Anyone who, in order to obtain a bank loan, a loan, a guarantee, a letter of credit, a subsidy, subvention, confirmation from a bank of a liability under a guarantee or a similar monetary allowance for a specified economic purpose, electronic payment instrument or public procurement order for himself or for another person, from a bank or an organisational unit conducting similar business activities on the basis of an act of law or from a body or institution disposing of public funds, submits a forged or altered document or a document stating an untruth, an unreliable document, or an unreliable written statement regarding the circumstances that are significant for obtaining the financial support mentioned above or a payment instrument or order is liable to imprisonment for between three months and five years.

§ 2. Anyone who, despite an obligation to do so, does not notify the appropriate authority or institution about circumstances that could have an effect on withholding or limiting the amount of financial support granted, as specified in § 1 or public procurement order, or the possibility of further use of an electronic payment instrument is liable to the same penalty.

§ 3. Anyone who, prior to the institution of criminal proceedings, voluntarily prevented the use of the financial support or payment instrument as specified in § 1, renounced a subsidy or public procurement order, or satisfied the claims of the aggrieved party is not liable to a penalty.

Art. 298. Insurance fraud.

§ 1. Anyone who, in order to obtain compensation under an insurance contract, causes an event that provides grounds for a compensation payment is liable to imprisonment for between three months and five years.

§ 2. Anyone who voluntarily prevented the payment of compensation prior to instituting criminal proceedings will not be liable to a penalty.

Art. 299. Money laundering.

§ 1. Anyone who receives, transfers or transports abroad, or assists in the transfer of title or possession of legal tender, securities or other foreign currency values, property rights or real or movable property obtained from the profits of offences committed by other people, or takes any other action that may prevent or significantly hinder the determination of their criminal origin or place of location, their detection or forfeiture, is liable to imprisonment for between six months and eight years.

§ 2. Anyone who, as an employee of a bank, financial or credit institution, or any other entity legally obliged to register transactions and the people performing them, unlawfully receives a cash amount of money or foreign currency, or who transfers or converts it, or receives it under other circumstances raising a justified suspicion as to its origin from the offences specified in § 1, or who provides services aimed at concealing its criminal origin or in securing it against forfeiture, is liable to the penalty specified in § 1.

§ 3. (repealed)

§ 4. (repealed)

§ 5. If the offender commits the act specified in §§ 1 or 2 acting in concert with other people, he or she is liable to imprisonment for between one and 10 years.

§ 6. If, by committing the act specified in § 1 or 2, an offender gains significant material benefit, he or she is liable to the penalty specified in § 5.

§ 7. When imposing a sentence for the offence specified in §§ 1 or 2, the court will order the forfeiture of items derived either directly or indirectly from the offence, or the gains of the offence, or an equivalent value, even if they are not the property of the offender. Forfeiture is not ordered if all or part of the gains, or their equivalent, are returned to the aggrieved party or another entity.

§ 8. Anyone who, by voluntarily reporting information to a prosecutor about people committing an offence or about the circumstances of an offence, prevented another offence from being carried out, is not liable to the penalty for the offence specified in §§ 1 or 2; if the offender undertook efforts to report this information and circumstances, the court may apply an extraordinary mitigation of punishment.

Art. 300. Frustration of creditors.

§ 1. Anyone who, faced with the threat of insolvency or bankruptcy, frustrates or limits the satisfaction of a creditor by removing, concealing, selling, donating, destroying or by actually or apparently encumbering his or her assets is liable to imprisonment for up to three years.

§ 2. Anyone who, in order to prevent the execution of a decision by a court or other public authority, frustrates or fails to fully satisfy a creditor by removing, concealing, selling, donating, destroying or by actually or apparently encumbering his or her assets forfeited or threatened with forfeiture is liable to imprisonment for between three months and five years.

§ 3. If the act specified in § 1 caused damage to many creditors, the offender is liable to imprisonment for between six months and eight years.

§ 4. If the aggrieved party is not the State Treasury, the prosecution of the offence specified in § 1 takes place at the motion of the aggrieved party.

Art. 301. Bankruptcy fraud.

§ 1. Anyone who, as a debtor to several creditors, frustrates or limits their satisfaction by legally establishing a new business entity and transferring his or her assets into it is liable to imprisonment for between three months and five years.

§ 2. Anyone who, while being a debtor to several creditors, causes his bankruptcy or insolvency is liable to the same penalty.

§ 3. Anyone who, while being a debtor to several creditors recklessly brings about his bankruptcy or insolvency, particularly through wasting assets, contracting liabilities or concluding transactions openly contradicting principles of good management is liable to a fine, the penalty of restriction of liberty or imprisonment for up to two years.

Art. 302. Corruption of creditors.

§ 1. Anyone who, while under a threat of insolvency or bankruptcy and unable to satisfy all his or her creditors, repays or satisfies only some of them, thereby acting to the detriment of others is liable to a fine, the penalty of restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who gives or promises material benefit to a creditor in return for actions detrimental to other creditors in connection with bankruptcy proceedings or proceedings to prevent bankruptcy is liable to imprisonment for up to three years.

§ 3. A creditor who, in connection with the proceedings specified in § 2, receives material benefit in return for actions detrimental to other creditors, or who demands such benefit, is liable to the same penalty.

Art. 303. Unreliable documentation.

§ 1. Anyone who causes material damage to an individual, a company or an organisational unit without legal personality, by failing to document a business activity, or by documenting it in an unreliable or false manner, in particular by destroying, removing, concealing, altering or falsifying documents regarding such activities is liable to imprisonment for up to three years.

§ 2. If the offender of the offence specified in § 1 causes significant material damage is liable to imprisonment for between three months and five years.

§ 3. If the act is of less significance, the offender of the offence specified in § 1 is liable to a fine, the penalty of restriction of liberty or imprisonment for up to one year.

§ 4. If the aggrieved party is not the State Treasury, the prosecution of the offence specified in §§ 1-3 takes place at the motion of the aggrieved party.

Art. 304. Exploitation. Anyone who takes advantage of the forced situation of another individual, company or organisational unit without legal personality by concluding a contract with them that imposes an obligation on them to make a performance obviously incommensurate with the benefits provided is liable to imprisonment for up to three years.

Art. 305. Hindering a public tender.

§ 1. Anyone who, in order to achieve a material benefit, prevents or obstructs a public tender, or acts in concert with another entity to the detriment of the owner of property or an entity or institution for which the tender is to be held is liable to imprisonment for up to three years.

§ 2. Anyone who, in connection with a public tender, spreads false information or withholds circumstances of significant importance to the conclusion of the agreement that is the subject of the tender, or acts in concert with another entity to the detriment of the owner of property or an entity or institution for which the tender is to be held, is liable to the same penalty.

§ 3. If the aggrieved party is not the State Treasury, the prosecution of the offence specified in § § 1 or 2 takes place at a motion of the aggrieved party.

Art. 306. Identification marks. Anyone who removes, alters or falsifies identification marks, date of manufacture or date to which a product or equipment is fit to use is liable to imprisonment for up to three years.

Art. 307. Active repentance.

§ 1. The court may apply an extraordinary mitigation of the penalty or even issue an absolute decree for an offender of the offence specified in Articles 296 or 299-305 who voluntarily compensates all the damage that he or she caused.

§ 2. The court may apply an extraordinary mitigation of the penalty for an offender of the offence specified in § 1, who voluntarily repaired a significant part of the damage he or she caused.

Art. 308. Dishonest management. Anyone who, pursuant to legal provisions, a decision of the appropriate authority, a contract or actual performance, manages the assets of one or more individuals or companies, or organisational units without legal personality, is as responsible for the offences specified in this chapter, as a debtor or a creditor.

Art. 309. Fine. When issuing the sentencing for the offence specified in Article 296 § 3, Article 297 § 1 or Article 299, a fine may be imposed up to 3000 times the daily rate, as well as imprisonment.

Rozdział XXXVII. Offences against trading in currencies and Securities.**Art. 310. Counterfeiting.**

§ 1. Anyone who counterfeits or alters Polish or foreign currency, other legal tender, or a document giving the right to obtain a sum of money or containing an obligation to pay capital, interest, a share of profits, or who verifies participation in a company, or who removes a sign of redemption from currency, other legal tender or from such a document is liable to imprisonment for at least five years, or imprisonment for 25 years.

§ 2. Anyone who releases money or other legal tender or document as specified in § 1 into circulation, or for that purpose receives, stores, transports, carries or dispatches it, or assists in selling or concealing it is liable to imprisonment for between one and 10 years.

§ 3. If the act is of less significance, the court may apply an extraordinary mitigation of the penalty.

§ 4. Anyone who makes preparations in order to commit the offence specified in §§ 1 or 2 is liable to imprisonment for between three months and five years.

Art. 311. False information. Anyone who, in documentation relating to trading in securities, spreads false information or conceals information about the standing of the offeror, which is of vital importance for acquiring or selling securities, or for increasing or decreasing a contribution, is liable to imprisonment for up to three years.

Art. 312. Passing counterfeit currency. Anyone who trades in counterfeit or altered currency, other means of payment or the document specified in Article 310 § 1, having received it as genuine, is liable to a fine, the penalty of restriction of liberty or imprisonment for up to one year.

Art. 313. Counterfeit mark of value.

§ 1. Anyone who counterfeits or alters an official mark of value, or removes an indication of redemption from such a sign, whether for use or for trade, is liable to imprisonment for up to three years.

§ 2. Anyone who trades in a counterfeit or altered official mark of value, or one from which an indication of redemption has been removed, or who acquires, uses, or stores such objects for public trade is liable to the same penalty.

Art. 314. Counterfeit official mark. Anyone who, for business purposes, counterfeits or alters an official mark meant to certify an authorisation or the result of an examination, or who uses objects bearing such counterfeit or altered marks in business, is liable to a fine, the penalty of restriction of liberty or imprisonment for up to two years.

Art. 315. Tampering with measuring devices.

§ 1. Anyone who, for business purposes, counterfeits or tampers with a certified measuring or testing instrument is liable to a fine, the penalty of restriction of liberty or imprisonment for up to two years.

§ 2. Anyone who, for business purposes, uses a counterfeit or altered measuring or testing instrument, or stores the same with the purpose of using it in business, is liable to the same penalty.

Art. 316. Forfeiture.

§ 1. Currency, documents or marks of value that are counterfeit, or have been altered, or from which the marks of redemption have been removed, as well as altered measuring instruments and instruments used to carry out the offences specified in this chapter are subject to forfeiture, even if they are not the property of the offender.

§ 2. Counterfeit or altered official marks, as specified in Article 314, must be removed, even if the removal results in the destruction of the item bearing them.

Cz III. Military part.

Rozdział XXXVIII. General provisions relating to soldiers.

Art. 317. Proper provisions.

§ 1. The provisions of the general and specific part of this code apply to soldiers, unless the military part contains different provisions.

§ 2. The provisions of Articles 356-363 and, if the offences specified therein are committed, the general provisions for soldiers also apply accordingly to employees of the army.

§ 3. The provisions of the military part apply accordingly to other parties if set out by law.

Art. 318. Order. A soldier who performs a prohibited act while following orders does not commit an offence, unless by following the order, he or she voluntarily commits an offence.

Art. 319. Necessary force.

§ 1. No offence is committed by a soldier who, faced with disobedience and resistance, uses measures necessary to enforce compliance with an order that he or she was entitled to issue, if the circumstances require immediate countermeasures, and compliance with the order cannot be achieved otherwise.

§ 2. If the limits of necessary force are exceeded, the court may use an extraordinary mitigation of the penalty.

Art. 320. Inability to serve. If an offender of an offence referred to in the military part, was unable to serve in the military at the time of the offence, the court may apply an extraordinary mitigation of the penalty, or even issue an absolute decree.

Art. 321. Transfer the offender to the commander. In the case provided for in Article 10 § 4, the court may transfer the offender to the appropriate commander to set the penalty provided for in military disciplinary provisions, instead of the educational and corrective measures referred to herein.

Art. 322. Military detention.

§ 1. An additional penalty applicable to soldiers is military detention, the provisions on imprisonment apply accordingly to the penalty of military detention.

§ 2. The penalty of military detention lasts for between one month and two years, and is measured in terms of months and years.

§ 3. Military detention is served in a dedicated penal institution; while serving a sentence the offender is also liable to military training.

Art. 323. Restriction of liberty.

§ 1. The provisions of Article 34 § 2 sections 1 and 2 do not apply to soldiers.

§ 2. While serving a penalty of restriction of liberty, an offender:

1) may not be appointed to a higher military rank or appointed to a higher military position,

2) cannot participate in ceremonies and parades organised in a military unit or with the participation of the unit.

§ 3. Non-essential serving soldiers serve a penalty of the restriction of liberty remain in a particular place at the disposal of his or her superior from finishing official duties for four hours, two days a week. The court may also

rule on a 5 to 15 per cent reduction of the monthly basic salary to be given to a specific social purpose.

§ 4. Soldiers on compulsory military service serving a penalty of restriction of liberty are held in a separate military facility according to the principles set out in the enforcement part of the Criminal Code.

§ 5. If an offender sentenced to the penalty of restriction of liberty in accordance with the principles set out in §§ 1-4, ceased to be a soldier or, in the case provided for in Article 317 § 2, an employee of the army when starting to serve all or part of the sentence, the court converts the penalty to the restriction of liberty under general principles.

Art. 324. Penal measures.

§ 1. Penal measures applied to soldiers also include:

- 1) *(repealed)*
- 2) dismissal from the professional military service,
- 3) demotion.

§ 2. The penal measure specified in Article 39 section 7 is not imposed on soldiers serving national service.

Art. 325 (repealed)

Art. 326. Dismissal from military service.

§ 1. Dismissal from the professional military service includes the immediate removal from service, and the loss of badges and honourable distinctions awarded by the appropriate commander.

§ 2. The court may order dismissal from professional military service if the offender intentionally grossly abused their authority in order to commit an offence, or if it appears the further service threatens essential property protected by law.

Art. 327. Demotion.

§ 1. Demotion includes the loss of military rank and a return to the level of private.

§ 2. The court may order demotion in the event of a conviction for an intentional offence, if the type of act, the manner and the circumstances of its commission make it appear that the offender has lost the attributes required to hold military rank, and especially in the case of acting in order to achieve a financial benefit.

Art. 328. Additional information. The court can only order demotion if the offender was a soldier at the time of the offence, even if he or she had ceased to be a soldier at the time of serving the sentence.

Art. 329. Replacement imprisonment sentence. If the offence is punishable by imprisonment for up to five years, and the penalty imposed would be stricter than two years' imprisonment, the court may sentence a soldier to military arrest.

Art. 330. Replacement restriction of liberty sentence. If the penalty for the offence would be military arrest for up to one year, the court may sentence a soldier to the penalty of restriction of liberty.

Art. 331. Absolute discharge. If issuing an absolute discharge, the court may ask the appropriate commander to impose a disciplinary penalty provided in military disciplinary rules.

Art. 332. Convergent sentences.

§ 1. In the event of convergent offences liable to the deprivation of civil rights and the demotion or dismissal from the professional military service, the court sentences only the deprivation of civil rights.

§ 2. In the event of convergent offences of demotion and dismissal from the professional military service, the court sentences only demotion.

Art. 333. Conditional discontinuation.

§ 1. When applying a conditional discontinuance of criminal proceedings against a soldier, the court may also ask the commanders to impose a penalty provided for by the military disciplinary rules.

§ 2. The court may also undertake criminal proceedings if an offender blatantly violates the rules of military discipline.

Art. 334. Duties, supervision.

§ 1. When imposing duties on a soldier, or when using the measures provided for in Articles 67 or 72, the conditions of military service are taken into account.

§ 2. When setting probation for a soldier, the court may entrust a military probation officer, a superior or a soldier indicated by a superior to act as a probation officer.

Art. 335. Suspended sentence. When suspending the sentence of a soldier, the court may order the measures provided for in Article 323 § 2.

Art. 336. Deferred sentence.

§ 1. For a soldier on national service, the court may defer a sentence of imprisonment for up to six months until national service has been completed.

§ 2. The court may order the execution of a deferred sentence if the offender blatantly violates the law or the rules of military discipline during the period of deferral.

§ 3. After hearing the opinion of the unit commander, the court may release a soldier from the penalty of imprisonment for up to six months, if the deferral period lasted at least six months and the soldier distinguished himself in the performance of official duties, or showed courage during this period.

§ 4. If justified by important reasons, the court may release a soldier from the penalty specified in § 3 even if the deferral period lasted for a shorter period.

§ 5. The release from a penalty in accordance with §§ 3 or 4 means expunging the conviction by law. If the sentence was a fine or a penal measure, the conviction will be expunged after the penalty or penal measure is carried out.

§ 6. The provisions of §§ 1-5 apply accordingly to a soldier on national service.

Art. 337. Expungement. If a soldier on national service has committed an offence referred to in the military part during the service and been sentenced to the penalty of a fine, the restriction of liberty or imprisonment for up to a year, the court may order the conviction expunged, after the penalty or penal measure has been carried out.

Rozdział XXXIX. Offences against the duty to perform military service.

Art. 338. Absent without leave.

§ 1. A soldier who, at least twice within three months, arbitrarily leaves his or her unit or designated accommodation, or who deliberately stays away from it, for up to 48 hours at a time is liable to the restriction of liberty.

§ 2. A soldier who arbitrarily leaves his or her unit or the designated accommodation, or who deliberately stays away from it, for between 48 hours and seven days is liable to the restriction of liberty, military detention for up to one year, or imprisonment for up to one year.

§ 3. A soldier who arbitrarily leaves his or her unit or designated accommodation, or deliberately stays away from it for more than seven days is liable to military detention or imprisonment for up to three years.

§ 4. The prosecution of the offences specified in §§ 1 and 2 takes place at the request of the commander of the military unit.

Art. 339. Desertion.

§ 1. A soldier who, in order to permanently avoid military service, leaves his or her unit or designated accommodation, or stays away from it, is liable to imprisonment for three months to five years. § 2. An offender who deserts together with other soldiers, or taking weapons, is liable to imprisonment for six months to eight years.

§ 3. A soldier who, while deserting, goes abroad or stays abroad in order to avoid returning to their country is liable to imprisonment from one to 10 years.

§ 4. A soldier who makes preparations for the offence specified in §§ 1-3 is liable to military detention or imprisonment for up to two years.

Art. 340. Voluntary return. If the offender of an offence under Article 339 returns voluntarily after an absence of no more than 14 days, the court may apply an extraordinary mitigation of punishment.

Art. 341. Refusal to perform military service.

§ 1. A soldier who refuses to do military service or to perform a duty arising out of military service is liable to military detention or imprisonment for up to three years.

§ 2. A non-essential soldier who persistently fails to perform a duty arising out of military service is liable to the same penalty.

§ 3. The prosecution of the offence specified in § 2 will take place at the motion of the commander of the unit.

Art. 342. Malingering, subterfuge.

§ 1. A soldier who, in order to partially or completely avoid military service or to perform a duty arising from military service:

1) causes or allows someone to cause the effect provided for in Article 156 § 1, or Article 157 § 1,

2) uses subterfuge to mislead a military authority,

is liable to military detention or imprisonment for up to three years.

§ 2. If the act is of less importance, the offender is liable to the restriction of liberty, military detention or imprisonment for a year.

Rozdział XL. Offences against military discipline.

Art. 343. Failure to follow orders.

§ 1. A soldier who fails to follow an order or refuses to follow an order, or who fails to properly follow an order, is liable to military detention or imprisonment for up to three years.

§ 2. If an offender of the act specified in § 1 acts together with other soldiers or in the presence of assembled soldiers, or if the act specified in § 1 results in significant material damage or other serious injury, the offender is liable to imprisonment from three months to five years.

§ 3. A soldier who acts in concert with the other soldiers to commit an offence specified in §§ 1 or 2 is liable to the restriction of liberty, military detention, or imprisonment for up to two years.

§ 4. The prosecution of the offences specified in §§ 1 or 3 takes place at the motion of the commander of the unit.

Art. 344. Exclusion or mitigation of liability.

§ 1. A soldier who fails to follow an order or refuses to follow an order that would involve an offence does not commit an offence under Article 343.

§ 2. If the order referred to in § 1 is not properly followed in order to significantly reduce the material damage of the act, the court may apply an extraordinary mitigation of punishment or issue an absolute decree.

Art. 345. Active aggression.

§ 1. A soldier who assaults a superior is liable to military detention or imprisonment for up to three years.

§ 2. If the offender commits an assault in connection with a superior's military duties, or in concert with other soldiers, or in the presence of assembled soldiers, he or she is liable to imprisonment from six months to eight years.

§ 3. If the offender of the act specified in §§ 1 or 2, use a knife or other dangerous object, he or she is liable to imprisonment from one to 10 years.

§ 4. The offender of the act specified in §§ 1 or 2 is liable to the penalty under § 3 if the offence results in the effect referred to in Article 156 or Article 157 § 1.

Art. 346. Compelling a superior.

§ 1. A soldier who uses violence or the unlawful threat of violence to hinder a supervisor in the performance of military duties, or to compel the supervisor to undertake or abandon military duty is liable to military detention or imprisonment for up to three years.

§ 2. If the offender acts in concert with other soldiers, or in the presence of assembled soldiers, he or she is liable to imprisonment from three months to five years.

Art. 347. Insulting a superior.

§ 1. A soldier who insults a superior is liable to restriction of liberty, military detention, or imprisonment for two years.

§ 2. The prosecution takes place at the motion of the aggrieved party or the commander of the unit.

Art. 348. Appropriate application. The provisions of Articles 345-347 apply accordingly to a soldier who commits the act specified in those provisions against a soldier who is not a superior in connection with performing his or her military duties.

Art. 349. Soldier of an allied state. The provisions of this section apply accordingly if the offence was committed against a soldier of an allied state, where the state ensures reciprocity.

Rozdział XLI. Offences against the rules of treatment of subordinates.

Art. 350. Humiliation and insult.

§ 1. A soldier who humiliates or insults a subordinate is liable to restriction of liberty, military detention, or imprisonment for up to two years.

§ 2. The prosecution takes place at the motion of the aggrieved party or the commander of the unit.

Art. 351. Breach of personal inviolability. A soldier who strikes a subordinate or otherwise violates his or her personal inviolability is liable to military detention, or imprisonment for up to two years.

Art. 352. Harassment.

§ 1. A soldier who physically or psychologically abuses a subordinate is liable to imprisonment from three months to five years.

§ 2. If the act specified in § 1 is connected with particular cruelty, the offender is liable to imprisonment from one to 10 years.

§ 3. If the act specified in §§ 1 or 2 results in the suicide of the aggrieved party, the offender is liable to imprisonment from two to 12 years.

Art. 353. Appropriate application. The provisions of Articles 350-352 apply accordingly to a soldier who commits an offence specified in those provisions against a soldier of lower rank, or of equal rank and a shorter period of military service.

Rozdział XLII. Offences against the rule of handling arms and armed military equipment.

Art. 354. Careless handling of weapons.

§ 1. A soldier who carelessly handles military arms, ammunition, explosives or other means of combat, or who handles them carelessly resulting in unintentional bodily harm or damage to the health of another person is liable to military detention or imprisonment for up to three years.

§ 2. If the act specified in § 1 results in the death of another person or grievous bodily harm, the offender is liable to imprisonment from six months to eight years.

Art. 355. Accident.

§ 1. A soldier who, while driving an armed vehicle, breaches the principles of safety on land, water or air, even if unintentionally, and inadvertently causes an accident in which another person suffers the bodily injury referred to in Article 157 § 1, or causes significant property damage, is liable to military detention or imprisonment for up to three years.

§ 2. If the accident as specified in § 1 results in the death of another person or grievous bodily harm, the offender is liable to imprisonment from six months to eight years.

§ 3. The provisions of Articles 42 and 178 apply accordingly.

Rozdział XLIII. Offences against the principles of military service.

Art. 356. Violation of duty.

§ 1. A soldier who, having been assigned to a duty or while on duty, violates an obligation arising out of a provision or order concerning the course of that duty, causing a direct threat of damage that the service was intended to prevent, is liable to restriction of liberty, military detention, or imprisonment for up to three years.

§ 2. If the offence results in the damage referred to in § 1, the offender is liable to imprisonment from three months to five years.

§ 3. The prosecution of the offence specified in § 1 takes place at the motion of the commander of the unit.

Art. 357. Insobriety.

§ 1. A soldier who, having been assigned to a duty or while on duty, is in a state of insobriety or intoxication is liable to restriction of liberty, military detention, or imprisonment for up to two years.

§ 2. The prosecution takes place at the motion of the commander of the unit.

Rozdział XLIV. Offences against military property.

Art. 358. Disposal of arms.

§ 1. A soldier who intentionally disposes of arms, ammunition, explosives or other means of combat is liable to military detention or imprisonment for up to three years.

§ 2. A soldier who intentionally takes arms, ammunition, explosives or other means of combat is liable to imprisonment from one to 10 years.

Art. 359. Loss of arms. A soldier who, by failing to perform a duty, or by abusing his or her authority concerning the protection or supervision of arms, ammunition, explosives or other means of combat, even if unintentionally, causes their loss is liable to military detention or imprisonment from three months to five years.

Art. 360. Destruction of arms.

§ 1. A soldier who destroys, damages or renders unfit for use any arms, ammunition, explosives or other means of combat is liable to a fine, restriction of liberty, military detention or imprisonment for up to two years.

§ 2. If the offender of the act specified in § 1 causes significant damage to property, he or she is liable to imprisonment from six months to eight years.

Art. 361. Misuse of military aircraft or seacraft.

§ 1. A soldier who intentionally uses military aircraft or ship for a purpose unrelated to the service is liable to imprisonment from three months to five years.

§ 2. If the act is of less significance, the offender is liable to a fine, the restriction of liberty, military detention, or imprisonment for up to one year.

Art. 362. Misuse of military vehicles.

§ 1. A soldier who intentionally uses a military motor vehicle to the detriment of the interests of the service or to gain material benefits, is liable to a fine, the restriction of liberty, military detention, or imprisonment for up to two years.

§ 2. If the act is of less significance, the offender is liable to a fine or the restriction of liberty.

Art. 363. Disposal of equipment.

§ 1. A soldier who intentionally disposes of an item of his or her equipment, in particular if the object is sold, pledged or lent to another person, is liable to the restriction of liberty or imprisonment for up to two years.

§ 2. The prosecution takes place at the motion of the commander of the unit.